

The 12 Days of California Labor & Employment – Day 4 “Additional COVID-19 Notice Requirements”

2 min read

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By: Mellissa A. Schafer

In the spirit of the season, we are using our annual “12 days of the holidays” blog series to address new California laws and their impact on California employers. On this fourth day of the holidays, my labor and employment attorney gave to me: four calling birds and AB 2693.

On January 1, 2022, AB 654 went into effect, creating notification requirements for employers on steps to take when an employee is diagnosed with COVID-19. Continuing through December 1, 2022, when an employer receives notice that there is a potential COVID-19 exposure, the employer must perform all of the following steps within one business day:

- Provide written notice to all employees as well as any employers of subcontractors that were on the premises during the infectious period in a manner the employer normally uses to communicate
- Provide written notice to the exclusive representative, if any, of qualifying individuals and employees who had close contact with the qualifying individual
- Provide all employees who were on the premises as the qualifying individual within the infectious period with information regarding entitlement to COVID-19 related benefits that the individual may be entitled to as well as antiretaliation and antidiscrimination protections of the employee
- Provide all employees and the employers of subcontracted employees who were on the same premises as the qualifying individual during the infectious period of the cleaning and disinfection plan the employer had or is implementing

AB 654 was set to sunset as of January 1, 2023. AB 2693 amends the AB 654 notification requirements but extends those requirements until January 1, 2024. The most significant change with AB 2693 is that it creates a new process for an employer to provide the required notice. Effective January 1, 2023, an employer shall prominently display a notice in all places where notices to employees concerning workplace rules or regulations are customarily posted that includes the date(s) on which an employee or a subcontractor with a confirmed case of

COVID-19 was on the worksite premises within the infectious period and the location of the exposure. The location details must include the department, floor, building, or other areas. But, it should not be so specific as to allow an individual to be identified.

The notice must still contain information related to COVID-19-related benefits to which an employee may be entitled as well as the contact information for an employee to receive the cleaning and disinfecting plan.

This notice must be posted within one business day and must remain posted for fifteen (15) calendar days. The employer is allowed to post the notice on an existing employee portal if one exists. Please also note that an employer may continue to provide the same type of written notice that was required throughout 2022 if it so chooses.

In addition to the posting, the employer must keep a log of all the dates the notice was posted and provide access to those records to the Labor Commissioner, upon request.

Finally, the other significant change is that the employer is no longer required to notify the local public health agency within 48 hours if there is an outbreak.

For at least one more year, employers need to continue their notification process, although they now have a new notice option for 2023. To comply with the extended COVID-19 notification requirements, employers are recommended to continue to monitor which employees are on-site, when they are on-site, and what location they are working in on any given day. In addition, employers must keep an accurate log of their notification actions.

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Topics

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