

Superior Court of California  
County of Santa Clara



191 North First Street  
San Jose, California 95113  
(408) 882-2700

## Procedures for Employee COVID-19 Exposures and Positive Tests

(Updated March 22, 2023)

These procedures are designed to assist the Court and its employees with responding to exposures to and positive test cases of COVID-19. These procedures are drafted in accordance with guidelines from the Santa Clara County Department of Public Health (“SCCDPH”), the California Department of Industrial Relations, Division of Occupational Safety (“Cal/OSHA”) Emergency Temporary Standards on COVID-19 Infection Prevention, the California Department of Public Health (“CDPH”), and Assembly Bill 685.

**Employees are asked to report COVID-19 symptoms, possible COVID-19 exposures, and possible COVID-19 hazards at the workplace. Employees may make these reports without fear of reprisal.**<sup>1</sup> The Court will not retaliate against an employee for disclosing a positive COVID-19 test or diagnosis or order to quarantine or isolate. Employees who believe they have been retaliated against in violation of this section may file a complaint with the Division of Labor Standards Enforcement pursuant to Section 98.6. The complaint shall be investigated as provided in Section 98.7.<sup>2</sup>

Please visit [www.sccsafeworkplace.org](http://www.sccsafeworkplace.org) or contact your Human Resources Benefits Analyst with any questions regarding these procedures.

The Court will follow these procedures after a notice of potential exposure.<sup>3</sup> Notice of exposure means any of the following:

- Notification to the Court or representative from a SCCDPH official or licensed medical provider that an employee was exposed to a COVID-19 case at the worksite.
- Notification to the Court or representative from an employee, or their emergency contact, that the employee is a COVID-19 case.
- Notification through the testing protocol of the Court that the employee is a COVID-19 case.
- Notification to the Court or representative from a subcontracted employer that a COVID-19 case was present at a Court worksite.

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<sup>1</sup> CCR Title 8 Section 3205(c)(1)(A)

<sup>2</sup> Labor Code Section 6409.6(g)

<sup>3</sup> Labor Code Section 6409.6(d)(3)

# 1. Definitions

A. "Close contact" means the following:

- In indoor spaces four hundred thousand (400,000) or fewer cubic feet per floor (such as home, clinic waiting room, airplane etc.), a close contact is defined as sharing the same indoor airspace for a cumulative total of fifteen (15) minutes or more over a twenty four (24) hour period (for example, three (3) separate five (5) minute exposures for a total of fifteen (15) minutes) during a COVID-19 Case's infectious period.
- In large indoor spaces greater than four hundred thousand (400,000) cubic feet per floor (such as open-floor-plan offices, warehouses, large retail stores, manufacturing, or food processing facilities), a close contact is defined as being within six (6) feet of a COVID-19 Case for a cumulative total of fifteen (15) minutes or more over a twenty four (24) hour period during the COVID-19 Case's infectious period.

Spaces that are separated by floor-to-ceiling walls (e.g., offices, suites, rooms, waiting areas, bathrooms, or break or eating areas that are separated by floor-to-ceiling walls) must be considered distinct indoor airspaces. Being considered a close contact does not depend on whether the contact or the COVID-19 case was wearing a face covering during their interaction.<sup>4</sup>

B. "COVID-19 Case" means any person who:

1. Has a positive COVID-19 test;
2. Has a positive COVID-19 diagnosis from a licensed health care provider;
3. Is subject to a COVID-19-related order to isolate issued by a local or state health official; or
4. Has died due to COVID-19, in the determination of a local public health department or per inclusion in the COVID-19 statistics of a county.<sup>5</sup>

C. "COVID-19 Test" means a test for SARS-CoV-2 that is:

1. Cleared, approved, or authorized, including an Emergency Use Authorization (EUA), by the United States Food and Drug Administration ("FDA") to detect current infection with the SARS-CoV-2 virus (e.g., a viral test); and
2. Administered in accordance with authorized instructions.<sup>6</sup>

D. "COVID-19 symptoms" means fever of 100.4 degrees Fahrenheit or higher, 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, unless a licensed health care professional determines the person's symptoms were caused by a known condition other than COVID-19.<sup>7</sup>

E. "Exposed group" means all employees at a work location, working area, or common area at work, where an employee COVID-19 case was present at any time during the infectious period. A common area at work includes bathrooms, walkways, hallways, aisles, break or eating areas, and waiting areas.

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<sup>4</sup> CCR Title 8 Section 3205(b)(1); CDPH Guidance for Local Health Jurisdictions on Isolation and Quarantine of the General Public, updated March 13, 2023

<sup>5</sup> CCR Title 8 Section 3205(b)(3); Labor Code Section 6409.6(d)(4) defines such persons as "Qualifying Individuals."

<sup>6</sup> CCR Title 8 Section 3205(b)(6)

<sup>7</sup> CCR Title 8 Section 3205(b)(5)

- a. For the purpose of determining the exposed group, a place where persons momentarily pass through while everyone is wearing face coverings, without congregating, is not a work location, working area, or a common area at work.
  - b. If the COVID-19 case was part of a distinct group of employees who are not present at the workplace at the same time as other employees, for instance a work crew or shift that does not overlap with another work crew or shift, only employees within that distinct group are part of the exposed group.
  - c. If the COVID-19 case visited a work location, working area, or a common area at work for less than fifteen (15) minutes during the infectious period, and the COVID-19 case was wearing a face covering during the entire visit, other people at the work location, working area, or common area are not part of the exposed group.<sup>8</sup>
- F. “Face covering” means a surgical mask, a medical procedure mask, a respirator worn voluntarily, or a tightly woven fabric or non-woven material of at least two layers (i.e., fabrics that do not let light pass through when held up to a light source) that completely covers the nose and mouth and is secured to the head with ties, ear loops, or elastic bands that go behind the head. If gaiters are worn, they shall have two layers of fabric or be folded to make two layers. A face covering is a solid piece of material without slits, visible holes, or punctures, and must fit snugly over the nose, mouth, and chin with no large gaps on the outside of the face. A face covering does not include a scarf, ski mask, balaclava, bandana, turtleneck, collar, or single layer of fabric.<sup>9</sup>
- G. “Infectious period” is defined as:
- For symptomatic COVID-19 Cases, two (2) days before the COVID-19 Case had any symptoms (symptom onset date is Day 0) through Days 5-10 after symptoms first appeared and twenty four (24) hours have passed with no fever, without the use of fever-reducing medications, and symptoms have improved, OR
  - For asymptomatic COVID-19 Cases, two (2) days before the positive specimen collection date (collection date is Day 0) through Day 5 after positive specimen collection date.
- For the purposes of identifying close contacts and exposures, symptomatic and asymptomatic infected persons who end isolation in accordance with this guidance and are no longer considered to be within their infectious period. Such persons should continue to follow CDPH isolation recommendations, including wearing a well-fitting face mask through Day 10.<sup>10</sup>
- H. “Respirator” means a respiratory protection device approved by the National Institute for Occupational Safety and Health (NIOSH) to protect the wearer from particulate matter, such as an N95 filtering facepiece respirator.<sup>11</sup>
- I. “Returned case” means a COVID-19 case who returned to work and did not develop any COVID-19 symptoms after returning. A person shall only be considered a returned case for ninety (90) days after the initial onset of COVID-19 symptoms or, if the person never developed COVID-19 symptoms, for ninety (90) days after the first positive test. If a period of other than ninety (90) days is required by a CDPH regulation or order, that period shall apply.<sup>12</sup>

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<sup>8</sup> CCR Title 8 Section 3205(b)(7)

<sup>9</sup> CCR Title 8 Section 3205(b)(8)

<sup>10</sup> CCR Title 8 Section 3205(b)(9); CDPH Guidance for Local Health Jurisdictions on Isolation and Quarantine of the General Public, updated March 13, 2023

<sup>11</sup> CCR Title 8 Section 3205(b)(10)

<sup>12</sup> CCR Title 8 Section 3205(b)(11)

## 2. Suspected COVID-19 Positive Employee

- A. If, upon arrival at the worksite or at any time during the workday, an employee, including those that are fully vaccinated, appears to have any of the COVID-19 symptoms, the employee will be immediately separated from others and sent home.<sup>13</sup>
- B. An employee who is working remotely should report experiencing any of these symptoms to his or her supervisor immediately if the employee has been at the worksite within the infectious period, as defined above.
- C. The employee should self isolate and test for COVID-19 as soon as possible and, if necessary, seek medical advice.<sup>14</sup> For symptomatic persons who have tested positive within the previous 31-90 days, using an antigen test is preferred because PCR tests can detect noninfectious viral fragments for up to 90 days<sup>15</sup>.
  - 1. **If the employee tests negative for COVID-19**, and symptoms persist, consider continuing self-isolation and retesting with an antigen or PCR test in 1–2 days if testing negative with an antigen test, particularly if tested during the first 1–2 days of symptoms. Consider repeat testing every 1–2 days for several days until testing positive or symptoms improve.<sup>16</sup>
  - 2. **If the employee tests positive for COVID-19**, the employee must notify Human Resources immediately and follow the steps below.<sup>17</sup> The employee should also contact their healthcare provider about available treatments if symptoms are severe or they are at high risk for serious disease or if they have any questions concerning their care.<sup>18</sup>

## 3. COVID-19-Positive Employee

- A. Employees must immediately alert Human Resources if they test positive for COVID-19 and were present in the workplace during the “infectious period,” as defined above.
- B. If the COVID-19-positive employee is at work, they shall immediately leave the facility/worksite, ensuring they are no longer occupying the same space as any other personnel.<sup>19</sup>
- C. The COVID-19-positive employee, **regardless of vaccination status, previous infection, or lack of symptoms**, must stay home and isolate for at least five (5) days after the start of symptoms (or after date of first positive test if no symptoms).<sup>20</sup>

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<sup>13</sup> CDPH Guidance for Local Health Jurisdictions on Isolation and Quarantine of the General Public, updated March 13, 2023; Guidance for Safe Operation, updated January 20, 2023 by the Santa Clara County Public Health Officer

<sup>14</sup> CDPH Guidance for Local Health Jurisdictions on Isolation and Quarantine of the General Public, updated March 13, 2023; Guidance for Safe Operation, updated January 20, 2023 by the Santa Clara County Public Health Officer

<sup>15</sup> CDPH Guidance for Local Health Jurisdictions on Isolation and Quarantine of the General Public, updated March 13, 2023

<sup>16</sup> CDPH Guidance for Local Health Jurisdictions on Isolation and Quarantine of the General Public, updated March 13, 2023

<sup>17</sup> Guidance for Safe Operation, updated January 20, 2023 by the Santa Clara County Public Health Officer

<sup>18</sup> CDPH Guidance for Local Health Jurisdictions on Isolation and Quarantine of the General Public, updated March 13, 2023

<sup>19</sup> Guidance for Safe Operation, updated January 20, 2023 by the Santa Clara County Public Health Officer

<sup>20</sup> CDPH Guidance for Local Health Jurisdictions on Isolation and Quarantine of the General Public, updated March 13, 2023

- a. Isolation can end after Day 5 if symptoms are not present or are resolving AND fever-free for twenty four (24) hours without the use of fever-reducing medications.
  - b. If a fever is present, isolation should be continued until twenty four (24) hours after fever resolves.
  - c. If symptoms, other than fever, are not resolving, the employee should continue to isolate until symptoms are resolving or until after Day 10. If symptoms are severe, or if the infected person is at high risk of serious disease, or if they have questions concerning care, infected persons should contact their healthcare provider for available treatments.
  - d. Employees should wear a well-fitting mask around others for a total of ten (10) days, especially in indoor settings. After ending isolation, employees may remove their mask sooner than Day 10 with two sequential negative tests one day apart.<sup>21</sup>
- D. COVID-19 positive employees will be provided with the most recent isolation guidance.
  - E. A medical note is not required for an employee to return to work.<sup>22</sup>
  - F. COVID-19 positive employees must provide a list of other persons with whom they had close contact at the workplace during the infectious period.<sup>23</sup>

#### **4. Others Potentially Exposed to the COVID-19 Case During the Infectious Period**

##### **A. Close Contacts**

- 1. All people, if known, who had close contact with a COVID-19 case at the workplace during the infectious period will be identified.<sup>24</sup>
- 2. Employees identified as close contacts are not required to quarantine.<sup>25</sup>
  - a. Employees should test within three (3) to five (5) days from the last date of exposure to the COVID-19 case.
  - b. Employees are strongly recommended to wear a well-fitting mask around others for a total of ten (10) days, especially in indoor settings.
  - c. If symptoms develop, the employee must stay home and follow the guidance above.
  - d. If the employee tests positive, they must follow the isolation recommendations above.
- 3. When an order to isolate, quarantine, or exclude an employee is issued by a local or state health official, the employee shall not return to work until the period of isolation or quarantine is completed or the order is lifted.<sup>26</sup>
- 4. COVID-19 testing locations can be found from an employee's medical provider as well as on the SCCPHD's website.<sup>27</sup>

##### **B. Non-Close Contacts**

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<sup>21</sup> CDPH Guidance for Local Health Jurisdictions on Isolation and Quarantine of the General Public, updated March 13, 2023

<sup>22</sup> Guidance for Safe Operation, updated January 20, 2023 by the Santa Clara County Public Health Officer

<sup>23</sup> CCR Title 8 Section 3205(c)(3)(A); CCR Title 8 Section 3205(c)(3)(B)

<sup>24</sup> CCR Title 8 Section 3205(c)(3)(A); CCR Title 8 Section 3205(c)(3)(B); Guidance for Safe Operation, updated January 20, 2023 by the Santa Clara County Public Health Officer

<sup>25</sup> CDPH Guidance for Local Health Jurisdictions on Isolation and Quarantine of the General Public, updated March 13, 2023

<sup>26</sup> CCR Title 8 Section 3205(c)(10)(E)

<sup>27</sup> Guidance for Safe Operation, updated January 20, 2023 by the Santa Clara County Public Health Officer

1. All other employees, including those who are fully vaccinated, who are not identified as close contacts and who are at the same worksite where the COVID-19 case was present during the infectious period should self-monitor for COVID-19 symptoms for ten (10) days after the last day that the COVID-19 case was at work.<sup>28</sup>
2. If employees develop symptoms, they should stay home (or if at work, go home immediately) and follow the steps above.<sup>29</sup>

## **5. Non-Workplace Related Exposures and COVID-19 Case**

- A. Employees who have been in close contact with someone who has been diagnosed as a COVID-19 case outside the workplace should follow the guidance of the [California Department of Public Health](#) (updated March 13, 2023) and the [Santa Clara County Public Health Department](#) (updated December 21, 2022).

## **6. Facility/Worksite**

- A. The Court will clean areas, material, and equipment used by a COVID-19 case during the infectious period, and will disinfect any indoor area, material, or equipment if scheduled to be used by another employee within twenty four (24) hours of the COVID-19 case.<sup>30</sup>
- B. Employees will be notified of the disinfection and safety plan.<sup>31</sup>

## **7. Investigation**

- A. The Court will investigate and document the COVID-19 cases in the workplace. This includes seeking information from employees regarding COVID-19 cases and close contacts, COVID-19 test results and onset of COVID-19 symptoms, and identifying and recording COVID-19 cases.<sup>32</sup> The Court will determine 1) the date and time the COVID-19 case was present at the workplace; 2) schedule and work location (if applicable); 3) the day their symptoms began (if applicable); 4) the date of their first positive test; and 5) the locations at the workplace which may have been visited by the COVID-19 case during the infectious period.<sup>33</sup> This information will be used to identify all individuals who may have had close contact with the COVID-19 case during the infectious period at the same worksite.<sup>34</sup>
- B. The Court will comply with any case investigation and contact tracing measures by the SCCPHD.<sup>35</sup>

## **8. Notification Protocols**

- A. Employees
  1. The Court will, within one (1) business day of the time the Court becomes aware of a COVID-19 case, notify employees and their authorized representatives who were or may have been

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<sup>28</sup> Guidance for Safe Operation, updated January 20, 2023 by the Santa Clara County Public Health Officer

<sup>29</sup> Guidance for Safe Operation, updated January 20, 2023 by the Santa Clara County Public Health Officer

<sup>30</sup> CCR Title 8 Section 3205(c)(7)(B)

<sup>31</sup> Labor Code Section 6409.6(a)(4)

<sup>32</sup> CCR Title 8 Section 3205(c)(3)(B)

<sup>33</sup> CCR Title 8 Section 3205(c)(3)(B)(1)

<sup>34</sup> CCR Title 8 Section 3205(c)(3)(B)(2)

<sup>35</sup> CCR Title 8 Section 3205(c)(8)(A); Labor Code Section 6409.6(a)(4)(b)

exposed to a COVID-19 case at the same worksite during the infectious period in the manner the Court normally uses to communicate employment-related information.<sup>36</sup>

2. The notice to applicable employee representatives will contain the same information as would be required in an incident report in a Cal/OSHA Form 300 injury and illness log unless the information is inapplicable or unknown to the Court and will include the cleaning and disinfection plan in the COVID-19 Prevention Plan.<sup>37</sup>
3. Employees who are identified as a close contact of a COVID-19 case at the workplace are entitled to obtain free testing during working hours, consistent with CCR Title 8 Section 3205, unless that employee is a returned case.<sup>38</sup>
4. The Court will provide COVID-19 positive employees and employees identified as a close contact of a COVID-19 case with benefit information and anti-retaliation and antidiscrimination policies.<sup>39</sup>

**B. Independent Contractors and Other Employers**

1. The Court will notify any independent contractors or other employers present at the Court's facilities who were or may have been identified as a close contact of the COVID-19 case during the infectious period at the same work location within one (1) business day of the time the Court becomes aware of a COVID-19 case.<sup>40</sup>

**C. County Public Health Department**

1. The Court will notify the SCCPHD of a COVID-19 employee case at the Court's facilities as required by law.<sup>41</sup>

**D. Cal/OSHA and Other Governmental Agencies**

1. Information related to COVID-19 cases will be provided to Cal/OSHA, the CDPH, and the National Institute for Occupational Safety and Health immediately upon request as required by law.<sup>42</sup>

## **9. Confidentiality**

- A. The Court will keep employees' medical information and records confidential unless disclosure is required or permitted by law.<sup>43</sup> Unredacted information on COVID-19 cases will be provided to the CDPH, SCCPHD, Cal/OSHA, and the NIOSH, immediately upon request and when required by law.<sup>44</sup> The Court will not disclose the identity of the COVID-19-case when identifying close contacts.<sup>45</sup>

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<sup>36</sup> CCR Title 8 Section 3205(c)(3)(B)(3) and (4); Labor Code Section 6409.6(a)(1) and (2)

<sup>37</sup> Labor Code Section 6409.6(c); CCR Title 8 Section 3205(c)(3)(B)(5)

<sup>38</sup> CCR Title 8 Section 3205(c)(3)(B)(5)

<sup>39</sup> Labor Code Section 6409.6(a)(3); CCR Title 8 Section 3205(c)(3)(B)(5); CCR Title 8 Section 3205(c)(9)(E)

<sup>40</sup> CCR Title 8 Section 3205(c)(3)(B)(3)(b)

<sup>41</sup> CCR Title 8 Section 3205(c)(8)(A); CCR Title 8 Section 3205(c)(3)(C)

<sup>42</sup> CCR Title 8 Section 3205(c)(3)(C)

<sup>43</sup> CCR Title 8 Section 3205(c)(3)(C)

<sup>44</sup> CCR Title 8 Section 3205(c)(3)(C)

<sup>45</sup> CCR Title 8 Section 3205(c)(3)(B)(3)

- B. No personally identifiable employee information shall be subject to a Rule 10.500 request or similar request, posted on a public internet website, or shared with any other state or federal agency.<sup>46</sup>

The following chart summarizes the procedure for notifying employees potentially exposed to a COVID-19 case:

Responsible Party	Step	Action
Anyone aware of a person confirmed COVID-19 case who was present in a Court Facility	1	Notify Lisa Herrick, AEO & General Counsel, at <a href="mailto:lherrick@scscourt.org">lherrick@scscourt.org</a> and Leslie Jensen, Deputy General Counsel, at <a href="mailto:ljensen@scscourt.org">ljensen@scscourt.org</a> or Human Resources.
L. Herrick/L. Jensen/Human Resources	2	Obtain all details about presence of COVID-19 case. If presence of COVID-19 case occurred in courtroom, contact Jennifer Vigna, Court Services Director, at <a href="mailto:jvigna@scscourt.org">jvigna@scscourt.org</a> and Alicia Vojnik, Deputy CEO, at <a href="mailto:avojnik@scscourt.org">avojnik@scscourt.org</a> (J. Vigna’s backup) for hearing minutes to identify all persons in the courtroom.
J. Vigna/A. Vojnik	3	Review hearing minutes and provide names and classifications of all persons present in the courtroom to L. Herrick and L. Jensen.
L. Herrick/L. Jensen	4	Contact SCCPHD to provide information about exposure as required. If requested by SCCPHD, contact: Sulakshna Chauhan, Human Resources Director, at <a href="mailto:schauhan@scscourt.org">schauhan@scscourt.org</a> and Leslie Jensen at <a href="mailto:ljensen@scscourt.org">ljensen@scscourt.org</a> (S. Chauhan’s backup) to obtain contact information of Court personnel.
L. Herrick/L. Jensen	5	Work with Benefits Analysts to provide information to SCCPHD (copy to T. Daron with personal details removed)
L. Herrick/L. Jensen (backup)	6	Send Court personnel information to SCCPHD.
L. Herrick/L. Jensen (backup)	7	Contact Court personnel by blind copy to notify about COVID-19 information.

## 10. Face Covering Requirement

- A. The Court will continue to encourage employees and members of the public to wear face coverings in Court facilities<sup>47</sup>
1. See also [COVID-19 Prevention Plan](#) Section 8 “Face Coverings”
  2. See also [General Order Regarding Face Coverings in Courthouses](#)

<sup>46</sup> Labor Code Section 6409.6(j)

<sup>47</sup> General Order Regarding Face Coverings in Courthouses issued September 26, 2022