

## **PROTOCOL FOR CITY RESPONSE UPON NOTIFICATION OF EMPLOYEE POSITIVE TEST FOR COVID-19 OR EMPLOYEE WITH SYMPTOMS OF COVID-19 OR WHO ARE IN CLOSE PROXIMITY TO PERSONS WITH POSITIVE TEST FOR COVID-19**

The City of West Hollywood (City) has implemented a protocol for employees who are experiencing COVID-19 symptoms, who have tested positive for COVID-19, or who are in close proximity to or direct contact with persons who tested positive for COVID-19. That protocol requires employees to inform **Susan Schumacher, Human Resources Manager at 714-376-8128** of their condition immediately. This protocol identifies the steps that must be taken for the City to appropriately respond if it receives such notification.<sup>1</sup>

### **Immediate Steps Upon Notification**

- A. If an employee is *at a City facility* and experiences COVID-19 symptoms or is informed that they tested positive for COVID-19 or that a relative or other close contact has tested positive for COVID-19, the employee should immediately contact Susan Schumacher, Human Resources Manager, who will provide the employee with directions on exiting the facility and will facilitate contact tracing.
- B. If an employee is *not at a City facility* and experiences COVID-19 symptoms or is informed that they have tested positive for COVID-19 or that a relative or other close contact have tested positive for COVID-19, if there is any possibility that the employee will need to visit a City facility or worksite in the next 14 days, the employee should immediately contact Susan Schumacher, Human Resources Manager, who will provide instructions for follow-up, will facilitate contact tracing, and will provide direction with regard to available benefits, remote work opportunities or availability and/or social distancing from/at City facilities and worksites.

### **Ensuring Accurate Notification**

In the event that an employee or non-employee notifies the Human Resources Manager that they are experiencing COVID-19 symptoms or have tested positive or have been in close proximity with a person who tested positive, the City has certain notification requirements, including the CDC and/or OSHA, as required by law. In order for the City to fulfill those notification requirements, the City must have accurate information as to the employees and any other persons who were in City facilities at any given time. All employees and non-City employees are required to fill out the City's Facilities Access Request form, which information will be used for contact tracing. The City's Facilities Access Request form [\[City of West Hollywood\] City Facilities Access Request Form \(seamlessdocs.com\)](#) | [\[City of West Hollywood\] Visitor City Facilities Access Request From \(seamlessdocs.com\)](#) includes the information listed below:

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<sup>1</sup> This protocol addresses the City's notifications responses only. See the City's COVID-19 Protocols For Cleaning and Disinfecting the Workplace for protocols which address cleaning/disinfecting facilities, etc.

### **City employees:**

1. Employee name
2. Date and time that employee was in City facility
3. City facility and specific location where employee was working
4. Safety measures being observed by employee (i.e., social distancing, facial covering, etc.)

### **Non-City employees, e.g., contractors, consultants, visitors:**

1. Name
2. Date and time that visitor was in City facility
3. City facility and specific location where visitor was visiting
4. Safety measures being observed by visitor during visit (i.e., social distancing, facial covering, etc.)
5. Contact information for visitor (phone number, email, etc.)

### **Post Notification Procedure**

Following being informed of a COVID-19 diagnosis or advisement, the City has determined that, in the interest of safety, it must notify those who may have had direct contact with the individual who has informed it of the diagnosis or advisement.

- C. **Identification of Those Potentially at Risk:** The impacted employee will identify any and all coworkers and elected/appointed officials, non-City employees that had direct contact or were in close proximity with them, and what areas in City facilities they primarily worked in, during the preceding fourteen (14) days. The impacted employee's Supervisor/Department Director will also provide information to Human Resources as to employees who were at the workplace in the forty-eight (48) hour period before the impacted employee developed symptoms.

According to the County of Los Angeles Department of Public Health, **direct contact/close proximity** includes, but is not limited to, the following:

- A person who was within 6 feet of the case for a total of 15 minutes or more over a 24-hour period, or
- A person who had unprotected contact with the case's body fluids and/or secretions, for example, were coughed or sneezed on, shared utensils or saliva, or provided care without using appropriate protective equipment.
- A person with COVID-19 is considered to be infectious from 2 days before their symptoms first appeared until the time they are no longer required to be isolated. A person with a positive COVID- 19 diagnostic (viral) test, but with no symptoms, is considered to be infectious from 2 days before their first positive test was taken until 10 days after that test was taken.

Human Resources will work with the impacted employee to ensure the employee is aware of and complies with applicable guidelines.

D. Human Resources will determine what, if any, advisements are needed for those who may have been put at risk due to direct or close contact exposure to the impacted employee based on CDC guidelines, while maintaining confidentiality.

The following return to work and quarantine protocols are based on guidelines in effect at the time this Protocol was established. They will be modified in the future if County of Los Angeles Department of Public Health orders are modified.

- a) **An employee who tests positive for COVID-19 but had no symptoms and continues to have no symptoms** the employee must isolate for 10 days after the date that the first positive diagnostic (viral) test was taken. *However, if the employee develops symptoms while they are isolated, they must follow the instructions listed below, in Section (b), for individuals with COVID-19 symptoms who test positive.*
- b) **An employee who tests positive for COVID-19 and had symptoms or who did not take a test but had symptoms of COVID-19 may** If the employee tested positive for COVID-19 and have symptoms, they must isolate until:
  - At least 10 days have passed since their symptoms first appeared and
  - At least 24 hours have passed since they have been fever-free without the use of fever reducing medications and
  - The symptoms have improved.
- c) **If a healthcare provider informs the employee they clinically suspect they have COVID-19, the employee must remain in isolation until either:**
  - At least 10 days have passed since the symptoms first appeared and
  - At least 24 hours have passed since they have been fever-free without the use of fever reducing medications and the symptoms have improved.

**OR**

The healthcare provider reassesses the diagnosis and concludes the employee does not have COVID- 19 and at least 24 hours have passed since they have been fever-free without using fever reducing medications.

Employees will be asked to provide appropriate certification from a health care provider to Human Resources or if an employee is reasonably unable to obtain timely certification from a health care provider, the employee may complete and submit a self-certification form. [\[City of West Hollywood\] COVID-19 Employee Self-Certification following completion of Self-Isolation \(seamlessdocs.com\)](#)

**In cases of direct contact or close proximity**, affected employees will be required to self-quarantine for 10 days after their last contact with the infected person. Employees may end quarantine after Day 10 if they did not develop any symptoms of COVID-19 and they take the following precautions:

**From Day 11 through Day 14** after last contact with the infected person the employee must:

- Be extra careful to reduce the spread of COVID-19, including **wearing a face covering whenever around others, keeping a distance of at least 6 feet from others, AND washing your hands often.**
- Continue to monitor yourself daily for COVID-19 symptoms.

**If the employee Develops Symptoms of COVID-19 and/or Receive a Positive (Viral) Diagnostic Test**

**If at any time during the quarantine period, the employee develops any symptoms of COVID-19**, they must isolate and contact their healthcare provider, clinician advice line, or telemedicine provider for a medical assessment and arrange a test for COVID-19.

- If the employee tests positive for COVID-19 or their healthcare provider thinks they have COVID-19, the employee must self-isolate for 10 days.
- If the employee tests negative for COVID-19 and/or their healthcare provider thinks they do not have COVID-19, the employee must complete the quarantine period and stay home until at least 24 hours after their fever has gone away without using fever reducing medications.
- If the employee does not get tested, they should isolate for at least 10 days from when their symptoms first started and until at least 24 hours after their fever has gone away without using fever reducing medications.

Employees who are asymptomatic may return to work on the next workday after providing appropriate certification from a health care provider to Human Resources. If an employee is reasonably unable to obtain timely certification from a health care provider, the employee may complete and submit a self-certification form. [\[City of West Hollywood\] COVID-19 Employee Self-Certification following Self-Quarantine Period \(seamlessdocs.com\)](https://seamlessdocs.com)

- E. Questions related to the impacted employee’s absence shall be answered with a response that the employee is currently off work.

**Duty to Maintain Confidentiality of Protected Health Information**

The City must respect the protected health information (“PHI”) of all of its employees. Employee rights to maintain the confidentiality of his or her PHI is set forth in the California Constitution and the California Confidentiality of Medical Information Act (“CMIA”) and is referenced broadly in other laws including but not limited to the Americans with Disabilities Act (“ADA”). Therefore, if any person other than Human

Resources is advised by an employee that he/she is experiencing COVID-19 symptoms or has tested positive for COVID-19 or has been informed that a relative or other close contact has tested positive for COVID-19, the person who is notified must only notify Human Resources and must keep the employee's identity and PHI confidential. The employee is free to request *voluntary disclosure* of their information to others at the workplace but may not be pressured to disclose the diagnosis.

## City Facilities Access Request Form



### City Facilities Usage Request Form

Information:	
Name of Person Requiring Access:	<input style="width: 100%;" type="text"/>
Person Needing Access (Choose One)	<input type="radio"/> City Staff <input type="radio"/> Other (Example: Visitor, Consultant)
If Visitor is Not City Staff, please specify Visitor's Name, Company and Contact Information	<input style="width: 100%;" type="text"/>
Please provide all the details for the requested visit. If the request is for multiple sites, provide all the information in bullets.	
Example:	
<ul style="list-style-type: none"><li>• Thursday 6/25 – City Hall, 8 AM - 7 PM<ul style="list-style-type: none"><li>• Working on cleaning up the server room before large equipment delivery</li></ul></li> <li>• Friday 6/26 – City Hall and Plummer Park, 8 AM - 7 PM<ul style="list-style-type: none"><li>• Turn off sensitive city equipment before SCE planned power outage.</li></ul></li> <li>• Saturday 6/27 – Plummer Park, 8 AM - 10 AM<ul style="list-style-type: none"><li>• Turn on and test sensitive city equipment after SEC planned power outage.</li></ul></li></ul>	
Request Details	<input style="width: 100%; height: 100%;" type="text"/>
<input type="checkbox"/> I acknowledge that a person visiting City facilities based on this form will follow CDC guidelines such as wear a mask, wash hands regularly, practice social distancing, etc.	

\_\_\_\_\_  
**Requestor Signature**

\_\_\_\_\_  
**Manager Signature**

Acting

\_\_\_\_\_  
**Director Signature**

Acting

## **FREQUENTLY ASKED QUESTIONS**

### **1. What are the symptoms of COVID-19?**

Symptoms for COVID-19 include fever, chills, cough, shortness of breath or difficulty breathing, fever (100.4° F or greater), muscle pain, sore throat, new loss of taste or smell, gastrointestinal symptoms such as nausea, vomiting, or diarrhea

### **2. When may an employee who has been diagnosed with COVID-19 discontinue home isolation?**

Per the CDC, people who have been diagnosed with COVID-19 by their healthcare provider and have stayed home (are home isolated) can stop home isolation under the following conditions:

A. **If they will not have a test** to determine if they are still contagious, they can leave home after these three things have happened:

1. They have had no fever for at least 24 hours (without the use medicine that reduces fevers); and
2. Other symptoms have improved (for example, when their cough or shortness of breath have improved); and
3. At least 10 days have passed since their symptoms first appeared

B. **If they will be tested** to determine if they are still contagious, they can leave home after these three things have happened:

1. They no longer have a fever (without the use medicine that reduces fevers); and
2. Other symptoms have improved (for example, when their cough or shortness of breath have improved); and

In all cases, the employee should follow the guidance of their healthcare provider and local health department. The decision to stop home isolation should be made in consultation with their healthcare provider and state and local health departments. Local decisions depend on local circumstances.

### **3. Can the City ask if an employee has COVID-19?**

The City can ask an employee whether he or she has been diagnosed with COVID-19 and if there is any reason to believe there may be a COVID-19 related safety concern at the workplace. The City cannot force information about the employee's specific diagnosis, but it can inquire about COVID-19 and how it might affect workplace safety.

### **4. What will the City do if an employee discloses that they have been in close contact with a person who tested positive for COVID-19?**

The City will require an employee who has been directly exposed to someone who

has tested positive for COVID-19 to stay at home for the ten (10) day quarantine period. The employee will be required to use leave during the ten (10) day period and may qualify for the use of the Emergency Paid Sick Leave (temporary paid benefit end date: December 31, 2020).

**5. Can an employee refuse to report to work due to fear of contracting COVID-19?**

Under the Occupation Safety and Health Act (OSH Act), employees are only entitled to refuse to work if they believe they are in imminent danger. Please note that OSHA categorizes the level of exposure for office workers during a pandemic as a “Lower Risk Exposure (Caution).”

**6. Can the City require an employee to go home (or stay home) if he or she is sick?**

Yes, employees who show signs of illness will be asked to leave the workplace by Human Resources and stay at home until they are symptom free for 24 hours without the use of fever-reducing or other symptom-altering medicines (e.g. cough suppressants).

**7. Can the City require a doctor’s note before allowing a sick employee to return to work?**

Clearance from a health care provider to return to work can be required. The City realizes that in a pandemic, access to health care providers may be limited. However, the City can still request a doctor’s note, if a healthcare provide is readily available, stating the employee can return to work. If no note is provided, employees shall complete a similar self-certification form that is required for those employees under a 10-day self-quarantine.

**8. Will the City notify co-workers if someone is sick, but not diagnosed with COVID-19?**

If an employee is sick and has not been diagnosed by a health provider with COVID-19 and has not been exposed to someone diagnosed with COVID-19 (see Notification Protocol 5), then co- workers will not be notified.

**9. Are absences due to COVID-19 covered by the Family and Medical Leave Act (FMLA)?**

The Families First Coronavirus Response Act (“FFCRA”) allows an employee to take paid FMLA leave if he or she can't work (or telework) because their minor child's school or childcare service is closed due to COVID-19. Infection with the coronavirus would also likely qualify as a "serious health condition" under the FMLA, allowing an employee to take “classic” FMLA protected leave. There are other aspects with regard to qualifying for FMLA and so employees should consult with Human Resources for additional information and directions on how to apply for FMLA.

**10. Can the City take an employee’s temperature to ensure they don’t have a fever when reporting to work?**

While it is generally impermissible to take an employee’s temperature without good cause, the Equal Employment Opportunity Commission (“EEOC”) has taken the



position that pandemic constitutes sufficient cause to allow it. When the City does take an employee's temperature, it will be mindful to use a less-intrusive thermometer (such as forehead) and to clean thoroughly between uses.

**11. Can the City require that employees who test positive for COVID- 19 disclose confidentially the test results to the City?**

Yes, but in a limited capacity shared only with Human Resources. An employer may inquire as to health information to the extent it poses a direct threat to the health and safety of those in the workplace.

**12. Can the City require that an employee confidentially disclose whether he or she has been directly exposed to others who have tested positive for COVID-19?**

Yes, but in a limited capacity shared only with Human Resources. Again, an employer may require that an employee disclose health information with respect to whether the employee poses a direct threat to the health or safety.

**13. Can the City require that employees with symptoms of COVID-19 be tested?**

An employee presenting symptoms of COVID-19 or any illness during this time of pandemic will be sent home on sick leave. The employee will be advised to contact a medical provider for diagnosis or advisement. The City will not mandate a test or take an employee to get a test. However, the City can refuse to allow the employee to work (or telework) without medical clearance or attest that they are no longer experience symptoms.

**14. Can the City ask an employee to make a truly voluntary disclosure so that it may inform co-workers, managers, and supervisors that the employee has been exposed or is infected?**

The City may ask the employee if he or she wishes to voluntarily identify his or her status to coworkers. In no way may the employee be pressured to reveal his or her PHI. Voluntary disclosure is permissible.

However, disclosure to the California Department of Public Health or the Centers for Disease Control and Prevention ("CDC") may be mandatory. In this instance, the California Department of Public Health or CDC would make contact with any individuals who may have been exposed. If the employee declines a voluntary disclosure, the City must maintain the confidentiality of his or her health information with respect to colleagues.

**15. Can the City inform co-workers, managers, and supervisors that an employee has been exposed or is diagnosed with COVID-19, without the employee's consent?**

No, the City's obligation is to take reasonable steps to protect the confidentiality of the positive test result by (1) not identifying the employee by name, and (2) avoiding, to the extent reasonably feasible, making other references that would

permit a manager or co-workers to guess that an employee has been infected. While the City cannot prevent speculation in the workplace, it must take reasonable steps not to contribute to it.

The City will, however, generally inform co-workers who may have had contact with the employee that they may have been exposed and may wish to see a health care provider to monitor their health. Depending on exposure, the City may require the exposed co-workers to self-quarantine for 10 days.

**16. May the City ask an employee to leave the premises and stay home from work if there is a reasonable belief that the employee has been exposed to, or has contracted, COVID-19?**

Yes. If the City has an actual reasonable belief that the employee has contracted COVID-19 or been exposed to someone who has COVID-19 for a prolonged period, then the City may send that person home to protect the rest of the workforce. Further, the City will maintain the confidentiality of an employee's health information.

**17. If an employee has been exposed to a confirmed case of COVID-19, will other co-workers be asked to self-quarantine?**

This will depend. If an employee is exposed to a person who has been diagnosed with COVID-19 through the means outlined by the CDC Guidelines in the City's notification protocol, and he or she later tests positive for COVID-19, then yes. If the employee does not test positive for COVID-19 and had no symptoms, then other co-workers will not be asked to self-quarantine for ten (10) days.

**18. Will an employee be required to use their sick leave for time off work?**

If an employee is home and not working because he or she (1) has been diagnosed with COVID-19, (2) is self-quarantining for ten (10) days for exposure to COVID-19 or (3) is just sick with cold or flu symptoms, the employee must use sick leave because of their inability to report to his or her worksite. The employee may be eligible to use Emergency Paid Sick Leave for time off work (temporary paid benefit end date: December 31, 2020). The employee is eligible to return to work and no longer use sick leave once he or she has met the criteria previously mentioned in this document.