

COVID-19 City and Cal/OSHA Policy

Updated 3/1/22

Masking

1. When do I need to wear a mask?

Pursuant to the California Department of Public Health and Cal/OSHA, effective March 1, 2022, all persons, regardless of vaccination status, in California are not required but strongly encouraged to wear a mask indoors in all public spaces, including the work site.

2. What are the circumstances under which a fully vaccinated employee would need to mask?

All employees, regardless of vaccination status, may be required to mask pursuant to Cal/OSHA Emergency Temporary Standards where they have been in close contact with a symptomatic or COVID-19 positive individual, or where they have been permitted to end quarantine or isolation and return to the workplace early under Cal/OSHA rules. Fully vaccinated employees subject to these rules will be apprised of the relevant masking requirement by members of the Healthy Workplace Task Force (HWTF) when they get their risk assessment, or by their department contact providing them with return-to-work instructions.

Employees who operate busses and/or other forms of public transportation may be required to mask while performing these duties pursuant to federal rules.

If you have questions about whether you are required to mask, please email HWTF@fresno.gov, or ask your department's Personnel Manager.

3. Are there any exceptions?

If an employee is required by law (e.g., Cal/OSHA ETS or federal regulation) to wear a face mask, the employee may remove their mask while actively eating or drinking. The employee may remove their mask if they are in a room, such as an office or conference room, alone with the door closed. The employee may remove their mask if they are alone in a City vehicle. The employee may remove their mask if they are engaged in a specific duty where wearing a mask would create a hazard. The employee will be instructed by their supervisor or manager as to which duties, if any, require the removal of the mask.

4. What about medical exemptions?

If an employee is required by law to wear a face mask, the employee may request accommodations for masking on the basis of a medical condition by reporting the issue to their supervisor, who shall refer them to Personnel Services for engagement in the interactive process to determine what, if any, reasonable

accommodations will allow them to perform the essential functions of their job, including complying with COVID-19 protocol.

5. What about religious exemptions?

The California Department of Public Health and Cal/OSHA do not recognize religious exemptions for masking.

6. What types of masks are allowable?

Cal/OSHA states: "Acceptable masks are defined as surgical masks, medical procedure masks, respirators, or tightly woven fabric or non-woven materials of at least two layers that cover the nose and mouth. Scarfs, ski masks, bandanas, turtleneck collars, or a single layer of fabric is not acceptable. Masks must not let light through when held up to a light source." (See California Department of Industrial Relations "COVID-19 Emergency Temporary Standards Frequently Asked Questions" updated December 15, 2021).

Alternative masks or face covering are only allowable as an accommodation resulting from a medical condition, as determined during the interactive process described in question 3 above.

7. I don't have a mask. Where can I get one?

The City will provide employees with appropriate masks as needed. If you need masks, please let your supervisor know and you will be given appropriate masks free of charge.

8. What are the consequences for failing to abide by masking rules?

Any employee refusing to comply with a lawful directive will be subject to corrective action and/or disciplinary action, up to and including termination. **Masking pursuant to federal, state, and local rules is not optional.** If an employee is unclear as to whether they are legally required to wear a mask, they should consult their supervisor as soon as possible.

Self-Assessment/Reporting Contact and Symptoms

9. Do I still need to complete a self-assessment every day?

Yes. All employees, unless off work for reasons other than being ill or acting as a caretaker for an ill person are required to complete a self-screening assessment each day before beginning their assigned work shift.

10. Do I really need to report any symptom listed, even if I have an underlying condition?

Yes. All employees must report all symptoms listed and remain at home pending an assessment. Symptoms due to an underlying health condition will be assessed and the employee will be given instructions accordingly.

If in doubt, report and stay home.

11. What counts as “contact?”

Cal/OSHA defines close contact as being within six feet of an infected, or symptomatic individual for a cumulative fifteen minutes or more within a twenty-four-hour period, during the infections period. Please note, the fifteen minutes need not be consecutive. Please also note that masking and/or vaccination status is irrelevant for purposes of determining close contact.

Please note, if you, yourself, have tested positive for COVID-19, this needs to be reported as “contact,” even if you are asymptomatic.

12. Will I be subject to discipline for missing work due to COVID-19 related reasons?

No. On the contrary, employees are required to report symptoms, close contact, and positive test results. Employees will never be disciplined due to reporting symptoms, contact, or a positive test, or for absences related to COVID-19 reasons. Failing to report may result in corrective and/or disciplinary action, up to and including termination. Employees should err on the side of caution and report symptoms, contact, or positive results if in doubt.

13. What about vaccine and/or booster side effects?

Employees must report any symptoms listed on the self-assessment, even if the employee believes they are side-effects from a recent vaccination or booster. The timing of the vaccination or booster will be considered when analyzing whether the employee is subject to quarantine or isolation.

14. I took a rapid test/PCR test outside of the workplace and it was positive. Do I need to let the City know?

Yes. Regardless of the reason you took a test, you must inform the City as soon as possible once you receive a positive test result on either a PCR or antigen (i.e., rapid) test. Please provide a copy of the test results, or a photo of the positive rapid test to your supervisor and remain at home pending further assessment.

Vaccination Status/Rules

15. Is the City requiring employees to be vaccinated?

No, except for employees newly hired after October 13, 2021. Current employees are not required to get vaccinated, although the City strongly encourages employees to get vaccinated.

16. Do I need to provide proof of my vaccination?

Cal/OSHA Emergency Temporary Standards require employers to document employees' "Fully Vaccinated" status for purposes of determining whether employees will need to be excluded as a COVID-19 case or for close contact exposure. Employees are therefore encouraged to provide proof of vaccination to Personnel Services. If an employee does not furnish proof of vaccination status, the City will assess the employee as though they are unvaccinated for purposes of quarantine and isolation, and employees will be subject to rules for unvaccinated employees.

17. When am I considered "fully vaccinated?"

You are considered fully vaccinated two weeks after the second shot of a two-shot series (i.e., Pfizer or Moderna) or two weeks after the single shot of Johnson & Johnson.

18. What about boosters?

If employees are eligible for boosters and receive them, employees are encouraged to furnish proof to Personnel Services. Booster status is relevant to the analysis of exclusion from the workplace.

19. Where can I obtain a vaccination and/or booster?

Keep an eye on weekly Public Affairs emails, which detail weekly testing schedules as well as vaccination and/or booster clinics. Employees may obtain the vaccine and/or booster free of charge.

Exclusion from the Workplace (i.e., isolation and/or quarantine)

Effective January 14, 2022, Cal/OSHA adopted the current California Department of Public Health guidelines for quarantine and isolation periods. In most cases, these new rules offer employees the opportunity to return to the workplace earlier than they could before if certain conditions are met.

20. I tested positive for COVID, what can I expect?

An employee testing positive for COVID either on a PCR or Antigen (i.e., rapid) test has a default isolation period of ten days from the date the positive sample was collected. An employee testing positive may return to work after as few as five days if the following three conditions are met:

- a. The employee tests negative on an antigen (i.e., rapid) test on day five (5) or later. The day of the collection of the positive sample is day zero (0), so you will count from one the day after the collection of the positive sample, and;
- b. The employee is asymptomatic or symptoms are improving, and;
- c. The employee has been fever-free for at least twenty-four hours without the use of fever-reducing medications.

If any of these conditions are unmet, the employee must continue to isolate until either all three conditions are met or at least ten days have passed, and the employee has been fever-free for at least twenty-four hours without the use of fever-reducing medications.

21. I am symptomatic but have not tested. What can I expect?

Irrespective of vaccination status, any symptomatic employee has a default isolation period of ten days from the date symptoms emerged. An employee with symptoms may return to work after as few as five days if the following three conditions are met:

- a. The employee tests negative on an antigen (i.e., rapid) test on day five (5) or later. The day of the collection of the positive sample is day zero (0), so you will count from one the day after the collection of the positive sample, and;
- b. The employee is asymptomatic and;
- c. The employee has been fever-free for at least twenty-four hours without the use of fever-reducing medications.

If any of these conditions are unmet, the employee must continue to isolate until either all three conditions are met or at least ten days have passed, and the employee has been fever-free for at least twenty-four hours without the use of fever-reducing medications.

22. I am unvaccinated and have had close contact with a COVID case or a presumed COVID case (i.e., symptomatic person). What should I expect?

Employees in this category have a default quarantine period of ten days from the date symptoms emerged. An unvaccinated employee may return to work after as few as five days if the following three conditions are met:

- a. The employee tests negative on an antigen (i.e., rapid) test on day five (5) or later. The day of the collection of the positive sample is day zero (0), so

you will count from one the day after the collection of the positive sample, and;

- b. The employee is asymptomatic and;
- c. The employee has been fever-free for at least twenty-four hours without the use of fever-reducing medications.

If any of these conditions are unmet, the employee must continue to quarantine until either all three conditions are met or at least ten days have passed, and the employee has been fever-free for at least twenty-four hours without the use of fever-reducing medications.

23. I am fully vaccinated and booster eligible and have not yet had my booster. I have had close contact with a COVID case or presumed COVID case (i.e., symptomatic person). What should I expect?

Employees in this category need not quarantine if the following three conditions are met:

- a. The employee remains asymptomatic, and;
- b. The employee takes an antigen (i.e., rapid) test on day three (3) through five (5) and the results are negative, and
- c. The employee masks and remains six feet apart from all other employees in the workplace pending negative test results.

If any of these conditions are unmet, the employee must quarantine for ten days, starting from the last day of close contact. If an employee has already returned to work and is unable or unwilling to test on day three (3) through five (5), that employee will be sent home to quarantine for the balance of the ten-day period.

Once an employee in this category produces a negative test taken on days three (3) through five (5), the employee may continue to work normally, and the six-foot rule no longer applies. However, the employee, regardless of vaccination status, must remain masked for ten days from the last day of close contact.

24. I am vaccinated and boosted or fully vaccinated and not yet booster eligible. I have had close contact with a COVID case or presumed COVID case (i.e., symptomatic person). What should I expect?

Employees in this category need not quarantine if the following three conditions are met:

- a. The employee remains asymptomatic; and

b. The employee takes an antigen (i.e., rapid) test on day five (5) and the results are negative; and

c. The employee masks and remains six feet apart from all other employees in the workplace pending negative test results.

Once an employee in this category produces a negative test taken on day five (5), the employee may continue to work normally, and the six-foot rule no longer applies. However, the employee must remain masked for ten days from the last day of close contact.

If the employee is unable or unwilling to provide a test on day five (5) and the employee remains asymptomatic, the employee may remain at work, but must continue to mask and remain six feet apart from all other employees in the workplace for a total of fourteen (14) days from the last day of close contact.

25. My close contact is a dependent from whom I cannot isolate (i.e., I am a caretaker). What should I expect?

Caretakers who are unvaccinated or fully vaccinated and booster eligible but have not yet received a booster vaccine, and are unable to isolate their sick family member, must remain quarantined until the dependent no longer qualifies as a COVID-19 case (i.e., the dependent is no longer subject to a state or local quarantine or isolation order, the dependent is cleared to return to school, the dependent tests negative on day five or later, or at least ten days have passed since the dependent tested positive or symptoms developed). The day the dependent is no longer subject to a quarantine or isolation order becomes the City employee's day zero. Depending on vaccination status, the employee may then return to work under the conditions discussed in the applicable question 22 or 23 above.

Caretakers who are fully vaccinated and boosted or fully vaccinated and not yet booster eligible and are unable to isolate their sick family member, are not required to quarantine and may resume working in the workplace provided caretakers meet all the following conditions:

- 1) asymptomatic;
- 2) continues to monitor for symptoms;
- 3) wear mask;
- 4) maintain six feet physically distanced from other employees; and
- 5) report last close contact date (i.e., day zero).

Upon determination of employee's last close contact date (i.e., day zero), the employee resumes work under the conditions discussed in question 24 above.

26. When the Cal/OSHA rules require a test, what kind of test are they talking about?

While a PCR test remains valid under Cal/OSHA rules, for purposes of early return to work, Cal/OSHA prefers antigen (i.e., rapid) tests. This includes the antigen tests you get at the store and administer yourself at home.

Please note: Negative PCR tests are no longer required for early return to work.

27. Do I still need a physician's note to return to work early?

No. There is no longer a physician's note required.

28. Do I need to provide proof of my negative test to return to work early?

Yes. Please send a photograph of your negative rapid test to your supervisor or your personnel manager when requesting approval for early return to work.

29. Where do I get an antigen (i.e., rapid) test?

The City's Health and Welfare Trust will cover the cost of antigen tests consistent with law. Employees are eligible to order four antigen tests per household from the federal government at covidtests.gov.

30. Is the City requiring employees to test in order to get back to the worksite early?

No. The City is not requiring isolated/quarantined individuals to test. Testing for early return to work is optional at this time.

31. If I have had COVID in the past ninety (90) days, do I still need to quarantine and/or isolate?

Yes. The new Cal/OSHA rules do not provide any exceptions for recent, previous COVID infections.

32. Does the ninety (90) day rule regarding mandatory testing still apply?

Yes. Pursuant to Emergency Order 2021-02, employees who are required to test (i.e., unvaccinated employees or employees who have chosen not to furnish proof of vaccination to the City) are exempted from testing for ninety (90) days after a positive test.

COVID-19 Leave ("SB 114 Leave")

33. Is the new SB 114 Leave related to previous COVID-19 Leave entitlements?

No. Irrespective of whether employees used any or all of previous COVID-19 Leave entitlements, they are eligible to use all time afforded to them under SB 114.

34. When is SB 114 Leave effective?

SB 114 is effective starting Saturday, February 19, 2022. The Leave entitlement is retroactive to January 1, 2022 and expires September 30, 2022.

35. What does retroactive mean?

It means if you took leave from work for a qualifying reason under SB 114 from January 1, 2022, to February 18, 2022, you will be able to elect to have your leave balances refunded, or Leave Without Pay recompensated, up to the applicable maximum amount of SB 114 Leave available to you.

36. How much SB 114 Leave am I entitled to?

SB 114 Leave is different from previous COVID-19 Leave entitlements in that it is broken up into two distinct categories, with different criteria for use. Each of the two categories entitles an employee to a maximum of the number of hours worked in a week's time. Most full-time employees will be eligible for a maximum of forty (40) hours per category. Part-time employees, or employees working atypical shifts, such as Firefighters, should consult their department's Personnel Manager to understand their allotment.

Since there are two distinct categories, an employee is entitled to up to a maximum of the number of hours worked in a two-week period. Most full-time employees will be eligible for a maximum of eighty (80) total hours.

37. What are the categories?

Category A:

- 1) Employee is subject to a quarantine or isolation period related to COVID-19 by state or local health order/guidance or federal Centers for Disease Control and Prevention; or
- 2) Health care provider advised employee to isolate or quarantine due to COVID-19; or
- 3) Employee is attending a COVID-19 vaccine or vaccine booster appointment for themselves or a family member; or
- 4) Employee is experiencing symptoms or caring for a family member experiencing symptoms related to a COVID-19 vaccine or vaccine booster that prevent the employee from working or teleworking; or

- 5) Employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis; or
- 6) Employee is taking care of a family member who is subject to a quarantine or isolation period related to COVID-19 by state or local health order/guidance or federal Centers for Disease Control and Prevention; or employee is taking care of a family member who has been advised by a health care provider to isolate or quarantine due to COVID-19; or
- 7) Employee is caring for a child whose school or place of care is closed or otherwise unavailable for reasons related to COVID-19 on the premises.

Category B:

If an employee tests positive for COVID-19 or the employee is providing care for a family member who tests positive (i.e., biological, adopted, or foster child, stepchild, legal ward, or child to whom the employee stands in loco parentis regardless of the age or dependency status; biological, adoptive, or foster parent, stepparent, legal guardian of an employee or employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child; a spouse; registered domestic partner; grandparent; grandchild; or sibling).

38. Do I get to designate which category I want to use?

Yes. The employee elects which category, and how many hours in each category, the employee would like to use for a qualifying reason.

For example, if an employee tests positive for COVID-19 and is unable to work or telework, they may decide to use three days of category B leave. On the fourth day, the employee's child may become symptomatic for COVID-19, and the employee needs to care for them for two days. Therefore, the employee may designate days four and five as category A.

39. Can I cash out my SB 114 Leave?

No. SB 114 Leave is provided for use consistent with the statute and will expire on September 30, 2022.

40. If I use up my SB 114 Leave, will it be replenished?

No. SB 114 Leave is not replenished, and each employee will only be entitled to up to the maximum amount of Leave under each category.

41. Do I have to take my SB 114 if I have a qualifying reason?

No. The employer cannot require the employee to use their SB 114 Leave entitlement under any circumstance. The employee must elect and authorize the use of SB 114 Leave.

42. Will I need to submit proof of the qualifying reason to the City?

SB 114 permits the employer to require proof of eligibility for SB 114 Leave, including, but not limited to, proof of positive COVID-19 test, if applicable.

43. How do I apply for SB 114 Leave?

Look for communication from Public Affairs and Personnel Services regarding a modified application for SB 114 Leave soon. In the meantime, please document your request for SB 114 Leave usage with your supervisor and department Personnel Manager, if possible.

44. What information do I need to share when requesting SB 114 Leave?

You must state the qualifying circumstance, identify who is impacted (e.g., self, dependent, etc.), and identify which category of Leave you want to use.

45. How will I know how much SB 114 Leave I have left?

Starting in the pay period ending March 18th, employees will be able to see how much SB 114 Leave time in each category they have remaining on their paystub or in PeopleSoft. Should employees have questions about how much SB 114 Leave they have remaining, they should contact their department's Personnel Manager, or consult Payroll.

46. Will SB 114 Leave be counted against me for disciplinary purposes?

No. SB 114 Leave is protected by law. You will not be disciplined or have the usage of SB 114 Leave counted against you in any manner.

Questions

Employees with questions regarding COVID-19 related rules and protocol should contact their supervisor or manager, their department's personnel manager, Personnel Services, or the Healthy Workplace Task Force at HWTF@fresno.gov.