



REPORT TO CITY COUNCIL

Approved by:

Wendy Silva
Wendy Silva, Director of Human Resources

Arnoldo Rodriguez
Arnoldo Rodriguez, City Manager

Council Meeting of: August 4, 2021

Agenda Number: B-3

SUBJECT:

Ratification of COVID-19 Emergency Policy Revisions

RECOMMENDATION:

Adopt a Minute Order ratifying issuance of the following by the City Manager in his role as Director of Emergency Services:

1. Revised COVID-19 Emergency Policy No. 2: COVID-19 Paid Leave; and
2. Revised COVID-19 Emergency Policy No. 3: COVID-19 Prevention Program (CPP)

SUMMARY:

In his role as Director of Emergency Services, the City Manager has issued revisions to COVID-19 Emergency Policy No. 2: COVID-19 Paid Leave and Emergency Policy No. 3: COVID-19 Prevention Program.

Emergency Policy No. 2: COVID-19 Paid Leave is being revised primarily due to California Senate Bill (SB) 95. SB 95 requires all California employers with over 26 employees to provide 80 hours of Supplemental Paid Sick Leave (SPSL) to full time employees from January 1, 2021 through September 30, 2021. The City of Madera (City) already provided Emergency Paid Sick Leave (E-PSL) for COVID-19 related reasons under the voluntary American Rescue Plan Act (ARPA), but state law requires an expanded benefit period and changes the name of the leave from E-PSL to SPSL. Policy No. 2 also revises elements of the Emergency FMLA (E-FMLA) leave, extending the benefit until the local COVID-19 emergency declaration ends, but not before September 30, 2021, unless any federal or state government enacts new or revised mandatory paid leave provisions.

Emergency Policy No. 3 is being revised due to Cal/OSHA's changes to Labor Code Sections 3205 to 3205.4 on June 17, 2021.

The requested action is for Council to ratify these revised policies in support and recognition of the City's dedicated workforce.

DISCUSSION:

COVID-19 Emergency Policy No. 2: COVID-19 Paid Leave

As the global COVID-19 pandemic continues, legislation has changed to adapt to the needs of employers and employees. Under the initial Policy No. 2, the City provided E-FMLA and E-PSL benefits under the Families First Coronavirus Response Act (FFCRA). These mandatory benefits sunsetted December 31, 2020 and new legislation under ARPA extended certain provisions, but a significant difference is that provision of these leave types became voluntary. The City did continue to provide both E-FMLA and E-PSL on a voluntary basis. The revised policy acknowledges this voluntary continuance and confirms the parameters under which the leave will be administered.

- Specific to E-FMLA
 - Eligibility: Employee has been employed for at least 30 days and has not already exhausted FMLA leave
 - Employee is eligible for up to 12 weeks of leave if they cannot be at work or telework due to a school or childcare closure caused by a public health emergency
 - 10 day waiting period where an employee may use their own leave banks or E-PSL
 - After waiting period, up to 10 additional weeks of leave at 2/3 pay, not to exceed \$200/day and \$10,000 total

While the City voluntarily continued E-PSL, on March 29, 2021, the State of California enacted SB 95 which requires employers with 26 or more employees to provide certain COVID-19 related benefits called SPSL, retroactive to January 1, 2021. The revised policy updates the leave type to match SB 95 requirements.

- Specific to SPSL
 - Full time employees: provide 80 hours of SPSL to full-time employees, regardless of any E-PSL hours used prior to January 1, 2021
 - Part-time employees: provide a pro-rated number of hours of SPSL dependent on the employee's normal work schedule
 - While SB 95 expanded the reasons for SPSL in comparison to the ARPA E-PSL, the City already allowed E-PSL to be used for all of the reasons for leave required under SB 95. The main difference between ARPA E-PSL and SB 95 SPSL is that E-PSL limited leave to 2/3 pay when caring for someone other than yourself; SPSL allows for full pay regardless if the leave is for the employee or a qualifying family member. In summary, reasons for using SPSL include:
 - Caring for oneself due to a COVID-19 diagnosis, isolation, or quarantine period.

- Caring for a family member who is subject to a public health order to isolate or quarantine, or who is experiencing COVID-19 symptoms.
- Caring for a child whose school or place of care is closed or otherwise unavailable for reasons related to COVID-19 on the premises.
- For the employee to seek vaccination against COVID-19 or to recover from the side effects of the COVID-19 vaccine.

The revised Emergency Policy 2 is provided as Attachment 1 to this report.

Policy No. 3 COVID-19 Prevention Program (CPP)

On June 17, 2021, Cal/OSHA voted to revise the Emergency Temporary Standards for COVID-19 workplace prevention, and the governor signed an executive order making the changes effective immediately, waiving the usual legal review period. The changes can be found in Labor Code Sections 3205 to 3205.4. The key changes include:

- Fully vaccinated employees with proof of vaccination status do not need to wear face coverings in the workplace except in certain circumstances; employees must have proof of their vaccination status on file with Human Resources to be considered fully vaccinated for workplace purposes.
- Respirators (N95s) will be provided to unvaccinated employees, upon their request
- Elimination of mandatory physical distancing
- Fully vaccinated employees do not need to be offered testing or excluded from work after a close contact unless they have COVID-19 symptoms

Additionally, the City has added California Department of Public Health (CDPH) and Centers for Disease Control (CDC) recommendations regarding quarantine related to domestic and international travel for employees. The City will follow current CDPH and CDC guidance, which currently includes the following requirements for unvaccinated individuals:

- Self-quarantine upon return from travel
- COVID-19 test 3-5 days after returning from travel. If test is negative, quarantine period is a total of 7 days from return date
- If no test is sought, must self-quarantine for 10 days

The revised Emergency Policy 3 is provided as Attachment 2 to this report.

FINANCIAL IMPACT:

With regard to E-FMLA leave and SPSL, any financial impact will not be an additional expense, but there will be loss of work time for the City. Table 1 below shows use of E-PSL, E-FMLA, and SPSL by employees since the inception of these leave types. E-FMLA and E-PSL were first available in March 2020 and SPSL was available March 29, 2021, with retroactivity available to January 1, 2021 in limited circumstances. It is difficult to predict future utilization of the E-FMLA and SPSL going forward, however, with increased numbers of vaccinated employees and the elimination

of vaccinated individuals having to quarantine after an exposure (except when they have symptoms), the City will likely see a reduced need to use SPSL for that reason. Additionally, many employees are already vaccinated so the likelihood of large numbers of employees needing to take time off to get the vaccine or recover from any side effects is low.

Table 1. COVID-19 Leave Type Usage to Present (through 7/20/2021)

| <i>Leave Type</i> | <i>Employee Count</i> | <i>Hours</i> | <i>Equivalent Dollars</i> |
|-------------------|-----------------------|--------------|---------------------------|
| E-PSL | 87 | 5,110 | \$133,915 |
| E-FMLA | 2 | 75 | \$1,978 |
| SPSL | 23 | 538 | \$12,980 |

With regard to the CPP revision, the requirement to provide respirators to unvaccinated employees upon their request is the only provision that creates a new cost to the City. The City has acquired an initial supply of 200 N95 respirators for employee use through the Purchasing Division. When employees request respirators, their department will be charged on an item by item basis through Purchasing. The unit price per respirator is \$0.80. As of July 20, 2021, Purchasing has issued seven respirators. Departments may also procure their own supply through the City’s normal purchasing processes. It is difficult to predict the number of employees that will request respirators, however there are sufficient funds within departments’ budgets to provide for the safety needs of employees.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

The information contained herein is not addressed by the Vision Madera 2025 plan, nor is the information in conflict with that plan.

ALTERNATIVES:

Council could direct staff to further revise the policies. Any revisions not required by law would potentially be subject to meet and confer with represented bargaining units.

ATTACHMENTS:

1. Revised COVID-19 Emergency Policy No. 2: COVID-19 Paid Leave
2. Revised COVID-19 Emergency Policy No. 3: COVID-19 Prevention Program

| | |
|---|---|
| CITY OF MADERA COVID-19 Emergency Policy | Policy No. 2 |
| | Date Adopted: 3/25/2020 |
| | Date(s) Revised: 2/10/2021; 3/5/2021; 7/23/2021 |
| Subject: COVID-19 Paid Leave | |

Introduction

The emergence of the novel coronavirus (COVID-19) in December 2019 has elicited a major, worldwide response, and it was deemed a pandemic by the World Health Organization on March 11, 2020. The City Council of the City of Madera declared a local state of emergency March 18, 2020. The Federal government has also responded to COVID-19 and on March 18, 2020, the US Senate passed the Families First Coronavirus Response Act (the Act) and then President Trump signed the bill into law a few hours later. Among other things, the Act (1) amends the Family Medical Leave Act (FMLA) by providing FMLA Public Health Emergency Leave and (2) provides Emergency Paid Sick Leave to assist employees for certain COVID-19 related reasons.

As the global pandemic has expanded into a second year, some leave benefits requirements in the Families First Coronavirus Response Act have expired and become voluntary. On March 11, 2021, the American Rescue Plan Act (ARPA) was signed into law which expands and extends certain aspects of the first Act. Additionally, on March 19, 2021 Governor Newsom signed into law Senate Bill (SB) 95, codifying at Labor Code § 248.2, which expands paid sick leave to employees for certain COVID-19 related reasons. The City of Madera has adopted this policy in order to provide qualified employees the appropriate leave types to which they are entitled and to otherwise comply will all relevant and applicable requirements provided under Labor Code § 248.2. and the ARPA.

American Rescue Plan ActFMLA Public Health Emergency Leave (E-FMLA)*Summary*

Public Health Emergency FMLA (E-FMLA) is an expansion of FMLA to include leave for employees who are unable to work or telework because he/she needs to care for his/her child due to a school or day care closure related to a public health emergency.

Applicability

The City of Madera has elected to voluntarily provide E-FMLA benefits under ARPA, with some modifications.

Term

The ARPA went into effect April 1, 2021. Prior to the enactment of ARPA, the City of Madera continued to provide E-FMLA leave to employees following the sunset of the benefits provided by FFCRA. E-FMLA shall remain in effect (1) for the duration of the City's local COVID-19

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emergency declaration and shall sunset at such time that the City Council terminates the local emergency, but not before September 30, 2021, or (2) until the Federal or State government enacts new or revised mandatory paid leave provisions related to the COVID-19 pandemic, whichever occurs first.

Eligibility and Use of Leave

City of Madera employees who have been employed for at least 30 calendar days are eligible for E-FMLA leave.

E-FMLA leave is subject to that employee having FMLA leave available. If an employee has exhausted their FMLA leave within the last 12 months, they do not qualify for E-FMLA leave. However, once the employee is eligible for FMLA leave again, they would be eligible for the E-FMLA leave if they experience a qualifying coronavirus-related event. If an employee has used part of their FMLA leave within the last 12 months, they are entitled to use the remaining balance of their 12-week FMLA entitlement for a qualifying coronavirus-related reason as E-FMLA leave.

All eligible employees are entitled to 12 weeks of E-FMLA so long as they have FMLA available. An employee may take E-FMLA leave if the employee is unable to work, or “telework,” due to a need for leave to care for a son or daughter under 18 years of age if their school or place of care has been closed, or if the child care provider of such son or daughter is unavailable, due to a public health emergency.

Employees have the right to take up to 12 weeks of job-protected E-FMLA leave. The initial 10 days of leave may consist of unpaid leave. However, an employee may elect to substitute any accrued vacation leave, sick leave, compensatory time off, administrative leave, holiday leave, or floating holiday leave for unpaid leave during the initial 10 days of leave. The employee may also elect to substitute the two weeks of unpaid leave with the Emergency Paid Sick Leave provided under the Act, as further explained later in this Policy

From the eleventh day of an employee’s E-FMLA leave thereafter, the City will provide paid leave in an amount not less than two-thirds of an employee’s “regular rate of pay” for the number of hours the employee would otherwise be normally scheduled to work during the leave time, not to exceed the Limits as outlined below. If the employee’s schedule has varying hours from week to week, including part-time employees, the hours used for this calculation would be a number equal to the average number of hours that the employee was scheduled per day over the six-month period ending on the date which the employee takes the E-FMLA leave, including hours used by the employee for leave of any type. The Act permits employees to supplement the two-thirds pay with their accrued leaves to achieve 100% of their regular rate of pay.

Limits

Consistent with FFCRA, there is a cap on the paid portion of the E-FMLA leave and it will not exceed \$200 per day and \$10,000 in total.

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Employee Responsibilities

Employees desiring to take E-FMLA leave must make the request in writing on forms provided by the Human Resources Department.

Labor Code § 248.2 and the American Rescue Plan Act

Emergency Paid Sick Leave Act (E-PSL)

Applicability

Under Labor Code § 248.2, the City of Madera is required to provide COVID-19 related paid sick leave, known as Supplemental Paid Sick Leave (SPSL). Under ARPA, the City can voluntarily provide paid sick leave benefits known as Emergency Paid Sick Leave (E-PSL). To avoid confusion, E-PSL will be used throughout this policy and will encompass all aspects of both E-PSL and SPSL.

Term

The policy is effective immediately upon adoption. Retroactive to April 1, 2021, the E-PSL available to employees will reset regardless of E-PSL hours used prior to that date. Pursuant to Labor Code § 248.2, E-PSL benefits as outlined in the E-PSL portion of this policy will be provided through September 30, 2021.

Employees are entitled to E-PSL retroactive to January 1, 2021. See the *Employee Responsibility* section below for additional information on retroactive benefits.

Eligibility and Use of Leave

City of Madera employees are eligible for E-PSL regardless of how long the employee has worked for the City. The City will follow any regulations issued by the Department of Labor or the State of California in administering E-PSL. In instances where E-PSL and SPSL differ, the City has used discretion to modify the policy. In all cases the City meets or exceeds the minimum legal requirements.

Employees are entitled to E-PSL at their regular rate of pay, subject to limits as identified below, if they are unable to work or telework for the following reasons:

- (1) The employee is subject to a quarantine or isolation period related to COVID-19 as defined by an order or guidelines of the California Department of Public Health (CDPH), the Centers for Disease Control and Prevention (CDC), or a local health officer who has jurisdiction over the workplace.
- (2) The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
- (3) The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.

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- (4) The employee is caring for a family member¹ who is subject to an order or guidelines described in 1., above, or who has been advised to self-quarantine as described in 2., above.
- (5) The employee is caring for a child² whose school or place of care is closed, or otherwise unavailable for reasons related to COVID-19 on the premises.
- (6) The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.
- (7) The employee is attending an appointment to receive a vaccine for protection against contracting COVID-19.
- (8) The employee is experiencing symptoms related to a COVID-19 vaccine that prevents the employee from being able to work or telework.
- (9) The employee is seeking or awaiting the results of a diagnostic test for, or a medical diagnosis of, COVID-19 after such employee has been exposed to COVID-19 or the employee's employer has requested such test or diagnosis.
- (10) The employee is excluded from the workplace as a result of a "close contact" exposure, as defined by the Centers for Disease Control and Prevention ("CDC"), pursuant to Cal/OSHA's COVID-19 emergency temporary regulations.

E-PSL is provided in addition to any other City-provided paid time off.

Limits

Full-time employees may take up to 80 hours of E-PSL.

Part-time employees are entitled to E-PSL in the following amounts:

- a. If the part-time employee has a normal weekly schedule, the total number of hours the employee is normally scheduled to work for the City over two weeks; or
- b. If the part-time employee works a variable number of hours, the employee is entitled to 14 times the average number of hours the employee worked each day for the City in the six (6) months preceding the date the employee took E-PSL. If the employee has worked for the City over a period of fewer than six (6) months but more than 14 days, this

¹ "Family Member" means any of the following: (i) a "child", as defined below, (ii) a biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child, (iii) a spouse, (iv) a registered domestic partner, (v) a grandparent, (vi) a grandchild, (vii) a sibling.

² "Child" means a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis. This definition of a child is applicable regardless of age or dependency status.

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calculation shall instead be made over the entire period the employee has worked for the City.

Employees are entitled to compensation for E-PSL at their regular rate of pay, including pursuant to any applicable collective bargaining agreement, subject to a cap of \$511 per day and \$5,110 in the aggregate.

Interaction with E-FMLA Leave

E-PSL will run concurrently with E-FMLA leave if the employee has such leave available.

Employee Status While on Leave

The City will compensate employees who use E-PSL according to the manner described in this policy and will otherwise treat employees who use E-PSL as if they are using paid sick leave according to the City's Sick Leave Policy.

Employee Responsibilities

Employees must notify the City that they intend to take E-PSL. The employee may provide such notice either orally or in writing on forms provided by the Human Resources Department.

Employees may determine how many hours of E-PSL to use based upon a qualifying reason, up to the total number of hours to which the employee is entitled under the above.

If an employee was on Leave Without Pay for a reason that would otherwise have qualified as E-PSL between January 1, 2021 and the effective date of this policy, in an amount equal or greater to what the employee would have been entitled to under this policy, the employee is eligible for a retroactive payment from the City for such leave. In order to receive payment for such leave, employees must make an oral or written request to be paid for such leave to the City's Human Resources Department.

For any such retroactive payment, the number of hours of leave corresponding to the amount of the retroactive payment shall count towards the total number of hours of E-PSL that the employer is required to provide to the employee.

**REQUEST FOR COVID-19 EMERGENCY FMLA LEAVE
TO CARE FOR CHILDREN**

Employee Name: _____ EE ID#: _____

I hereby request COVID-19 Emergency FMLA leave pursuant to the American Rescue Plan Act (ARPA) due to being unable to work or telework due to needing to care for my child/children under 18 years of age because of a school closure and/or childcare facility closure due to the COVID-19 public health emergency. I understand that I must be Emergency FMLA-eligible to receive this leave entitlement.

| Name of Child/Children | School/Facility Name | Anticipated Re-Opening Date |
|------------------------|----------------------|-----------------------------|
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| | | |
| | | |

Expected dates of leave from: ____/____/____ to ____/____/____.

Will the leave be intermittent (not taken continuously)? Yes No

Employee Signature _____ Date _____

Please submit original request to Human Resources.

REQUEST FOR COVID-19 SUPPLEMENTAL PAID SICK LEAVE

Employee Name: _____ EE ID#: _____

I hereby request COVID-19 Supplemental Paid Sick Leave (SPSL) pursuant to Labor Code § 248.2 and the American Rescue Plan Act (ARPA) for the following reason (circle one):

Reason:

1. The employee is subject to a quarantine or isolation period related to COVID-19 as defined by an order or guidelines of the California Department of Public Health (CDPH), the Centers for Disease Control and Prevention (CDC), or a local health officer who has jurisdiction over the workplace.
2. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
3. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
4. The employee is caring for a family member who is subject to an order or guidelines described in 1., above, or who has been advised to self-quarantine as described in 2., above.
5. The employee is caring for a child whose school or place of care is closed, or otherwise unavailable for reasons related to COVID-19 on the premises.
6. The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.
7. The employee is attending an appointment to receive a vaccine for protection against contracting COVID-19.
8. The employee is experiencing symptoms related to a COVID-19 vaccine that prevents the employee from being able to work or telework.
9. The employee is seeking or awaiting the results of a diagnostic test for, or a medical diagnosis of, COVID-19 after such employee has been exposed to COVID-19 or the employee’s employer has requested such test or diagnosis
10. The employee is excluded from the workplace as a result of a “close contact” exposure, as defined by the Centers for Disease Control and Prevention (“CDC”), pursuant to Cal/OSHA’s COVID-19 emergency temporary regulations.

If selecting reason number five (5) above, please complete the following:

| Name of Child/Children | School/Facility Name | Anticipated Re-Opening Date |
|------------------------|----------------------|-----------------------------|
| | | |
| | | |
| | | |

I understand that the SPSL shall not exceed 80 hours, or the equivalent of two (2) weeks of my normal work schedule, prorated for part-time employees, subject to provisions of Labor Code §248.2.

Expected dates of leave from: ____/____/____ to ____/____/____

Employee Signature _____ Date _____

Please submit original request to Human Resources. Oral requests are acceptable. Human Resources may request additional documentation upon receiving this request, such as a copy of a doctor’s note, a health department letter regarding a COVID-19 quarantine order, etc.

| | |
|---|-----------------------------------|
| CITY OF MADERA COVID-19 Emergency Policy | Policy No. 3 |
| | Date Adopted: 1/19/2021 |
| | Date(s) Revised: 7/23/2021 |
| SUBJECT: COVID-19 PREVENTION PROGRAM (CPP) | |

I. PURPOSE:

The purpose of the City of Madera’s (City) COVID-19 Prevention Program (“CPP”) is to provide employees a healthy and safe workplace as required under the California Occupational Safety and Health Act (Labor Code §§ 6300, *et seq.*) and associated regulations (8 C.C.R. § 3205). In addition, the purpose of the City’s CPP is to comply with California Labor Code §6409.6 as added by AB 685, as well as California Labor Code §3212.86-3212.88 as added by SB 1159.

Nothing in this CPP precludes the City from complying with federal, state, or local laws or guidance that recommends or requires measures that are more prescriptive and/or restrictive than are provided herein.

II. SCOPE

Unless one of the exceptions noted in this section applies, this CPP applies to all City of Madera employees, including those who are vaccinated.

The following employees are exempted from coverage under the CPP: (1) City of Madera employees who are teleworking; or (2) City of Madera employees who are working in a facility or operation that is subject to the Cal/OSHA regulation concerning Aerosol Transmissible Diseases (ATD) when following the ATD regulations and related policies.

Furthermore, certain City of Madera employees who perform services covered by the ATD regulation may be exempted during the actual performance of such services.

III. DEFINITIONS:

For the purposes of the CPP, the following definitions shall apply:

- A. “COVID-19” means coronavirus disease, an infectious disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).
- B. “COVID-19 case” means a person who either: (1) Has a positive “COVID-19 test” as defined in this section; (2) Has a positive COVID-19 diagnosis from a licensed health care provider; or (3) Is subject to COVID-19-related order to isolate issued by a local or state health official; or (4) Has died due to COVID-19, in the determination of a local health department or per inclusion in the COVID-19 statistics of a county.
- C. “Close contact” means being within six (6) feet of a COVID-19 case for a cumulative total of 15 minutes or greater in any 24-hour period within or overlapping with the “high-risk exposure period” as defined here. This definition

applies regardless of the use of face coverings. Exception: Employees have not had a close contact if they wore a respirator required by the employer and used in compliance with Labor Code Section 5144, whenever they were within six feet of the COVID-19 case during the high-risk period.

- D. "COVID-19 hazard" means exposure to potentially infectious material that may contain SARS-CoV-2, the virus that causes COVID-19. Potentially infectious materials include airborne droplets, small particle aerosols, and airborne droplet nuclei, which most commonly result from a person or persons exhaling, talking or vocalizing, coughing, sneezing, or procedures performed on persons which may aerosolize saliva or respiratory tract fluids, among other things. This also includes objects or surfaces that may be contaminated with SARS-CoV-2.
- E. "COVID-19 symptoms" means one of the following: (1) fever of 100.4 degrees Fahrenheit or higher or chills; (2) cough; (3) shortness of breath or difficulty breathing; (4) fatigue; (5) muscle or body aches; (6) headache; (7) new loss of taste or smell; (8) sore throat; (9) congestion or runny nose; (10) nausea or vomiting; or (11) diarrhea, unless a licensed health care professional determines the person's symptoms were caused by a known condition other than COVID-19.
- F. "COVID-19 test" means a viral test for SARS-CoV-2 that is both: (1) Approved by the United States Food and Drug Administration (FDA) or has an Emergency Use Authorization from the FDA to diagnose current infection with the SARS-CoV-2 virus; and (2) Administered in accordance with the FDA approval or the FDA Emergency Use Authorization as applicable.
- G. "Exposed Group" means all employees at a work location, working area, or a common area at work, where an employee was present at any time during the high-risk exposure period. A common area at work includes bathrooms, walkways, hallways, aisles, break or eating areas, and waiting areas. An exposed group may include the employees of more than one employer (see Labor Code sections 6303 and 64301.1). The following exceptions apply;
 - a. For the purpose of determining the exposed group, a place where persons momentarily pass through while everyone is wearing face coverings, without congregating, is not a work location, working area, or a common area at work.
 - b. If the COVID-19 case was part of a distinct group of employees who are not present at the workplace at the same time as other employees, for instance a work crew or shift that does not overlap with another work crew or shift, only employees within that distinct group are part of the exposed group.
 - c. If the COVID-19 case visited a work location, working area, or a common area at work for less than 15 minutes during the high-risk exposure period, and all persons were wearing face coverings at the time the COVID-19 case was present, other people at the work

location, working area, or common area are not part of the exposed group.

- H. "Face covering" means a surgical mask, a medical procedure mask, a respirator worn voluntarily, or a tightly woven fabric or non-woven material of at least two layers. A face covering has no visible holes or openings and must cover the nose and mouth. A face covering does not include a scarf, ski mask, balaclava, bandana, turtleneck, collar, or single layer of fabric.
- I. "Fully vaccinated individual" means the employer has documented that the person received, at least 14 days prior, either the second dose in a two-dose COVID-19 vaccine series or a single dose COVID-19 vaccine. Vaccines must be FDA approved or have an emergency use authorization from the FDA; or, for persons fully vaccinated outside the United States, be listed for emergency use by the World Health Organization (WHO).
- J. "High-risk exposure period" means the following time period: (1) For persons who develop COVID-19 symptoms: from two (2) days before they first develop symptoms until ten (10) days after symptoms first appeared, and 24 hours have passed with no fever, without the use of fever-reducing medications, and symptoms have improved; or (2) For persons who test positive who never develop COVID-19 symptoms: from two (2) days before until ten (10) days after the specimen for their first positive test for COVID-19 was collected.
- K. "Respirator" means a respiratory protection device approved by the National Institute for Occupational Safety and Health (NIOSH) to protect the wearer from particulate matters, such as an N95 filtering facepiece respirator.
- L. "Worksite" means, for the limited purposes of COVID-19 prevention regulations only, a building, store, facility, agricultural field, or other location where a COVID-19 case was present during the high-risk exposure period. It does not apply to buildings, floors, or other locations of the employer that a COVID-19 case did not enter.

IV. PROGRAM

A. SYSTEM FOR COMMUNICATING WITH CITY EMPLOYEES

1. Reporting COVID-19 Symptoms, Possible COVID-19 Close Contact Exposures, and Possible COVID-19 Hazards at City Worksites and Facilities

City policy requires that City employees immediately report to their manager or supervisor or to the Department of Human Resources any of the following: (1) the employee's presentation of COVID-19 symptoms; (2) the employee's possible COVID-19 close contact exposures; (3) possible COVID-19 hazards at City worksites or facilities.

The City will not discriminate or retaliate against any City employee who makes such a report.

2. Accommodations Process for City Employees with Medical or Other Conditions that put them at Increased Risk of Severe COVID-19 Illness

City policy provides for an accommodation process for employees who have a medical or other condition identified by the Centers for Disease Control and Prevention ("CDC") or the employees' health care providers as placing or potentially placing the employees at increased risk of severe COVID-19 illness.

The CDC identifies the following medical conditions and other conditions as placing or potentially placing individuals at an increased risk of severe COVID-19 illness.

The CDC guidance provides that adults with the following conditions can be more likely to get severely ill from the virus that causes COVID-19:

- a. Cancer
- b. Chronic kidney disease
- c. Chronic lung diseases, including COPD (chronic obstructive pulmonary disease), asthma (moderate-to-severe), interstitial lung disease, cystic fibrosis, and pulmonary hypertension
- d. Dementia or other neurological conditions
- e. Diabetes (type 1 or type 2)
- f. Down syndrome
- g. Heart conditions, such as heart failure, coronary artery disease, cardiomyopathies, or hypertension
- h. HIV infection
- i. Immunocompromised state (weakened immune system)
- j. Liver disease
- k. Overweight and obesity (body mass index [BMI] of >25 kg/m²)
- l. Pregnancy
- m. Sickle cell disease or thalassemia
- n. Smoking, current or former
- o. Solid organ or blood stem cell transplant
- p. Stroke or cerebrovascular disease, which affects blood flow to the brain
- q. Substance use disorder

The City will periodically review the following web address in order to account for any additional medical conditions and other conditions that the CDC has identified as placing or potentially placing individuals at an increased risk of severe COVID-19:

<https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html>

City employees are encouraged to review the list of medical conditions and other conditions provided above in order to determine whether they have such a condition. To request an accommodation under the City policy, employees may make a request with their manager or supervisor or the Department of Human Resources. Such request shall be accompanied by appropriate medical documentation from their primary physician documenting the need for exploring a workplace accommodation.

3. COVID-19 Testing

The City possesses authority to require that employees who report to work at City worksites or facilities be tested for COVID-19.

Where the City requires that City employees be tested, the City will inform employees of the reason that testing is required.

The City will also inform City employees of the possible consequences of a positive COVID-19 test, which may include, but is not limited to, a requirement that employees not report to work during the high-risk exposure period and satisfying the minimum criteria to return to work provided for in Section IV.K.

Where the City requires testing, the City will ensure the confidentiality of employee medical information and comply with the Confidentiality of Medical Information Act ("CMIA"). Specifically, the City will keep confidential all personal identifying information of COVID-19 cases or persons with COVID-19 symptoms unless expressly authorized by the employee to disclose such information or as otherwise permitted or required under the law.

Employees that are fully vaccinated are not required to be tested unless they experience symptoms of COVID-19.

4. COVID-19 Hazards

The City will notify City employees and subcontracted employees of any potential COVID-19 exposure at a City worksite or facility where a COVID-19 case and City employees were present on the same day. The City will notify City employees of such potential exposures within one (1) business day of the City's knowledge of the exposure, in a way that does not reveal any personal identifying information of the COVID-19 case.

The City will also notify City employees of cleaning and disinfecting measures the City is undertaking in order to ensure the health and safety of the City worksite or facility where the potential exposure occurred.

B. IDENTIFICATION AND EVALUATION OF COVID-19 HAZARDS AT CITY WORKSITES AND FACILITIES

1. Screening City Employees for COVID-19 Symptoms

The City possesses authority to screen employees or require that employee self-screen for COVID-19 symptoms.

City policy provides that the City will screen City employees for COVID-19 symptoms prior to entering City worksites and facilities or City employees will self-screen for COVID-19 symptoms prior to reporting to any City worksite or facility. The Department Director for each applicable department will determine the specific method and documentation for their department and provide appropriate training to staff on screening requirements.

2. Responding to City Employees with COVID-19 Symptoms

Should a City employee present COVID-19 symptoms during a City administered screening or a self-screen, the City will instruct the employee to remain at or return to their home or place of residence and not report to work until such time as the employee satisfies the minimum criteria to return to work provided for in Section IV.K.

The City will advise employees of any leaves to which they may be entitled during this self-quarantine period.

Further, the City will ensure the confidentiality of employees and comply with the CMIA and will not disclose to other employees the fact that the employees presented COVID-19 symptoms unless expressly authorized by the employee to disclose such information or as otherwise permitted or required under the law.

3. City's Response to COVID-19 Cases

In the event that City employees test positive for COVID-19 or are diagnosed with COVID-19 by a health care provider, the City will instruct the employees to remain at or return to their home or place of residence and not report to work until such time as they satisfy the minimum criteria to return to work provided for in Section IV.K.

The City will advise employees of any leaves to which they may be entitled during this self-isolation period.

The City will comply with all reporting and recording obligations as required under the law, including, but not limited to, reporting the COVID-19 case to the following individuals and institutions as required based on the individual circumstances: (1) the local Public Health Department; (2)

Cal/OSHA; (3) employees who were present at a City worksite or facility when the COVID-19 case was present during the high-risk exposure period; (4) the employee organizations that represent employees at the City worksite or facility during the high-risk exposure period; (4) the employers of subcontracted employees who were present at the City worksite or facility during the high-risk exposure period; and (5) the City's workers' compensation plan administrator.

Unless the COVID-19 case is unable to participate in an administrative interview due to the nature of their medical condition, the City will interview the COVID-19 cases in order to ascertain the nature and circumstances of any contact that the employees may have had with other employees during the high-risk exposure period. If the City determines that there were any close contact COVID-19 exposures, the City will instruct those employees to remain at their home or place of residence and not report to work until such time as the employees satisfy the minimum criteria to return to work provided for in Section IV.K.

The City will ensure the confidentiality of employees and comply with the CMIA. Specifically, the City will not disclose to other employees, except for those who need to know, the fact that the employees tested positive for or were diagnosed with COVID-19. Further, the City will keep confidential all personal identifying information of COVID-19 cases or persons unless expressly authorized by the employees to disclose such information or as otherwise permitted or required under the law.

4. Workplace-Specific Identification of COVID-19 Hazards

The City conducted a workplace-specific assessment of all interactions, areas, activities, processes, equipment, and materials that could potentially expose employees to COVID-19 hazards.

As part of this process, the City identified places and times when employees and individuals congregate or come in contact with one another, regardless of whether employees are performing an assigned work task or not, including, for example, during meetings or trainings, in and around entrances, bathrooms, hallways, aisles, walkways, elevators, break or eating areas, cool-down areas, and waiting areas.

As part of this process, the City identified potential workplace exposure to all persons at City worksites and facilities, including employees, employees of other entities, members of the public, customers or clients, and independent contractors. The City considered how employees and other persons enter, leave, and travel through City worksites and facilities, in addition to addressing employees' fixed workspaces or workstations.

Hazard Identification Inspections follow the guidelines on **Form A: Identification of COVID-19 Hazards** found in Section V. of this policy.

5. Maximization of Outdoor Air and Air Filtration

For indoor City worksites and facilities, the City evaluated how to maximize the quantity of outdoor air and whether it is possible to increase filtration efficiency to the highest level compatible with the worksites and facilities' existing ventilation systems.

The City will review applicable orders and guidance from the State of California and the local health department related to COVID-19 hazards and prevention. These orders and guidance are both information of general application, including Interim Guidance for Ventilation, Filtration, and Air Quality in Indoor Environments by the California Department of Public Health (CDPH) and information specific to our industry, location, and operations.

6. City Compliance with Applicable State and Local Health Orders

The City monitors applicable orders and guidance from the Centers for Disease Control, the State of California, and the local Public Health Department related to COVID-19 hazards and prevention, including information of general application and information specific to the City's location and operations.

The City fully and faithfully complies with all applicable orders and guidance from the State of California and the local health department.

7. Evaluation of Existing COVID-19 Prevention Controls and Adoption of Additional Controls

Periodically, the City will evaluate existing COVID-19 prevention controls at the workplace and assess whether there is a need for different and/or additional controls.

This includes evaluation of controls related to the correction of COVID-19 hazards, physical distancing, face coverings, engineering controls, administrative controls, and personal protective equipment (PPE).

8. Periodic Inspections

The City will conduct periodic inspections of City worksites and facilities as needed to identify unhealthy conditions, work practices, and work procedures related to COVID-19 and to ensure compliance with the City's COVID-19 policies and procedures.

Periodic inspections will be documented on **Form B: COVID-19 Inspections** found in Section V. of this policy.

C. INVESTIGATING AND RESPONDING TO COVID-19 CASES IN CITY WORKSITES AND FACILITIES

1. Procedure to Investigate COVID-19 Cases

The City has a procedure for investigating COVID-19 cases in the workplace. As provided below, the procedure provides for the following:

(1) the verification of COVID-19 case status; (2) receiving information regarding COVID-19 test results; (3) receiving information regarding the presentation of COVID-19 symptoms; and (4) identifying and recording all COVID-19 cases.

The investigation should be documented on **Form C: Investigating COVID-19 Cases** found in Section V. of this policy.

2. Response to COVID-19 Cases

As provided above at Section IV.B.3., in the event that City employees test positive for COVID-19 or are diagnosed with COVID-19 by a health care provider, the City will instruct the employees to remain at or return to their home or place of residence and not report to work until such time as the employees satisfy the minimum criteria to return to work provided for in Section IV.K.

a. Contact Tracing

If possible, the City will interview the COVID-19 cases in order to ascertain the following information: (1) the date on which the employees tested positive, if asymptomatic, or the date on which the employees first presented COVID-19 symptoms, if symptomatic; (2) the COVID-19 cases' recent work history, including the day and time they were last present at any City worksite or facility; and (3) the nature and circumstances of the COVID-19 cases' contact with other employees during the high-risk exposure period, including whether there were any close contact COVID-19 exposures.

If the City determines that there were any close contact COVID-19 exposures, the City will instruct those employees to remain at their home or place of residence and not report to work until such time as the employees satisfy the minimum criteria to return to work provided for in Section IV.K. Fully vaccinated employees that do not develop symptoms of COVID-19 will not be excluded from the workplace.

b. Reporting the Potential Exposure to Other Employees

The City will comply with all reporting and recording obligations as required under the law, including, but not limited to, reporting the COVID-19 case to the following individuals and institutions as required based on the individual circumstances: (1) employees who were present at a City worksite or facility when the COVID-19 case was present during the high-risk exposure period; and (2) subcontracted employees who were present at the City worksite or facility during the high-risk exposure period.

Employees will be notified on **Form E: Workplace Exposure Notice to Employees** found in Section V. of this policy.

Exclusive representatives will be notified on **Form F: Workplace Exposure Notice to Employee Organizations/Representatives** found in Section V. of this policy.

Employers of subcontracted employees will be notified using **Form G: Workplace Exposure Notice to Employer of Subcontracted Employees.**

c. Free COVID-19 Testing for Close Contact Exposures

The City will provide COVID-19 testing at no cost to employees during their working hours to all employees who had potential close contact COVID-19 exposure at a City worksite or facility.

d. Leave and Compensation Benefits for Close Contact Exposures

The City will provide these employees with information regarding COVID-19-related benefits to which the employees may be entitled under applicable federal, state, or local laws. This includes any benefits that may be available under workers' compensation law, the federal Families First Coronavirus Response Act (FFCRA), Labor Code sections 248.1 and 248.5, Labor Code sections 3212.86 through 3212.88, local governmental requirements, and the City's own leave policies.

For employees who would otherwise be able and available for work and whose close contact exposure was work-related, the City will continue to provide and will maintain these employees' earnings, seniority, and all other employee rights and benefits, including the employees' right to their former job status, as if the employees had not been removed from their jobs.

For any leave time not covered by worker's compensation benefits or FFCRA leave benefits, the City will require that these employees use employer-provided employee sick leave benefits or other accrued leave for this purpose consistent with the employee's applicable Memorandum of Understanding and the City's Personnel Rules and Regulations, and will consider benefit payments from public sources in determining how to maintain earnings, rights and benefits, where permitted by law and when not covered by workers' compensation. Fully vaccinated employees that do not show symptoms are not required to be excluded from work after a close contact would not be eligible for leave benefits.

e. Investigation to Determine Whether Workplace Conditions Contributed to COVID-19 Exposure

The City will conduct an investigation in order to determine whether any workplace conditions could have contributed to the risk of COVID-

19 exposure and what could be done to reduce exposure to COVID-19 hazards.

3. Confidential Medical Information

The City will protect the confidentiality of the COVID-19 cases and will not disclose to other employees the fact that the employees tested positive for or were diagnosed with COVID-19. The City will keep confidential all personal identifying information of COVID-19 cases unless expressly authorized by the employees to disclose such information or as otherwise permitted or required under the law.

D. CORRECTION OF COVID-19 HAZARDS AT CITY WORKSITES AND FACILITIES

The City will implement effective policies and/or procedures for correcting unsafe or unhealthy conditions, work practices, policies, and procedures in a timely manner based on the severity of the hazard.

This includes, but is not limited to, implementing controls and/or policies and procedures in response to the evaluations conducted related to the identification and evaluation of COVID-19 hazards and investigating and responding to COVID-19 cases in the workplace. This also includes implementing controls related to physical distancing, face coverings, engineering controls, administrative controls, and personal protective equipment (PPE).

E. TRAINING AND INSTRUCTION OF CITY EMPLOYEES

City employees received COVID-19 awareness and prevention training under the City's IIPP COVID-19 Supplement. The City's CPP requires additional training which will be provided immediately to all current employees by their department. All new employees will receive CPP compliant training at hire by their department. The training will be documented on **Form D: COVID-19 Training Record** found in Section V. of this policy. All COVID-19 related training records will be retained by the applicable department.

1. COVID-19 Symptoms

Training will include instruction and advisement on COVID-19 symptoms and on the importance of not coming to work and obtaining a COVID-19 test if the employees have COVID-19 symptoms.

COVID-19 symptoms include the following unless a licensed health care professional determines the person's symptoms were caused by a known condition other than COVID-19:

- a. Fever of 100.4 degrees Fahrenheit or higher, or chills;
- b. Cough;
- c. Shortness of breath or difficulty breathing;

- d. Fatigue;
- e. Muscle or body aches;
- f. Headache;
- g. New loss of taste or smell;
- h. Sore throat;
- i. Congestion or runny nose;
- j. Nausea or vomiting; or
- k. Diarrhea.

The City monitors and adheres to guidance by the CDC concerning COVID-19 symptoms, including guidance provided at the following web address:

<https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>

The City will advise employees in the event it becomes aware that the CDC makes any changes to its guidance concerning such symptoms.

2. City's COVID-19 Policies and Procedures

Training will include an overview of the CPP for all employees. Additionally, the City will provide regular updates as information becomes available to employees on the City's policies and procedures to prevent COVID-19 hazards at City worksites and facilities and to protect City employees. Specifically, employees will be informed how to participate in the identification and evaluation of COVID-19 hazards.

3. COVID-19 Related Benefits

Training will include information on leave benefits to which the employees may be entitled under applicable federal, state, or local laws. This includes any benefits available under workers' compensation law, the FFCRA, Labor Code sections 248.1 and 248.5, Labor Code sections 3212.86 through 3212.88, and the City's own leave policies as found in applicable Memorandums of Understanding that the Personnel Rules and Regulations.

Specifically, employees will be provided information regarding how to access COVID-19 testing and vaccination, and the fact that vaccination is effective at preventing COVID-19, protecting against both transmission and serious illness or death.

4. Spread and Transmission of the Virus that Causes COVID-19

Training will include information that COVID-19 is an infectious disease that can be spread through the air when an infectious person talks or

vocalizes, sneezes, coughs, or exhales; that COVID-19 may be transmitted when a person touches a contaminated object and then touches their eyes, nose, or mouth, although that is less common; and that an infectious person may have no symptoms.

Training will further include advisement to City employees of the fact that particles containing the virus can travel more than six (6) feet, especially indoors, so physical distancing combined with other controls, including face coverings, increased ventilation indoors, respiratory protection, and hand hygiene (hand washing) are most effective to reduce the spread of COVID-19.

5. Methods and Importance of Face Coverings, Respirators, and Hand Hygiene

Training will include information on the methods and importance of face coverings and respirators (for unvaccinated employees) and hand hygiene, including hand washing.

Training will include informing employees of the following:

- The policy for providing respirators, and the right of employees who are not fully vaccinated to request a respirator for voluntary use as stated in this program, without fear of retaliation and at no cost to employees. Whenever respirators are provided for voluntary use under this section or Labor Code Section 3205.1 through 3205.4, training will be provided on how to properly wear the respirator, and how to perform a seal check according to the manufacturer's instructions each time a respirator is worn, and the fact that facial hair interferes with the seal.
- Proper use of face coverings and the fact that face coverings are not respiratory protective equipment. COVID-19 is an airborne disease. N95s and more protective respirators protect the users from airborne disease while face coverings are intended to primarily protect people around the user.
- The importance of frequent hand washing with soap and water for at least 20 seconds and using hand sanitizer when employees do not have immediate access to a sink or hand washing facility, and that hand sanitizer does not work if the hands are soiled.
- The conditions under which face coverings must be worn at the workplace and that face coverings are additionally recommended outdoors for people who are not fully vaccinated if six feet of distance cannot be maintained. Employees can request face coverings from the employer at no cost to the employee and can wear them at work, regardless of vaccination status, without fear of retaliation.

F. FACE COVERINGS

1. Face Covering Requirement

For all employees who are not fully vaccinated, the City will provide face coverings and ensure they are worn when indoors or in vehicles and where required by orders from the CDPH or local Public Health Department. The City will ensure required face coverings are clean and undamaged, and they are worn over the nose and mouth. Supervisors will ensure unvaccinated employees wear face coverings when conditions require face coverings.

City policy adheres to orders and guidance provided by the CDPH and the local Public Health Department, including as provided at the following web address:

<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/guidance-for-face-coverings.aspx>

In accordance with current CDPH policy, all employees regardless of vaccination status shall wear face coverings in the following settings:

- a. On public transit,
- b. Indoors or outdoors when working with youth in grades K-12,
- c. Healthcare settings,
- d. State and local correctional facilities and detention centers, and
- e. Homeless shelters, emergency shelters, and cooling centers.

The City's policy allows for face shields to be used to supplement, and not supplant face coverings.

When employees are required to wear face coverings under section 3205 or 3205.1 through 3205.4, the City's policy provides for the following exceptions to the face covering requirement:

- a. When an employee is alone in a private room such as an individual office. At no time should a common area such as a break room be considered a private room, even if the employee is alone.
- b. While actually eating and drinking at the workplace, provided employees are at least six (6) feet apart and outside air supply to the area, if indoors, has been maximized to the extent possible.
- c. Employees wearing respiratory protection in accordance with section 5144 or other title 8 safety orders (8 C.C.R. 5144 is available at the following web address: <https://www.dir.ca.gov/title8/5144.html>).
- d. Employees who cannot wear face coverings due to a medical or mental health condition or disability, or who are hearing-impaired or

communicating with a hearing-impaired person. Medical documentation is required to meet this exception and alternatives will be explored to ensure a safe workplace for all employees.

- e. Specific tasks which cannot feasibly be performed with a face covering. This exception is limited to the time period in which such tasks are actually being performed, and the unmasked employee shall be at least six (6) feet away from all other persons unless unmasked employees are tested at least twice weekly for COVID-19.

Any employee not wearing a face covering, pursuant to the exceptions listed in items (d) and (e) above, and not wearing a non-restrictive alternative when allowed by Labor Code Section 3205 (c)(6)(E) shall be at least six feet apart from all other persons unless the unmasked employee is fully vaccinated.

When face coverings are not required by this section, Labor Code Section 3205, or Sections 3205.1 through 3205.4, we will provide face coverings to employees upon request, regardless of vaccination status.

2. Required Use of Effective Non-Restrictive Alternative for Employees Exempted from Face Covering Requirement

The City's policy requires that City employees who are exempted from wearing face coverings due to a medical condition, mental health condition, or disability wear an effective non-restrictive alternative, such as a face shield with a drape on the bottom, if their condition or disability permits it. Alternatives will be explored through an interactive process to ensure a safe workplace for all employees.

3. Physical Distancing Required If Employee Is Not Wearing Face Covering or Non-Restrictive Alternative

The City's policy requires that any employees not wearing a face covering, face shield with a drape, or other effective alternative, or respiratory protection, for any reason, shall be at least six (6) feet apart from all other persons unless the unmasked employees are tested at least twice weekly for COVID-19. However, the City does not use COVID-19 testing as an alternative to face coverings when face coverings are otherwise required by this section.

4. Prohibition on Preventing Employees from Wearing Face Covering

The City does not prevent any City employee from wearing a face covering when wearing a face covering is not required by this section, unless not wearing a face covering would create a safety hazard, such as interfering with the safe operation of equipment.

5. Communication to Non-Employees Regarding Face Covering Requirement

The City posts signage to inform non-employees that the City requires the use of face coverings at City worksites and facilities when not fully vaccinated and when other exemptions per CDPH guidance do not apply.

6. Policies to Reduce COVID-19 Hazards Originating from Persons Not Wearing Face Coverings

The City has developed COVID-19 policies and procedures to minimize employees' exposure to COVID-19 hazards originating from any person not wearing a face covering, including a member of the public.

These policies include requiring that employees and non-employees wear face coverings at City worksites and facilities when not fully vaccinated, physical barriers, providing respirators when requested (to unvaccinated employees), and observing proper hand hygiene.

G. VACCINES

1. The City will document vaccinations in the following manner:

Employees will provide proof of COVID vaccination (vaccine card, image of vaccine card, or health care document showing vaccination status) to Human Resources, and Human Resources will maintain the information in accordance with HIPAA requirements.

Those employees desiring to be considered vaccinated need to submit proof to Human Resources. If an employee has lost their card, they can request a copy of their vaccine status at <https://myvaccinerecord.cdph.ca.gov/>.

Any employee not verified by Human Resources as being fully vaccinated will be classified as unvaccinated for purposes of compliance with the CPP.

H. OTHER ENGINEERING CONTROLS, ADMINISTRATIVE CONTROLS, AND PERSONAL PROTECTIVE EQUIPMENT (PPE)

1. Installation of Solid Partitions Between Workstations Where Physical Distancing is Not Possible

At fixed work locations, the employer may install cleanable solid partitions that effectively reduce aerosol transmission between the employees and other persons, when conditions warrant their use.

2. Maximization of Outdoor Air

As provided above at Section IV.B.5., for indoor City worksites and facilities, the City evaluated how to maximize the quantity of outdoor air.

Further, for City worksites and facilities with mechanical or natural ventilation, or both, the City has maximized the quantity of outside air

provided to the extent feasible, except when the United States Environmental Protection Agency (“EPA”) Air Quality Index is greater than 100 for any pollutant or if opening windows or letting in outdoor air by other means would cause a hazard to City employees, for instance from excessive heat or cold.

3. Cleaning and Disinfecting Procedures

Cleaning and disinfecting of the worksite is the responsibility of all City employees. Each department will ensure employees are supplied with adequate cleaning and disinfecting products to properly clean and disinfect the worksite throughout the day, as well as training on how to safely use the products and supplies provided.

The City’s cleaning and disinfecting policy requires the following:

- a. Identifying and regularly cleaning and disinfecting frequently touched surfaces and objects, such as doorknobs, elevator buttons, equipment, tools, handrails, handles, controls, bathroom surfaces, and steering wheels. The City will inform employees and authorized employee representatives of cleaning and disinfection protocols, including the planned frequency and scope of regular cleaning and disinfection.
- b. Prohibiting the sharing of personal protective equipment, and to the extent feasible, items that employees come in regular physical contact with such as phones, headsets, desks, keyboards, writing materials, instruments, and tools. When it is not feasible to prevent sharing, sharing will be minimized and such items and equipment shall be disinfected between uses by different people. Sharing of vehicles will be minimized to the extent feasible, and high touch points (steering wheel, door handles, seatbelt buckles, armrests, shifter, etc.) shall be disinfected between users.
- c. Cleaning and disinfection of areas, material, and equipment used by a COVID-19 case during the high-risk exposure period.

Further, the City requires that cleaning and disinfecting must be done in a manner that does not create a hazard to City employees or subcontracted employees.

4. Evaluation of Handwashing Facilities

In order to protect City employees, the City evaluated its handwashing facilities in order to determine the need for additional facilities, encourage and allow time for employee handwashing, and provide employees with an effective hand sanitizer.

The City encourages City employees to wash their hands with soap for at least 20 seconds each time.

The City does not provide hand sanitizers with methyl alcohol.

5. Personal Protective Equipment (PPE)

City policy provides for appropriate PPE to be issued to all employees based on an evaluation of their work site and work tasks. Employees are obligated to utilize said PPE as provided. Should PPE become damaged or unusable, or should disposable PPE stock become low, employees must immediately report the need for new/additional PPE to their supervisor or manager. At the same time, supervisors and managers will routinely check and be aware of necessary PPE stock, and procure stock as needed following City procurement processes and policies.

Upon request, the City will provide respirators for voluntary use, in compliance with Labor Code Subsection 5144 (c)(2) to all employees who are not fully vaccinated and who are working indoors or in vehicles with more than one person. The City will encourage their use and ensure employees are provided with a respirator of the correct size. Employees should inform their supervisor should they desire a respirator, and the Department will contact Purchasing to request respirators through the normal City procurement process.

The City evaluates the need for PPE, such as gloves, goggles, and face shields, to prevent exposure to COVID-19 hazards and provide such PPE as needed.

In accordance with applicable law, the City evaluates the need for respiratory protection when the physical distancing requirements, as provided herein, are not feasible or are not maintained.

In accordance with applicable law, the City will provide and ensure use of respirators when deemed necessary by Cal/OSHA through the Issuance of Order to Take Special Action.

In accordance with applicable law, the City will provide and ensure use of eye protection and respiratory protection when City employees are exposed to procedures that may aerosolize potentially infectious material such as saliva or respiratory tract fluids.

I. REPORTING, RECORDKEEPING AND ACCESS

1. Reporting COVID-19 Cases to the Local Health Department

In accordance with applicable law, the City will report information about COVID-19 cases at the workplace to the local Public Health Department. Further, the City will provide any related information requested by the local Public Health Department.

2. Reporting Serious COVID-19 Illnesses and Deaths to Cal/OSHA

In accordance with applicable law, the City will immediately report to Cal/OSHA any serious COVID-19-related illnesses or deaths of City employees occurring at a City worksite or facility or in connection with any

employment. Further, in accordance with applicable law, the City will record any serious work-related COVID-19-related illnesses or deaths.

3. Maintenance of Records Related to the Adoption of the CPP

In accordance with applicable law, the City will maintain records of the steps taken to implement this CPP.

4. Availability of the CPP for Inspection

The City will make this written CPP available to employees and employee organizations at City worksites or facilities. Further, the City will make this written CPP available to Cal/OSHA representatives immediately upon request.

5. Records Related to COVID-19 Cases

The City will keep a record of and track all COVID-19 cases with the following information, at a minimum:

- a. Employee's name;
- b. Contact information;
- c. Occupation;
- d. Location where the employee worked;
- e. Date of the last day at the workplace; and
- f. Date of a positive COVID-19 test.

The City will ensure the confidentiality of employees and comply with the CMIA. Specifically, the City will not disclose to other employees, except for those who need to know, the fact that the employees tested positive for or were diagnosed with COVID-19. Further, the City will keep confidential all personal identifying information of COVID-19 cases or persons unless expressly authorized by the employees to disclose such information or as otherwise permitted or required under the law. Information provided to employees and employee organizations regarding notice of possible exposure will be made with personal identifying information removed. It is recognized that the City may be required to make this information available if required by law.

J. EXCLUSION OF COVID-19 CASES

1. Exclusion of COVID-19 Cases from City Worksites and Facilities

The City will ensure that COVID-19 cases are excluded from the workplace until the individual satisfies the minimum return to work criteria provided for in Section IV.K.

2. Exclusion of Fully Vaccinated Employees

Fully vaccinated employees will be excluded from the workplace if they develop symptoms of COVID-19 until the individual satisfies the minimum return to work criteria provided for in Section IV.K..

3. Exclusion of Employees who are not Fully Vaccinated with Close Contact COVID-19 Exposures from City Worksites and Facilities

The City will exclude employees who are not fully vaccinated with close contact COVID-19 exposure from the workplace for 10 days after the last known close contact COVID-19 exposure. In order for the employee to return to work after the 10th day of quarantine, the employee must satisfy the following conditions:

- a. Be asymptomatic;
- b. Wear a face covering at all times;
- c. Maintain a distance of at least six (6) feet from others at all times;
- d. Self-monitor for COVID-19 symptoms; and
- e. If symptoms do appear, immediately isolate, contact the local health department or health care provider, and seek testing.

The above criteria for exclusion based on close contact are based on guidance from the CDPH and CDC. Should updated guidance be issued modifying these requirements, the City will immediately inform employees of such updated guidance and how the revised guidance applies to workplace exclusion based on close contact.

4. Exclusion of Employees from City Worksites and Facilities After Travel

In accordance with CDPH and CDC guidelines, City employees must follow the guidelines regarding quarantine and/or testing upon return from domestic and international travel, regardless of the reason for travel. Additionally, employees who are not working remotely must disclose travel information to their supervisor in advance, unless advance notice is not practical, to ensure a safe workplace and allow time for quarantine pre-planning.

The current requirements for individuals who are not fully vaccinated include:

- a. Self-quarantine upon return.
- b. COVID-19 test 3-5 days after returning from travel. If test is negative, quarantine period is a total of 7 days from return date.
- c. If no test is sought, must self-quarantine for 10 days.

If the employee tests positive, the employee should isolate and the Return to Work criteria in Section IV.K. apply.

The City will follow CDPH travel recommendations, which may modify or change the above criteria and information. The City will monitor <https://covid19.ca.gov/travel/> for the most current information and CDPH travel recommendations will apply in the workplace.

5. Provision of Benefits to City Employees Excluded from Work as a Result of a Positive COVID-19 Test or Diagnosis or a Close Contact COVID-19 Exposure

a. Employees Who Are Able to Telework During Isolation or Quarantine Period

The City may allow employees who are able to telework, and are able and available to work, to telework during the isolation or quarantine period. The City will provide these employees their normal compensation for the work that they perform for the City during the isolation or quarantine period.

b. Employees Who Are Unable to Telework During Isolation or Quarantine Period

The City will require that employees who are unable to telework, but are otherwise able and available to work, to use paid sick leave or other applicable accrued leave in order to receive compensation during the isolation or quarantine period, consistent with leave policies in any applicable Memorandum of Understanding or the City's Personnel Rules and Regulations. The City may provide such employees who are unable to telework, but who do not have any paid leave available, paid administrative leave in order to receive compensation during the isolation or quarantine period.

For all employees who are subject to an isolation or quarantine because of a work-related COVID-19 case or a work-related close contact COVID-19 exposure, the City will maintain the employees' seniority and all other employee rights and benefits, including the employees' right to their former job status, during the isolation or quarantine period. The City may consider benefit payments from public sources, including under the FFCRA and Labor Code section 248., if applicable, in determining how to maintain earnings, rights, and benefits, where permitted by law and when not covered by workers' compensation.

The provision of benefits described above does not apply to either: (1) City employees who the City can demonstrate that the close contact COVID-19 exposure was not work-related; and (2) City employees who are unable to work for reasons other than protecting employees and non-employees at City worksites and facilities from possible COVID-19

transmission. Such employees may still use paid sick leave for the purpose of receiving compensation during the isolation or quarantine period.

6. Adherence with Laws, Policies, and/or Agreements Providing Excluded Employees Greater Protections

The obligations set forth in this section do not limit any other applicable law, City policy, or collective bargaining agreement that provides City employees with greater protections or benefits.

7. Provision of Information Concerning Benefits to Excluded Employees

At the time of exclusion, the City will provide the excluded employees the information on benefits to which the employees may be entitled under applicable federal, state, or local laws.

This includes any benefits potentially available under workers' compensation law, the FFCRA, Labor Code sections 248.1 and 248.5, Labor Code sections 3212.86 through 3212.88, the City's own leave policies, and leave guaranteed by contract.

K. RETURN TO WORK CRITERIA

1. Minimum Criteria to Return to Work for Symptomatic COVID-19 Cases

City policy requires that COVID-19 cases with COVID-19 symptoms remain at their home or place of residence and not report to any City worksite or facility until they satisfy each of the following conditions:

- a. At least 24 hours have passed since a fever of 100.4 or higher has resolved without the use of fever-reducing medications;
- b. COVID-19 symptoms have improved; and
- c. At least 10 days have passed since COVID-19 symptoms first appeared.

2. Minimum Criteria to Return to Work for Asymptomatic COVID-19 Cases

City policy requires that COVID-19 cases who tested positive but never developed COVID-19 symptoms not report to any City worksite or facility until a minimum of 10 days have passed since the date of specimen collection of their first positive COVID-19 test.

3. COVID-19 Testing Not Required in Order to Return to Work

In accordance with CDC guidance concerning symptom-based strategies for the discontinuation of isolation, the City does not require employees to

submit to a COVID-19 test, or produce a negative COVID-19 test result, in order to return to work.

4. Minimum Criteria to Return to Work for Employees Directed to Self-Quarantine or Isolate by a State or Local Health Official

If employees are subject to an isolation or quarantine order issued by a state or local health official, City policy requires that the employees not report to any City worksite or facility until the period of isolation or quarantine is completed or the order is lifted.

If the order did not specify a definite isolation or quarantine period, then the period shall be in accordance with the return to work periods listed in the return to work criteria above.

5. Allowance by Cal/OSHA for an Employee to Return to Work

If there are no violations of state or local health officer orders for isolation or quarantine, Cal/OSHA may, upon request, allow employees to return to work on the basis that the removal of employees would create undue risk to a community's health and safety.

In such cases, the City will develop, implement, and maintain effective control measures to prevent transmission in the workplace including providing isolation for the employees at the City worksite or facility and, if isolation is not possible, the use of respiratory protection in the workplace.

L. SPECIAL CONSIDERATIONS REGARDING OUTBREAKS

Either or both of the following two sections will be temporarily implemented as specified under the requirements of Labor Code Sections 3205.1 and 3205.2. These sections will continue to remain in effect until the criteria specified in the respective sections are satisfied.

1. Multiple COVID-19 Infections and COVID-19 Outbreaks

This section of the CPP applies when there are at least three (3) COVID cases in an exposed workplace within a 14-day period, or if the local Public Health Department determines that a City worksite is the location of an outbreak. This section of the CPP will stay in effect until there are no new COVID-19 cases detected at the specific worksite for a 14-day period.

a. COVID-19 Testing

- The City will make COVID-19 testing available at no cost to all employees within the exposed group, with the following exceptions:

- Employees who were not present during the period of an outbreak identified by a local health department or the relevant 14-day period;
 - No testing is required for fully vaccinated employee who do not have COVID-19 symptoms; and
 - No testing is required for COVID-19 cases for 90 days after the initial onset of COVID-19 symptoms or, for COVID-19 cases who never developed symptoms, 90 days after the first positive test.
- COVID-19 testing will be provided at no cost to employees during employees' working hours.
 - COVID-19 testing consists of the following:
 - Testing shall be made available to all employees in the exposed group and then again one week later. Negative COVID-19 test results of employees with COVID-19 exposure will not impact the duration of any quarantine period required by, or orders issued by, the local health department.

After the first two COVID-19 tests, the City will continue to make COVID-19 testing available once per week at no cost to all employees in the exposed group who remain at the workplace, or more frequently if recommended by the local health department, until this section no longer applies. All employees in the exposed group shall wear face coverings when indoors or when outdoors and less than six feet from another person, unless one of the exceptions in Labor Code Subsection 3205 (c)(6) (D) applies.

Notice shall be given to employees in the exposed group of their right to request a respirator for voluntary use under subsection 3205(c)(7)(D)2., if they are not fully vaccinated.

An evaluation of the worksite will be completed to determine whether to implement physical distancing of at least six feet between persons or, where six feet of physical distancing is not feasible, the use of cleanable solid partitions of sufficient size to reduce COVID-19 transmission.

b. COVID-19 Investigation, Review and Hazard Correction

In addition to the investigation, the City will immediately perform a review of potentially relevant COVID-19 policies, procedures, and

controls, and implement changes as needed to prevent further spread of COVID-19.

The investigation and review will be documented and include:

- Investigation of new or unabated COVID-19 hazards including:
 - Leave policies and practices and whether employees are discouraged from remaining home when sick.
 - COVID-19 testing policies.
 - Insufficient outdoor air.
 - Insufficient air filtration.
 - Lack of physical distancing.
- Updating the review:
 - Every thirty (30) days that the outbreak continues.
 - In response to new information or to new or previously unrecognized COVID-19 hazards.
 - When otherwise necessary.
- Implementing changes to reduce the transmission of COVID-19 based on the investigation and review. The City will consider:
 - Moving indoor tasks outdoors or having them performed remotely.
 - Increasing outdoor air supply when work is done indoors.
 - Improving air filtration.
 - Increasing physical distancing as much as possible.
 - Respiratory protection.
 - Modifications to employee worksite location, work shift hours, and overall work schedule to minimize employee interaction.

2. Major COVID-19 Outbreaks

This section of the CPP applies when there are twenty (20) or more employee COVID-19 cases in an exposed worksite within a 30-day period. This section of the CPP will stay in effect until there are fewer than three COVID-19 cases detected in the exposed group for a 14-day period.

a. COVID-19 Testing

The City will offer COVID-19 testing to all employees in the exposed group, regardless of vaccination status, two (2) times per week, or more frequently if recommended by the local health department, during the relevant 30-day period(s) and who remain at the workplace. COVID-19 testing will be provided at no cost to employees during the employees' normal working hours.

b. Exclusion of COVID-19 Cases

The City will ensure COVID-19 cases and employees with COVID-19 exposure are excluded from the workplace in accordance with the CPP Exclusion of COVID-19 Cases and Return to Work Criteria, and any relevant local health department orders.

c. Investigation of Workplace COVID-19 Illnesses

The City will comply with the requirements of the CPP Investigating and Responding to COVID-19 Cases.

d. COVID-19 Hazard Correction

In addition to the requirements of the CPP Correction of COVID-19 Hazards, the City will take the following actions:

- In buildings or structures with mechanical ventilation, the City will filter recirculated air with Minimum Efficiency Reporting Value (MERV) 13 or higher efficiency filters if compatible with the ventilation system. If MERV-13 or higher filters are not compatible with the ventilation system, the City will use filters with the highest compatible filtering efficiency. The City will also evaluate whether portable or mounted High Efficiency Particulate Air (HEPA) filtration units, or other air cleaning systems would reduce the risk of transmission and implement their use to the degree feasible.
- The City will provide a respirator for voluntary use in compliance with subsection 5144 (c)(2) to employees in the exposed groups and will determine the need for a respiratory protection program or changes to an existing respiratory protection program under section 5144 to address COVID-19 hazards.
- Any employees in the exposed group who are not wearing respirators required by this policy and used in compliance with section 5144 shall be separated from other persons by at least six feet, except where it can be demonstrated that six feet of separation is not feasible, and except momentary exposure while persons are in movement. Methods of physical distancing include: telework or other remote work arrangements; reducing the number of persons in an area at one time, including visitors; visual cues such as signs and floor markings to indicate where employees and others should be located or their direction and path of travel; staggered arrival, departure, work, and break times; and adjusted work processes or procedures, such as reducing production speed, to allow greater distance between employees. When it is not feasible to maintain a distance of at least six feet, individuals shall be as far apart as feasible.
- At workstations where an employee in the exposed group is

assigned to work for an extended period of time, such as cash registers and desks and where physical distancing requirements in this policy is not maintained at all times, the employer shall install cleanable solid partitions that effectively reduce transmission between the employee and other persons.

- The City will evaluate whether to halt some or all operations at the workplace until COVID-19 hazards have been corrected.
- Implement any other control measures deemed necessary by Cal/OSHA.

e. Notifications to the Local Health Department

The City will comply with the requirements of the CPP Multiple COVID-19 Infections and COVID-19 Outbreaks-Notifications to the Local Health Department.

V. FORMS

Various forms begin on the following page.

FORM A: IDENTIFICATION OF COVID-19 HAZARDS

This form shall be used to document identification of COVID-19 hazards in the workplace and suggested prevention controls to mitigate identified hazards

All persons, regardless of symptoms or negative COVID-19 test results, will be considered potentially infectious. Particular attention will be paid to areas where people may congregate or come in contact with one another, regardless of whether employees are performing an assigned work task or not. For example: meetings, entrances, bathrooms, hallways, aisles, walkways, elevators, break or eating areas, cool-down areas, and waiting areas.

Evaluation of potential workplace exposure will be to all persons at the workplace or who may enter the workplace, including coworkers, employees of other entities, members of the public, customers or clients, and independent contractors. We will consider how employees and other persons enter, leave, and travel through the workplace, in addition to addressing fixed work locations.

Table Definitions:

Potential Exposure: Describe the interaction, area, activity, work task, process, equipment and material that potentially exposes employees to COVID-19 hazards

When/How: Describe the place and time of the exposure or how the exposure may occur

Prevention Controls: List possible controls to mitigate the exposure

FORM A: IDENTIFICATION OF COVID-19 HAZARDS

All Person(s) Participating in the Evaluation: _____

Date: _____ Location/Worksite Evaluated: _____

| Potential Exposure | When/How | Prevention Controls |
|--------------------|----------|---------------------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

FORM B: COVID-19 INSPECTIONS

Name of person(s) conducting the inspection: _____

Date: _____ Work location evaluated: _____

| Exposure Controls | Status | Person Assigned to Correct | Date Corrected |
|--|--------|----------------------------|----------------|
| Engineering Controls | | | |
| Barriers/partitions | | | |
| Ventilation (amount of fresh air and filtration maximized) | | | |
| Additional room air filtration | | | |
| | | | |
| Administrative Controls | | | |
| Physical distancing | | | |
| Surface cleaning and disinfection (frequently enough and adequate supplies) | | | |
| Hand washing facilities (adequate numbers and supplies) | | | |
| Disinfecting and hand sanitizing solutions being used according to manufacturer instructions | | | |
| | | | |
| PPE Controls | | | |
| PPE (not shared, available and being worn) | | | |
| Face coverings (cleaned sufficiently often) | | | |
| Gloves | | | |
| Face shields/goggles | | | |
| Respiratory protection | | | |
| | | | |
| Additional Comments: | | | |
| | | | |

FORM C: COVID-19 CASE INVESTIGATION

This form must be completed in its entirety, however, please remember that all personal identifying information of COVID-19 cases or symptoms must be kept confidential unless required to be disclosed by law.

1. Date Investigation Commenced: _____
2. Date Investigation Completed: _____
3. COVID+ Employee Information:
 - a. Name: _____
 - b. Job Title: _____
 - c. Date positive COVID test was administered: _____
 - d. Date positive test result was received by the employee: _____
 - e. Date positive test result was reported to the employer: _____
 - f. Date employee experienced first COVID symptoms: _____
 - g. Date and Time employee was last present in the workplace: _____
 - h. Highest number of employees reporting to the same worksite in the 14-day period preceding the positive test: _____
4. The high-risk exposure period includes the two (2) days immediately preceding the first date of COVID symptoms, or if asymptomatic, the two (2) days immediately preceding the date the positive test was administered.
 - a. Work location(s) during high-risk exposure period & highest number of employees who reported to the same location in the last 45 days:
 - b. List all interactions the employee recalls with co-workers or contractors during the high-risk exposure period. Include information pertaining to when, where, duration, and exposure controls that were utilized (i.e. mask, social distancing).

Attachment 2

5. Based on the information provided in question #4, list employees or contractors who are determined to be a close contact during the high-risk exposure period and must be provided a quarantine notice. Confirm if notice has been provided using Forms E and Form G.

6. Did any workplace conditions contribute to the spread of COVID-19? If yes, explain.

7. What additional controls or measures can be put in place to reduce COVID-19 exposure?

Investigator Name: _____ Job Title: _____

Investigator Signature: _____

FORM D: COVID-19 TRAINING RECORD

Date: _____ **Trainer:** _____

Describe the training provided and attach any training handouts: _____

| Employee Name | Signature |
|---------------|-----------|
| | |
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**FORM E: NOTICE OF POTENTIAL WORKPLACE EXPOSURE TO
VIRUS THAT CAUSES COVID-19**

[DATE]

[EMPLOYEE NAME]
[EMPLOYEE JOB TITLE]
[EMPLOYEE DIVISION/DEPARTMENT]

The City of Madera (City) has determined that sometime during the period of [INSERT APPLICABLE DATES], you and an individual with COVID-19 were both present at a City worksite/facility. This notice serves to inform you that you may have been exposed to the virus that causes COVID-19 as a result of your presence at the [NAME AND ADDRESS OF WORKSITE/FACILITY] on that date.

At this time, the City is working to determine the nature and circumstances of the COVID-19 positive individual's activities at the worksite/facility, and whether the individual had any close contact interactions¹ with individuals during the high-risk exposure period. If we determine that you may have had close contact exposure, we will provide you additional instructions regarding quarantine requirements to supplement the instructions provided herein.

Direction Not to Return to Work Under Certain Circumstances

As part of the City's obligation to maintain a healthy and safe working environment under Cal-OSHA, the City is directing you to remain at your home or place of residence and not report to work if any of the following apply to you:

1. You have tested positive for COVID-19;
2. You are currently presenting one or more symptoms associated with COVID-19 as identified by the Centers for Disease Control and Prevention ("CDC") (See full list of symptoms that the CDC associates with COVID-19 here: <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>); or
3. You are aware that you have had close contact exposure to someone with a laboratory confirmed case of COVID-19.

¹ Close contact exposure means: (1) contact within 6 feet; (2) for a cumulative total of 15 or more minutes over a 24-hour period; (3) with someone who has a laboratory confirmed case and is in the "infectious period" of the having disease. The "infectious period" begins the two (2) days before either: (1) the individual first presented symptoms associated with COVID-19, for symptomatic individuals; or (2) the test that resulted in the positive diagnosis, for asymptomatic individuals. The "infectious period" concludes when the CDC guidance provides for the discontinuation of the isolation period (See CDC guidance on discontinuing home isolation for persons with COVID-19 not in healthcare settings here: <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>)

If any of the above currently apply to you, please remain at your home or place of residence and do not report to work. Furthermore, please provide notice to the City as soon as possible if you are unable to report to work because of one of the above enumerated circumstances. If the nature of your job permits you to telework, you should discuss the possibility of doing so with your supervisor or manager.

If you are unable to report to work for one of the reasons identified above, you may be eligible and qualified to receive statutory or agency-provided leave and benefits during your time away from work. Your ability to telework may affect eligibility for such leaves and benefits. Please find attached a notice providing information about some of the leaves that may be available depending on your particular circumstance. Eligibility for the leaves and/or benefits is governed by applicable statutes for such leaves and/or benefits, as well as the City's policies regarding such leaves and/or benefits. If you would like more information on potentially applicable leaves or benefits, please contact the City's Department of Human Resources at (559) 661-5400, option 8.

The City of Madera's Plan for Cleaning and Disinfecting the Workplace

As the City continues to investigate the specific locations where the COVID-19 positive individual was present, the City will begin to implement a cleaning and disinfection plan adopted pursuant to guidance from the CDC.

As part of this plan, the City will undertake the following measures in order to ensure that the workplace is healthy and safe for City employees:

- Closing off all areas used by the COVID-19 positive individual during the high-risk exposure period;
- Waiting 24 hours before cleaning or disinfecting affected areas to protect those performing cleaning and disinfecting;
- Opening outside doors and windows where applicable to increase air circulation in the areas used by the COVID-19 positive individual;
- Cleaning and disinfecting all areas used by the COVID-19 positive individual, such as offices, bathrooms, and common areas, with disinfectants approved by the CDC and the Environmental Protection Agency ("EPA").

The City will also continue to enforce its COVID-19 screening protocols in compliance with health department orders to satisfy its duty to provide a healthy and safe work environment for employees.

Discrimination and Retaliation Protections While on Leave

The City will not discriminate or retaliate against City employees who qualify for any leaves and/or benefits, nor against any employee for disclosing the results of a positive COVID-19 test or diagnosis or any order to the employee to quarantine or isolate for reasons related to COVID-19.

COVID-19 Related Leave & Benefits that May be Available to You

Emergency Family Medical Leave Act (E-FMLA)

- **Use:** Job-protected leave is available when an eligible employee is unable to work or telework due to a need to care for a son or daughter under 18 years of age if their school or place of care has been closed or if the childcare provider is unavailable due to a public health emergency. The first 10 days may be unpaid. The City will provide 2/3s of an employee's pay starting on the eleventh day.
- **Eligibility:** Must be an employee for 30 calendar days. Must not have exhausted their FMLA leave in the last 12 months.
- **Limit:** 12 weeks
- **How to Apply:** Complete the E-FMLA request form and return to HR. Certain limits apply. See *COVID-19 Emergency Policy No. 2* for additional details.

Supplemental Paid Sick Leave (SPSL)

- **Use:** SPSL provides paid sick leave for various COVID-19-related reasons. E-PSL is paid at an employee's regular rate of pay when they are unable to work or telework due to: (1) an employee is subject to a government quarantine or isolation order, (2) an employee is advised by a health care provider to self-quarantine due to concerns related to COVID-19, (3) an employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis, (4) caring for a family member who is subject to a government quarantine or isolation order related to COVID-19, or has been advised to self-quarantine by a health care provider due to concerns related to COVID-19, (5) an employee is caring for a child whose school or place of care is closed or otherwise unavailable for reasons related to COVID-19 on the premises, (6) an employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services, (7) the employee is attending an appointment to receive a vaccine for protection against contracting COVID-19, (8) the employee is experiencing symptoms related to a COVID-19 vaccine that prevents the employee from being able to work or telework, (9) the employee is seeking or awaiting the results of a diagnostic test for, or a medical diagnosis of, COVID-19 after such employee has been exposed to COVID-19 or the employee's employer has requested such test or diagnosis, or (10) the employee is excluded from the workplace as a result of a "close contact" exposure, as defined by the Centers for Disease Control and Prevention ("CDC"), pursuant to Cal/OSHA's COVID-19 emergency temporary regulations.

- **Eligibility:** All City employees.
- **Limit:** 80 hours for FT employees, prorated for PT employees
- **How to Apply:** Complete the E-PSL request form and return to HR or verbally request leave. Certain limits apply. See *COVID-19 Emergency Policy No. 2* for additional details.

Existing Paid Leave Options

- **Use:** Depending on the employee's applicable Memorandum of Understanding (MOU) and the Personnel Rules, regular sick leave, vacation, administrative leave, banked holiday, floating holiday, or compensatory time off (CTO) may be used in order to remain in a paid status while under quarantine and/or while COVID-19 positive.
- **Eligibility:** Must have the applicable time available in leave banks and be eligible to use per the applicable MOU or Personnel Rule.
- **How to Apply:** Follow normal timesheet procedures for requesting paid leave.

Expanded Reasons for Using Sick Leave

In addition to any reasons an employee may use sick leave as defined in the Personnel Rules and Regulations or applicable MOU, employees may use sick leave to:

- Care for children who are not necessarily sick, but who require parental supervision due to school or childcare cancellation.
- Care for an immediate family member who is sick with COVID-19. Immediate family member is as defined in existing policy.
- The employee or immediate family member is ordered to isolate or quarantine by Public Health Officials or a treating physician.
- Other terms and conditions apply, reference COVID-19 Emergency Policy No. 1 or contact HR.

Sick Leave Borrow Program

- **Use:** When an employee has COVID-19; to care for children who are not necessarily sick, but who require parental supervision due to school or child care cancellation; care for an immediate family member who is sick with COVID-19; or the employee or immediate family member is ordered to isolate or quarantine by Public Health Officials or a treating physician.
- **Eligibility:** Full time employees that have insufficient time accrued to cover their need for leave related to COVID-19.
- **Limit:** Up to 40 hours.

- **Repayment:** Employees shall repay the borrowed hours through either future accruals or unpaid furlough days spread over up to 5 months' time.
- **How to Apply:** Employee completes the Agreement for Repayment of Borrowed Sick Leave Time form and returns it to HR.
- Other terms and conditions apply, reference COVID-19 Emergency Policy No. 1 or contact HR.

COVID Administrative Leave

- **Use:** When an employee is able and available to work, but the City requests they not report to their scheduled shift.
- **Eligibility:** COVID Administrative Leave must be approved by the Department Director.

Emergency Vacation Leave Cash-Out

- **Eligibility:** Employees that are able to maintain 120 hours of vacation time after cash out.
- **Limit:** Employees may cash out up to 40 hours of vacation one time during the local emergency.
- **How to Apply:** Employee completes the Request for COVID-19 Emergency Leave Cash Out form and returns it to HR.
- Other terms and conditions may apply, reference COVID-19 Emergency Policy No. 1 or contact HR.
- Please note, this benefit does not keep an employee in a paid status; it is an option to assist with unexpected expenses related to COVID situations.

Workers' Compensation

- **Eligibility:** When COVID-19 is contracted in the performance of work duties (does not apply when an employee is working from home). An investigation will be conducted to determine where COVID-19 was likely contracted.
- **Limits:** Temporary Total Disability (TTD) or 4850 benefits (if eligible) are paid if the employee is actually experiencing a COVID-19 related-illness. Positive test result is required.
- **How to File:** Complete DWC-1 and return to supervisor.



All other terms and conditions of personnel policies and MOU provisions shall remain in effect.

Contact HR with questions at x8704 from a City phone, or (559) 661-5400, option 8.

Updated: 7/22/21

**FORM F: WORKPLACE EXPOSURE NOTICE TO EMPLOYEE
ORGANIZATIONS/REPRESENTATIVES**

To:
From: City of Madera (City)
Date:
Re: **CONFIDENTIAL: NOTICE OF REPRESENTED EMPLOYEE'S
POTENTIAL WORKPLACE EXPOSURE TO VIRUS THAT CAUSES
COVID-19**

The City is hereby notifying you that employees represented by **[Insert Name of Employee Organization]** may have been exposed to the virus that causes COVID-19. On **[Insert Date]**, employees represented by **[Insert Name of Employee Organization]** and an individual with COVID-19 were present at a City worksite/facility. This notice serves to inform you that City employees represented by your **[Union/Association]** may have been exposed to the virus that causes COVID-19 as a result of their presence at the **[name of worksite/facility]** on that date.

At this time, the City is working to determine the nature and circumstances of the COVID-19 positive individual's activities at the worksite/facility, and whether the individual had any close contact interactions¹ with individuals at the worksite/facility. If we determine that represented employees may have had "close contact" exposure, we will provide those represented employees with additional instructions to supplement the instructions provided herein.

Currently Known COVID-19 Positive Employee(s)/Individual(s)

Based on information provided to date by the COVID-19 positive employee or individual, the City is able to share the following information regarding the potential exposure:

Department/Division:
Location of Worksite Affected:
Date of first Symptom:
Date Positive Test was Administered:
Last Date at the Work Site:

As a result of the potential exposure(s) described above, the City is also providing notice to each of the represented employees who were at the same City worksite/facility as the COVID-19 positive individual(s).

¹Close contact exposure means: (1) contact within 6 feet; (2) for a cumulative total of 15 or more minutes over a 24-hour period; (3) with someone who has a laboratory confirmed case and is in the "infectious period" of the having disease. The "infectious period" begins the two (2) days before either: (1) the individual first presented symptoms associated with COVID-19, for symptomatic individuals; or (2) the test that resulted in the positive diagnosis, for asymptomatic individuals. The "infectious period" concludes when the CDC guidance provides for the discontinuation of the isolation period (See CDC guidance on discontinuing home isolation for persons with COVID-19 not in healthcare settings here: <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>)

The City became aware of the COVID-19 positive individual's status on [DATE]. The City is providing this notice as quickly as possible to comply with California Labor Code Requirements. For this reason, the investigation may not yet be complete, and the City may still be determining whether the COVID-19 positive individual(s) had "close contact," as defined by the Centers for Disease Control and Prevention ("CDC"), with represented employees or any other City employee.

The City's Plan for Cleaning and Disinfecting the Workplace

As the City continues to investigate the specific locations where the COVID-19 positive individual was present, the City will begin to implement a cleaning and disinfection plan adopted pursuant to guidance from the CDC.

As part of this plan, the City will undertake the following measures in order to ensure that the workplace is healthy and safe for City employees:

- Closing off all areas used by the COVID-19 positive individual during the high-risk exposure period;
- Waiting 24 hours before cleaning or disinfecting affected areas to protect those performing cleaning and disinfecting;
- Opening outside doors and windows where applicable to increase air circulation in the areas used by the COVID-19 positive individual;
- Cleaning and disinfecting all areas used by the COVID-19 positive individual, such as offices, bathrooms, and common areas, with disinfectants approved by the CDC and the Environmental Protection Agency ("EPA").

The City will also continue to enforce its COVID-19 screening protocols in compliance with health department orders to satisfy its duty to provide a healthy and safe work environment for employees.

Employees May Be Eligible for Leave or Related Benefits

Employees may be eligible for statutory or agency-provided leave or benefits under federal and state law should they present symptoms associated with COVID-19 or contract COVID-19. Eligibility for the aforementioned leaves and/or benefits is governed by applicable statutes for such leaves and/or benefits, as well as the City's policies regarding such leaves and/or benefits. The City has provided the attached notice providing information about some of the leaves that may be available depending on an employee's particular circumstance.

If employees represented by your Association are not qualified to receive compensation under any of the leaves or benefits described in the attached, but wish to be paid during any time that they may be required to be away from the workplace, they may need to use paid sick leave or another paid leave that they have earned or accrued and for which they possess a sufficient balance.

Discrimination and Retaliation Protections While on Leave

Federal and/or state law prohibits the City from discriminating or retaliating against City employees who qualify for any of the aforementioned leaves and/or benefits. Furthermore, the City will not retaliate against any employee for disclosing the results of a positive COVID-19 test or diagnosis, or any order to the employee to quarantine or isolate for reasons related to COVID-19.

COVID-19 Related Leave & Benefits that May be Available to You

Emergency Family Medical Leave Act (E-FMLA)

- **Use:** Job-protected leave is available when an eligible employee is unable to work or telework due to a need to care for a son or daughter under 18 years of age if their school or place of care has been closed or if the childcare provider is unavailable due to a public health emergency. The first 10 days may be unpaid. The City will provide 2/3s of an employee's pay starting on the eleventh day.
- **Eligibility:** Must be an employee for 30 calendar days. Must not have exhausted their FMLA leave in the last 12 months.
- **Limit:** 12 weeks
- **How to Apply:** Complete the E-FMLA request form and return to HR. Certain limits apply. See *COVID-19 Emergency Policy No. 2* for additional details.

Supplemental Paid Sick Leave (SPSL)

- **Use:** SPSL provides paid sick leave for various COVID-19-related reasons. E-PSL is paid at an employee's regular rate of pay when they are unable to work or telework due to: (1) an employee is subject to a government quarantine or isolation order, (2) an employee is advised by a health care provider to self-quarantine due to concerns related to COVID-19, (3) an employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis, (4) caring for a family member who is subject to a government quarantine or isolation order related to COVID-19, or has been advised to self-quarantine by a health care provider due to concerns related to COVID-19, (5) an employee is caring for a child whose school or place of care is closed or otherwise unavailable for reasons related to COVID-19 on the premises, (6) an employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services, (7) the employee is attending an appointment to receive a vaccine for protection against contracting COVID-19, (8) the employee is experiencing symptoms related to a COVID-19 vaccine that prevents the employee from being able to work or telework, (9) the employee is seeking or awaiting the results of a diagnostic test for, or a medical diagnosis of, COVID-19 after such employee has been exposed to COVID-19 or the employee's employer has requested such test or diagnosis, or (10) the employee is excluded from the workplace as a result of a "close contact" exposure, as defined by the Centers for Disease Control and Prevention ("CDC"), pursuant to Cal/OSHA's COVID-19 emergency temporary regulations.

- **Eligibility:** All City employees.
- **Limit:** 80 hours for FT employees, prorated for PT employees
- **How to Apply:** Complete the E-PSL request form and return to HR or verbally request leave. Certain limits apply. See *COVID-19 Emergency Policy No. 2* for additional details.

Existing Paid Leave Options

- **Use:** Depending on the employee's applicable Memorandum of Understanding (MOU) and the Personnel Rules, regular sick leave, vacation, administrative leave, banked holiday, floating holiday, or compensatory time off (CTO) may be used in order to remain in a paid status while under quarantine and/or while COVID-19 positive.
- **Eligibility:** Must have the applicable time available in leave banks and be eligible to use per the applicable MOU or Personnel Rule.
- **How to Apply:** Follow normal timesheet procedures for requesting paid leave.

Expanded Reasons for Using Sick Leave

In addition to any reasons an employee may use sick leave as defined in the Personnel Rules and Regulations or applicable MOU, employees may use sick leave to:

- Care for children who are not necessarily sick, but who require parental supervision due to school or childcare cancellation.
- Care for an immediate family member who is sick with COVID-19. Immediate family member is as defined in existing policy.
- The employee or immediate family member is ordered to isolate or quarantine by Public Health Officials or a treating physician.
- Other terms and conditions apply, reference COVID-19 Emergency Policy No. 1 or contact HR.

Sick Leave Borrow Program

- **Use:** When an employee has COVID-19; to care for children who are not necessarily sick, but who require parental supervision due to school or child care cancellation; care for an immediate family member who is sick with COVID-19; or the employee or immediate family member is ordered to isolate or quarantine by Public Health Officials or a treating physician.
- **Eligibility:** Full time employees that have insufficient time accrued to cover their need for leave related to COVID-19.
- **Limit:** Up to 40 hours.

- **Repayment:** Employees shall repay the borrowed hours through either future accruals or unpaid furlough days spread over up to 5 months' time.
- **How to Apply:** Employee completes the Agreement for Repayment of Borrowed Sick Leave Time form and returns it to HR.
- Other terms and conditions apply, reference COVID-19 Emergency Policy No. 1 or contact HR.

COVID Administrative Leave

- **Use:** When an employee is able and available to work, but the City requests they not report to their scheduled shift.
- **Eligibility:** COVID Administrative Leave must be approved by the Department Director.

Emergency Vacation Leave Cash-Out

- **Eligibility:** Employees that are able to maintain 120 hours of vacation time after cash out.
- **Limit:** Employees may cash out up to 40 hours of vacation one time during the local emergency.
- **How to Apply:** Employee completes the Request for COVID-19 Emergency Leave Cash Out form and returns it to HR.
- Other terms and conditions may apply, reference COVID-19 Emergency Policy No. 1 or contact HR.
- Please note, this benefit does not keep an employee in a paid status; it is an option to assist with unexpected expenses related to COVID situations.

Workers' Compensation

- **Eligibility:** When COVID-19 is contracted in the performance of work duties (does not apply when an employee is working from home). An investigation will be conducted to determine where COVID-19 was likely contracted.
- **Limits:** Temporary Total Disability (TTD) or 4850 benefits (if eligible) are paid if the employee is actually experiencing a COVID-19 related-illness. Positive test result is required.
- **How to File:** Complete DWC-1 and return to supervisor.



All other terms and conditions of personnel policies and MOU provisions shall remain in effect.

Contact HR with questions at x8704 from a City phone, or (559) 661-5400, option 8.

Updated: 7/22/21

**FORM G: WORKPLACE EXPOSURE NOTICE TO EMPLOYER OF
SUBCONTRACTED EMPLOYEES**

To:
From: City of Madera (City)
Date:
Re: NOTICE OF EMPLOYEE'S POTENTIAL WORKPLACE EXPOSURE TO
VIRUS THAT CAUSES COVID-19 - LABOR CODE SECTION 6409.6

Under Labor Code section 6409.6, the City has an obligation to notify you that your employees may have been exposed to the virus that causes COVID-19. On **[Insert Date]**, your employees and an individual with COVID-19 were present at a City worksite/facility. This notice serves to inform you that your employees may have been exposed to the virus that causes COVID-19 as a result of their presence at the **[name & address of worksite/facility]** on that date.

At this time, the City is working to determine the nature and circumstances of the COVID-19 positive individual's activities at the worksite/facility, and whether the individual had any close contact interactions¹ with individuals at the worksite/facility. If we determine that your employees may have had "close contact" exposure, the City will notify you so that you may direct your employees to self-isolate or quarantine pursuant to applicable public health guidance from the CDC, CDPH, and/or local public health orders. In support of the City's efforts, you are asked to investigate and determine if any employees were or may have been present at the identified City worksite/facility on the identified date(s) for purposes of evaluating whether any of your employees had close contact with a qualifying individual.

Direction Not to Return to Work Under Certain Circumstances

As part of the City's obligation to maintain a healthy and safe working environment under Cal-OSHA, the City is directing your employees not report to any City premises for work if any of the following are applicable:

1. They have tested positive for COVID-19;
2. They are currently presenting one or more symptoms associated with COVID-19 as identified by the Centers for Disease Control and Prevention ("CDC") (See full list of symptoms that the CDC associates with COVID-19 here: <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>);

or

¹ "Close contact" exposure means: (1) contact within 6 feet; (2) for a cumulative total of 15 or more minutes over a 24-hour period; (3) with someone who has a laboratory confirmed case and is in the "infectious period" of the having disease. The "infectious period" begins the two (2) days before either: (1) the individual first presented symptoms associated with COVID-19, for symptomatic individuals; or (2) the test that resulted in the positive diagnosis, for asymptomatic individuals. The "infectious period" concludes when the Centers for Disease Control and Preventions ("CDC") guidance provides for the discontinuation of the isolation period (See CDC guidance on discontinuing home isolation for persons with COVID-19 not in healthcare settings here: <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>)

3. They are aware that they have had close contact exposure to someone with a laboratory confirmed case of COVID-19. (See CDC guidance on discontinuing home isolation for persons with COVID-19 not in healthcare settings here: <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>)

If any of the above currently apply to your employees, please direct them to remain at their home or place of residence and not report to work. Furthermore, please provide notice to the City as soon as possible if your employees are unable to report to work because of one of the above enumerated circumstances.

The City's Plan for Cleaning and Disinfecting the Workplace

As the City continues to investigate the specific locations where the COVID-19 positive individual was present, the City will begin to implement a cleaning and disinfection plan adopted pursuant to guidance from the CDC.

As part of this plan, the City will undertake the following measures in order to ensure that the workplace is healthy and safe for City employees:

- Closing off all areas used by the COVID-19 positive individual during the high-risk exposure period;
- Waiting 24 hours before cleaning or disinfecting affected areas to protect those performing cleaning and disinfecting;
- Opening outside doors and windows where applicable to increase air circulation in the areas used by the COVID-19 positive individual;
- Cleaning and disinfecting all areas used by the COVID-19 positive individual, such as offices, bathrooms, and common areas, with disinfectants approved by the CDC and the Environmental Protection Agency ("EPA").

The City will also continue to enforce its COVID-19 screening protocols in compliance with health department orders to satisfy its duty to provide a healthy and safe work environment for employees.