

Duties of Employer When Notified of Potential Exposure to COVID-19

California Assembly Bill (AB) 2693, signed into law on September 29, 2022 and effective January 1, 2023, made changes to COVID-19 notification requirements by amending **California Labor Code section 6409.6** and extending its provisions until January 1, 2024.

Employers may either provide a written notification or a worksite posting of potential COVID-19 exposure.

If the employer uses the posting option:

- The employer must, within one business day of the notice of potential exposure, prominently display a notice in all places where notices to employees concerning workplace rules or regulations are customarily posted, including on employee portals stating:
- The dates on which an employee, or employee of a subcontracted employer, with a confirmed case of COVID-19 was on the worksite premises within the infectious period.
- The location of the exposures, including the department, floor, building, or other area, but the location need not be so specific as to allow individual workers to be identified.
- Contact information for employees to receive 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 options for exposed employees, including COVID-19-related leave, company sick leave, state-mandated leave, supplemental sick leave, or negotiated leave provisions, as well as an employee's anti-retaliation and anti-discrimination protections.
- Contact information for employees to receive the cleaning and disinfection plan that the employer is implementing per CDC guidelines and under the Cal/OSHA COVID-19 Emergency Temporary Standards COVID-19 prevention program.
- The notice must remain posted for not less than 15 calendar days.
- The notice must be in English and the language understood by the majority of employees.
- The employer must keep a log of all the dates the notice required by this section was posted at each of the employer's worksites.

Notice to the local public health agency will no longer be required in the event of an outbreak.

The California Department of Public Health (CDPH) will no longer be required to make workplace industry information regarding COVID-19 outbreaks and cases received from local public health departments available on its website.

If the employer uses the written notice option:

The notice must be provided to all employees, and the employers of subcontracted employees, who were at the same worksite premises as the qualifying individual confirmed case of COVID-19 within the infectious period, stating that they may have been exposed to COVID-19. The notice must be provided in a manner the employer normally uses to communicate employment-related information.

Written notice may include, but is not limited to, personal service, email, or text message if it can reasonably be anticipated to be received by the employee within one business day of sending and shall be in both English and the language understood by the majority of the employees.