

**ADDENDUM IIIb
COUNTY OF LAKE
COVID-19 Public Health Emergency – Worksite Protocol
COVID-19 Exposure Notification Form**

To: _____

From: _____

RE: Notification to Employees When Coworker is Diagnosed with COVID-19

Date: _____

CC: Risk Management: Jennifer.Baker@lakecountyca.gov
Human Resources: Pam.samac@lakecountyca.gov
Health Department: PublicHealth.LakeDiseaseReporting@lakecountyca.gov
Employee Union:

The County of Lake has been notified that one of our employees or another individual, such as contractor, has been diagnosed with COVID-19 at the following location:

Department

Location Address

As an immediate response to protect the health and safety of our workforce, we conducted an investigation to determine co-workers who may have had close contact, which is defined contact with the affected employee within 6 feet for greater than 15 minutes cumulatively within 24 hour period, with the confirmed-positive individual. You have been identified as an employee who may have been exposed to the virus between _____ .

According to the Centers for Disease Control and Prevention (CDC), the virus is spread primarily through respiratory droplets between people who are in close contact with one another. Individuals are contagious up to 48 hours before they exhibit symptoms or test positive for COVID-19.

Please see below, the responsive steps we are taking, steps all employees must take, and work exclusion and sick leave information.

Responsive Steps We Are Taking

We are taking the following steps to mitigate the risk of COVID spread:

Check all that apply

- ☐ Sanitizing the workplace
- ☐ Implementing COVID-19 close contact quarantine procedures

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- ☐ Offering remote work
- ☐ Closing the workplace
- ☐ Notifying Risk Management
- ☐ Notifying local Department of Public Health
- ☐ Risk Management report sickness, injury, or exposure to Cal OSHA if applicable
- ☐ Notifying Labor Union
- ☐ Other: _____

We have taken the following ongoing preventive measures:

1. Implemented COVID Return to Work Protocol
2. Implemented social distancing
3. Offering remote work, if applicable
4. Encouraging employees to stay home when sick
5. Encouraging frequent hand washing and /or sanitizing
6. Conducting virtual meetings via zoom
7. Encouraging frequent cleaning of high touch surfaces
8. Providing hand sanitizer and cleaning supplies to all departments
9. Providing free masks to our employees
10. Providing N95 masks to employees upon request and if applicable for their position
11. Posters and visual reminders for social distancing and masking

Steps All Employees Must Take

We would like to remind all employees to abide by the CDC and California Dept. of Public Health guidelines to protect your health and the health of those around you. That includes:

1. Stay home when sick.
2. Frequently washing your hands often with soap and water for at least 20 seconds, especially if you have been in a public place and after blowing your nose, coughing or sneezing;
3. If soap and water are not readily available, use a hand sanitizer that includes at least 60 percent alcohol;
4. Avoid touching your eyes, nose, and mouth
5. Maintaining a physical distance of at least 6 feet from all coworkers at the workplace.
6. All employees regardless of their vaccination status are strongly encouraged to wear a face mask when around others or in a public place.
7. All employees in Public Health, Behavioral Health, clinical settings, mental health treatment facilities, substance treatment facilities, hospice, adult and senior care facilities, local correctional facilities, homeless shelters, and cooling or heating facilities are required to wear a face mask or respirator at all times while at work.

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During this time if you experience any of the symptoms of COVID-19 (fever or chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, or diarrhea.

Please inform the following departments so that we may track potential outbreaks within the County of Lake:

Risk Management at (707) 263-2532
Human Resources at (707) 263-2213

You should also contact your health care provider to determine if you should be tested for COVID-19.

The County of Lake will keep all medical information confidential and will only disclose it on a need-to-know basis, as required by the Americans with Disabilities Act (ADA). Under the ADA, we are required to maintain the confidentiality of any medical information we receive, including the name of any affected employee.

Work Exclusion

☐ Until further notice, you are excluded from physically coming to work as to help prevent potential spread of the virus. You will be on home quarantine for 10 days after your last date of exposure to the ill employee. Please know we are offering telework opportunities where possible and will work with you to make this transition smooth. Contact _____ to determine if teleworking is an option for you. If telework is not an option, we will discuss the options that may be available.

☐ Fully vaccinated employees with no symptoms do not need to quarantine for 10 days unless you are symptomatic. You will need to monitor your health for 14 days and if you develop symptoms, you will need to quarantine and get tested.

☐ **Jail - Unvaccinated Asymptomatic Critical Infrastructure Worker.**
A Critical Infrastructure Staff Shortage Exemption is currently active and approved by The Public Health Officer. This exemption temporarily allows unvaccinated workers to continue to work following exposure to a person with suspected or confirmed COVID-19, provided they remain asymptomatic and have not tested positive. You are required to follow all risk mitigation precautions conditional to this exemption, including enhanced PPE for correctional staff, inmates, and detained persons, as well as enhanced COVID-19 testing requirements. A copy of Critical Infrastructure Staff Shortage Exemption Protocol is attached to this notification.

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☐ **Sheriff Department - Unvaccinated Asymptomatic Critical Infrastructure Worker.**
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County COVID-19 Testing

LHI is now offering testing services

SCHEDULE ONLINE AT [HTTPS://LHI.CARE/COVIDTESTING](https://LHI.CARE/COVIDTESTING)

Call 888-634-1123 for assistance with scheduling.

Testing is available Monday through Saturday, 7 am - 7 pm, excluding holidays at the following locations:

- Mondays, Fridays & Saturdays: City of Lakeport Silveira Community Center (500 N. Main Street)
- Tuesdays, Wednesdays & Thursdays: Lower Lake at Town Hall (16195 Main Street)
- Appointments are highly recommended; limited on-site registration is available.

Alternative Testing Resources:

- Rite Aid is conducting Drive-Thru testing in Clearlake and Ukiah. Appointments can be made online at <https://www.riteaid.com/pharmacy/services/covid-19-testing>. Insurance is not required.
- Lake County Tribal Health offers testing by appointment to established patients with or without symptoms. For appointments, call 707-263-1000. For pediatric appointments, call 707-263-1010.

Sick Leave & Pay

Please note if you are unable to telework, or if you become ill, you have options to take sick leave or use benefits provided by the federal government under the FFCRA (Families First Coronavirus Response Act.)

Paid Public Health Emergency Leave:

<http://lcnet.co.lake.ca.us/Assets/Intranet/Departments/HR/COVID-19/Payroll/Paid+Expanded+Family+Medical+Leave.pdf>

Families First Coronavirus Response Act:

<http://www.lakecountycalifornia.gov/Assets/Intranet/Departments/HR/COVID-19/Payroll/PaidSickEng.pdf>

COVID Information, Payroll Forms, and Instructions:

<http://www.lakecountycalifornia.gov/Government/Directory/Human Resources/COVID-19.htm>

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If you are able and available to work, the County will offer exclusion pay. You will be required to exhaust paid sick leave benefits before providing exclusion pay, to the extent permitted by law. Exclusion pay will not apply if we establish the employee's exposure was not work-related.

Returning to Work

No unvaccinated employees will be allowed to return to work less than 10 days after the last date of exposure to an infected coworker. Moreover, employees who have had symptoms may not return to work until they have been fever free (without fever reducing medication) for 72 hours, at least 10 days have passed since the onset of their symptoms and they are showing an improvement in symptoms.

Finally, employees who have been asymptomatic but who tested positive may not return to work until 10 days have passed since the date of their first positive test.

Please contact your supervisor or HR with any questions or concerns. We appreciate everyone continuing to do their best to support the health and safety of our work environment and each other. These are trying times for us all, and we are here for you.

Employee Exclusion Pay and Benefits FAQ's

Q: Must an employer pay an employee while the employee is excluded from work?

A: If the employee is able and available to work, the employer must continue to provide the employee's pay and benefits. An employer may require the employee to exhaust paid sick leave benefits before providing exclusion pay, to the extent permitted by law, and may offset payments by the amount an employee receives in other benefit payments. (Please refer to the [Labor Commissioner's COVID-19 Guidance and Resources](#) for information on paid sick leave requirements.). These obligations do not apply if an employer establishes the employee's exposure was not work-related.

Q: Does an employer have to “maintain an employee's earnings, seniority, and all other employee rights and benefits, including the employee's right to their former job status, as if the employee had not been removed from their job” if the employee is unable to work because of his or her COVID-19 symptoms?

A: No, if an employee is unable to work because of his or her COVID-19 symptoms, then he or she would not be eligible for exclusion pay and benefits under section 3205(c)(10)(C). The employee, however, may be eligible for Workers' Compensation or State Disability Insurance benefits.

Q: How long does an employee with COVID-19 exposure, or who tests positive for COVID-19 from the workplace, receive pay while excluded from the workplace?

A: An employee would typically receive pay for the period the employee is quarantined, which could be up to 14 days (see above for potential impact of [EO N-84-20](#)). If an employee is out of

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work for more than a standard quarantine period based on a single exposure or positive test, but still does not meet the regulation's requirements to return to work, that extended quarantine period may be an indication that the employee is not able and available to work due to illness. . The employee, however, may be eligible for temporary disability or other benefits.

Q: Must an employer exclude an employee who claims a COVID-19 workplace exposure?

A: An employer should take any reports seriously and should investigate any evidence of an exposure. It is ultimately the employer's responsibility to determine if an exposure occurred.

Q: Does an employer have to maintain an employee's earnings and benefits under section 3205(c)(10)(C) if the employee is unable to work because of reasons other than protecting persons at the workplace from possible COVID-19 transmission?

A: No, the employer need not maintain the exposed employee's earnings and benefits under section 3205(c)(10)(C) if the employee with COVID-19 exposure from the workplace is unable to work because of reasons other than protecting persons at the workplace from possible COVID-19 transmission (e.g., a business closure, caring for a family member, disability, or vacation). Such employees may be eligible for other benefits, including Disability Insurance, Paid Family Leave, or Unemployment Insurance benefits

Q: The ETS states that an employer is not required to provide exclusion pay if the employer can establish that an employee's COVID-19 exposure was not work related. What does that mean?

A: The ETS does not require employers to pay workers who are excluded from work under section 3205(c)(10) if the employer can show that the employee's COVID-19 exposure was not work related. In such circumstances, employers may have other legal or contractual payment obligations, but pay and benefits are not mandated by section 3205.

Q: How are employers proving that a COVID-19 exposure is not work related and rebutting the presumption under SB 1159 related?

A: [SB 1159](#) provides a rebuttable presumption for certain workers and workplaces that an employee's COVID-19-related illness is an occupational injury entitling the employee to

workers' compensation benefits. Rebutting that presumption and proving that COVID-19 exposure is not work related to avoid the ETS' exclusion pay requirement involve an employer conducting comparable investigations and producing comparable evidence to show it is more likely than not that an employee's COVID-19 exposure did not occur in the workplace.

Q: How will the exclusion pay provision be enforced?

A: As with any violation, Cal/OSHA has the authority to issue a citation and require abatement. Whether employees or another agency can bring a claim in another forum is outside the scope of Cal/OSHA's authority.

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Q: Can an employee receive both temporary disability benefits under workers' compensation and receive their regular wages (or a portion of them) because they are excluded for work under section 3205(c)(10)(C)?

A: No. Cal/OSHA does not consider an employee receiving workers' compensation temporary disability benefits for wages lost during the period in which they are excluded from the workplace to be "able and available to work" within the meaning of section 3205(c)(10)(C). Therefore, an employee cannot receive both types of benefits.

Q: If an employee is receiving temporary disability benefits through workers' compensation because they test positive for COVID-19 but do not have symptoms that would otherwise prevent them from working, should they receive workers' compensation benefits or exclusion pay under the ETS?

A: As noted above, Cal/OSHA does not consider an employee receiving temporary disability benefits through workers' compensation to be considered "able and available to work" within the meaning of section 3205(c)(10)(C). However, if an asymptomatic employee is able and available to work but is not eligible to receive payment through workers' compensation for lost wages during the period in which they are excluded from work, they should be paid for that time according to section 3205(c)(10)

Additional resources and contact information can be found below:

CDC: <https://www.cdc.gov/coronavirus/2019-ncov/faq.html>

Lake County Public Health: <http://health.co.lake.ca.us/Coronavirus.htm>

Public Health

publichealth@lakecountyca.gov
922 Bevins Court
Lakeport, CA 95453
Phone: (707) 263-1090
Toll Free: (800) 794-9291

24 Hour Public Health Emergency Reporting

Duty Officer: (707) 263-1090, option 9

Risk Management

Jennifer Baker
Jennifer.Baker@lakecountyca.gov
(707)263-2532

Human Resources

Pam Samac
Pam.samac@lakecountyca.gov

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