

# Yuba Community College District

## COVID-19 Exposure (AB 685) Notification

effective January 1, 2021-Version 1

AB 685 requires notification to anyone working at a specific worksite of a potential COVID-19 exposure. However, per the district's existing protocol in place, the Public Health Department is requested contact tracing and for quarantine guidance. All parties identified who may have been exposed as determined by the County Public Health Department are directly notified by the County.

Using the protocol in place for receiving notifications of positive COVID-19 case, the following notifications will be sent out within one business day of receiving the ["notice of potential exposure"](#):

1. College President or designee for the respective college or Vice Chancellor of Administrative Services (VCAS) for district related notifications will provide:
  - a. A written notice to all employees who were on the premises at the same "worksite" as the ["qualifying individual"](#) within the ["infectious period"](#) of a [potential exposure](#) to COVID-19 in a manner that the public employer normally uses to communicate employment related information.
2. Chief Human Resources Officer (CHRO) or designee will provide:
  - a. A written notice to the exclusive representative (e.g. FAYCCD, YCAFT, CSEA as applicable), of employees described above.
  - b. All employees who may have been potentially exposed and the exclusive representative (e.g. FAYCCD, YCAFT, CSEA as applicable), if any, with information regarding:
    - i. COVID-19-related benefits to which the employee may be entitled under applicable federal, state, or local laws including, but not limited to, workers' compensation,
    - ii. Options for exposed employees, including COVID-19-related leave, public employer provided sick leave, state-mandated leave, supplemental sick leave, or negotiated leave provisions,
    - iii. Anti-retaliation and antidiscrimination protections of the employee.
3. Vice Chancellor of Administrative Services (VCAS) or designee will provide:
  - a. A written notice to employers of any subcontracted employees who were on the premises at the same ["worksite"](#) as the ["qualifying individual"](#) within the ["infectious period"](#) that may have been potentially exposed to COVID-19 in a manner that the public employer normally uses to communicate employment related information.

### FAQs

#### **What is a "notice of potential exposure" for purposes of AB 685?**

A public employer is considered to have "notice of potential exposure" to COVID-19 at a worksite when the public employer receives notice from:

- A public health official or licensed medical provider that an employee was exposed to a "qualifying individual" at the worksite;
- An employee, or their emergency contact, that the employee is a "qualifying individual";
- The results of the public employer's testing protocols that the employee is a "qualifying individual"; or
- A subcontracted employer that a "qualifying individual" was on the worksite of the public employer.

#### **What is a "worksite" for purposes of AB 685?**

A "worksite" is defined as the building, store, facility, agricultural field, or other location where an employee worked during the infectious period. It does not apply to buildings, floors, or

other locations of the public that the employer, a “qualified individual” did not enter. Consequently, in a multi-worksites environment, the term “worksites” is limited to those buildings that the “qualified individual” entered during the “infectious period.” In that case, the public employer would only need to notify employees in those buildings that the “qualified individual” entered.

### **Who is a “qualifying individual” for purposes of AB 685?**

A “qualifying individual” means any person who has:

- A laboratory-confirmed case of COVID-19, as defined by the California Department of Public Health (“CDPH”);
- A positive COVID-19 diagnosis from a licensed health care provider;
- A COVID-19-related order to isolate provided by a public health official; or
- Died due to COVID-19, in the determination of a county public health department or per inclusion in the COVID-19 statistics of a county.

### **What is the “infectious period” for purposes of AB 685?**

- The “infectious period” is defined as the time of a COVID-19-positive
- Individual is infectious, as defined by the CDPH.
- According to the latest guidance from the CDC and the CDPH, the “infectious period” is 10 days.

### **How should public employers provide notice of potential exposure?**

Public employers are required to provide the notice in a manner that the public employer normally uses to communicate employment related information to employees, provided that the notice can be reasonably anticipated to be received by the employee **within one business day**. This can include the following:

- Hand-delivering the notice to each employee at the worksite;
- Sending the notice to employees via email; and
- Sending the notice to employees via text message.

Finally, the notice must be in both English and the language understood by the majority of the employees.

### **What information should be included in the notice?**

The notice must contain the following elements:

- A statement advising employees that they may have been exposed to COVID-19 at the workplace (without identifying the sick employee);
- Information regarding COVID-19-related benefits to which the employee may be entitled under applicable federal, state, or local laws including, but not limited to, workers’ compensation and COVID-19-related leave;
- Information regarding options for exposed employees, including public employer-provided sick leave, other federal or state-mandated leave, supplemental sick leave, or negotiated leave provisions;
- Information regarding the anti-retaliation and antidiscrimination protections of the employee; and
- Information regarding the disinfection and safety plan that the public employer plans to implement and complete per the guidelines of the CDC.
- This notice must be provided not only to the affected employees, but also to the union representative (if any of the affected employees are part of a represented bargaining unit); and
- The owner of any entity with whom the public employer subcontracts (if any of the affected employees are employed by a subcontractor).

## **Additional Reporting Requirements for Outbreaks to Local Health Authorities and Exception to this Requirement for Health Facilities**

In addition, public employers are also required to notify their local public health department if a COVID-19 outbreak (as currently defined by the CDPH) occurs at a worksite. This notice must be provided within 48 hours of the public employer learning of the outbreak, and must contain the following information:

- The number of COVID-19 cases at the worksite;
- The names and occupations of the qualifying individuals;
- The address of the worksite; and Any other pertinent information.
- Once an outbreak at a worksite is reported, the public employer is required to continue to notify the local health department of any subsequent laboratory-confirmed cases of COVID-19 at the worksite.

**Is there a requirement to notify the general public?**

The statute does not require public employers to notify members of the general public (who happened to be at the worksite during the infectious period) of the potential exposure to COVID-19. While not required, it is recommended that public employers consider notifying any identifiable third parties who were at the worksite during the infectious period.

**Where is the YCCD's Disinfecting and Safety Plan located?**

YCCD's disinfecting and safety plan is embedded within the [YCCD Planning and Protocols for Reopening Campuses and District Facilities](#) posted on the coronavirus virtual campus website.