

COVID-19 Prevention Program (CPP) for the Superior Court of California, County of Santa Clara¹

This COVID-19 Prevention Program (“CPP”) is designed to control exposures to the SARS-CoV-2 virus that may occur in the Court’s facilities.

Date: Updated March 22, 2023

1. Authority and Responsibility

- A. The Superior Court of California, County of Santa Clara, in an on-going effort to provide a safe work environment to our employees, has instituted the following processes and protocols for the protection against contracting and spreading COVID-19.
- B. Tom Daron, Deputy Court Manager, has overall authority and responsibility for implementing the provisions of this CPP in the Court’s facilities. In addition, all managers and supervisors are responsible for implementing and maintaining the CPP in their assigned work areas and for ensuring employees receive answers to questions about the program in a language they understand.
- C. All employees are responsible for using safe work practices, following all directives, policies and procedures, and assisting in maintaining a safe work environment.

2. 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.²

¹ CCR Title 8 Section 3205(c)

² CCR Title 8 Section 3205; CDPH Guidance for Local Health Jurisdictions on Isolation and Quarantine of the General Public, updated March 13, 2023

1. A person will not be considered to have had a close contact if they were wearing and using a respirator, as defined in and in compliance with [CCR Title 8 Section 5144](#), whenever they were within six (6) feet of the COVID-19 case during the infectious period.³
- 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.⁴
- C. “COVID-19 hazard” means exposure to potentially infectious material that may contain SARS-CoV-2, the virus that causes COVID-19. Potentially infectious materials include airborne droplets, small particle aerosols, and airborne droplet nuclei, which most commonly result from a person or persons exhaling, talking or vocalizing, coughing, or sneezing, or from procedures performed on persons which may aerosolize saliva or respiratory tract fluids, among other things. This also includes objects or surfaces that may be contaminated with SARS-CoV-2.⁵
- D. “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.⁶
- 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.
 1. A common area at work includes bathrooms, walkways, hallways, aisles, break or eating areas, and waiting areas.
 2. 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.
 3. 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.
 4. 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.⁷
- 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

³ CCR Title 8 Section 3205(b)(1)

⁴ CCR Title 8 Section 3205(b)(3); Labor Code Section 6409.6(d)(4) defines such persons as “Qualifying Individuals.”

⁵ CCR Title 8 Section 3205(b)(4)

⁶ CCR Title 8 Section 3205(b)(6)

⁷ CCR Title 8 Section 3205(b)(7)

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.⁸

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 10.⁹

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.¹⁰

F. “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.¹¹

3. Identification and Evaluation of COVID-19 Hazards

A. The following have been and will continue to be implemented in the Court’s facilities:

1. Workplace-specific evaluations of all interactions, areas, activities, processes, equipment, and materials that could potentially expose employees to COVID-19 hazards.¹²
2. Such evaluations will include:
 - i. Identification of places and times when people may congregate or come in contact with one another, regardless of whether employees are performing an assigned work task or not. Examples include meetings or training and entrances, bathrooms, hallways, aisles, walkways, elevators, break or eating areas, and waiting areas.¹³
 - ii. An evaluation of employees’ potential workplace exposure to all persons present and those who may enter Court facilities, including coworkers, employees of other

⁸ CCR Title 8 Section 3205(b)(8)

⁹ 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

¹⁰ CCR Title 8 Section 3205(b)(10)

¹¹ CCR Title 8 Section 3205(b)(11)

¹² CCR Title 8 Section 3205(c)(2)(D)

¹³ CCR Title 8 Section 3205(c)(2)(D)(1)

entities, members of the public, and independent contractors. The Court will consider how employees and other persons enter, leave, and travel through Court facilities, in addition to addressing stationary work.¹⁴

- iii. An evaluation of employees' potential workplace exposures, including exposures from other employees and members of the public.
- iv. A review of applicable orders and general and industry-specific guidance from the Centers for Disease Control and Prevention ("CDC"), the California Department of Industrial Relations, Division of Occupational Safety ("Cal/OSHA"), the California Department of Public Health ("CDPH"), and the Santa Clara County Public Health Department ("SCCPHD") related to COVID-19 hazards and prevention.¹⁵ Such review will be conducted on an ongoing basis.
- v. A review of existing COVID-19 prevention controls, and the need for different or additional controls.¹⁶
- vi. Performance of periodic inspections, as needed to identify unhealthy conditions, work practices, and work procedures related to COVID-19 and to ensure compliance with all COVID-19 policies and procedures.¹⁷

4. Employee Participation

- A. An employee driven workplace COVID-19 Inspection Team will be implemented in coordination with the current Safety Committee, comprised of employees and the Court's Deputy Court Manager for Health and Safety. The Inspection Team will identify hazards, including potential hazards, in the workplace.¹⁸ Employees and their authorized employee representatives are encouraged to be part of the COVID-19 Inspection Team. Employees must get the approval of their direct manager/supervisor in order to be considered for the COVID-19 Inspection Team. The Court Manager for Health and Safety will implement and oversee the hazard correction process.
- B. The COVID-19 Inspection Team will:
 1. Conduct inspections once a month on a schedule agreed upon in advance with direct managers/supervisors.
 2. Have an inspection checklist provided by the Court Manager for Health and Safety.
 3. Receive inspection training by the Court Manager for Health and Safety.
- C. The Court Manager for Health and Safety will maintain inspection and hazards records.

5. Correction of COVID-19 Hazards

- A. Unsafe or unhealthy work conditions, practices, or procedures will be documented and

¹⁴CCR Title 8 Section 3205(c)(2)(D)(2)

¹⁵CCR Title 8 Section 3205(c)(2)(F)

¹⁶CCR Title 8 Section 3205(c)(2)(G)

¹⁷CCR Title 8 Section 3205(c)(2)(H)

¹⁸CCR Title 8 Section 3205(c)(2)(A)

corrected in a timely manner based on the severity of the hazards, as follows:¹⁹

1. The severity of the hazard will be assessed and correction time frames assigned, accordingly.
2. Individuals will be identified as being responsible for timely correction.
3. Follow-up measures will be taken to ensure timely correction.

6. Employee Screening

- A. Employees should self-screen according to CDPH guidelines before every shift.²⁰ Supervisors may continue to send out a reminder email asking employees to conduct a self-assessment for COVID-19.

7. Facilities and Engineering Controls

- A. The following measures have been put in place to ensure employees can safely perform their duties:
 1. Covered outdoor eating areas have been provided for employees.
 2. Plexi-glass has been added to courtrooms and public service counters areas.
 3. Judicial officers have discretion to require the use of face coverings, and to allow persons, including themselves, to remove their face coverings for periods of time for purposes such as ensuring the court reporter and/or electronic recording device can clearly report or record the proceedings and any other communication that occurs in the courtroom.²¹
- B. To the extent feasible, the quantity of outside air for Court facilities has been maximized with mechanical or natural ventilation systems by:²²
 1. Following CDC and ASHRAE guidelines to improve air ventilation;
 2. Increasing the frequency of filter changes to improve the air quality²³;
 3. Replacing the filter types to MERV-13 where feasible.²⁴ If MERV-13 is not feasible, replacing the filter types to the next highest MERV filter suitable for the specific HVAC system;
 4. Increasing the system run times to twenty four (24) hours a day, seven (7) days a week²⁵;
 5. Opening windows and doors when conditional allow;²⁶ and
 6. Ensuring ongoing, routine maintenance of the HVAC system in all areas.

¹⁹ CCR Title 8 Section 3205(c)(4)

²⁰CCR Title 8 Section 3205(c)(2)(B)

²¹ General Order Regarding Face Coverings in Courthouses issued September 26, 2022

²² CCR Title 8 Section 3205(c)(7)(A); CDPH Interim Guidance for Ventilation, Filtration, and Air Quality in Indoor Environments, issued February 23, 2023

²³ CDPH Interim Guidance for Ventilation, Filtration, and Air Quality in Indoor Environments, issued February 23, 2023

²⁴ CDPH Interim Guidance for Ventilation, Filtration, and Air Quality in Indoor Environments, issued February 23, 2023

²⁵ CDPH Interim Guidance for Ventilation, Filtration, and Air Quality in Indoor Environments, issued February 23, 2023

²⁶ CDPH Interim Guidance for Ventilation, Filtration, and Air Quality in Indoor Environments, issued February 23, 2023

8. Face Coverings

- A. The wearing of face coverings in courthouses and court facilities is strongly encouraged²⁷. The Court will provide face coverings to employees as needed and upon request.²⁸
- B. Should employees be required to wear a face covering in the event of an outbreak or other public health order, the following exceptions will apply:
 - a. When an employee is alone in a room or vehicle.
 - b. While eating or drinking at the workplace, provided employees are at least six feet apart and outside air supply to the area, if indoors, has been maximized to the extent feasible.
 - c. Employees wearing respirators required by the employer and used in compliance with section 5144. 4.
 - d. Employees who cannot wear face coverings due to the need for accommodation.²⁹

9. Cleaning and Disinfecting

- A. The following cleaning and disinfection measures have been implemented:
 - 1. Regular cleaning and disinfecting of frequently touched surfaces and objects, such as doorknobs, elevator buttons, equipment, tools, handrails, handles, controls, and bathroom surfaces.
 - 2. Ensuring adequate supplies and providing adequate time for the cleaning and disinfecting to be done properly.
- B. If there is a COVID-19 case at the Court's facilities during the infectious period, the following procedures will be implemented:
 - 1. Cleaning of areas, material, and equipment used by a COVID-19 case during the infectious period, and disinfection if the area, material, or equipment is indoors and will be used by another employee within twenty four (24) hours of the COVID-19 case.
 - 2. If safe, outside doors and windows will be opened and ventilating fans will be used to increase air circulation in the area.
 - 3. Using an EPA-certified cleaning agent, all areas used by the COVID-19 case, including offices, bathrooms, common areas, and shared electronic equipment will be cleaned and disinfected, focusing especially on frequently touched surfaces.
- C. Employees have been instructed on how to clean personal workstations, office and multi-use areas, and equipment such as microwave and copiers. Janitors are providing wipe down and cleaning of public areas and courtrooms daily. Night janitors are also cleaning courtrooms and secured areas.
- D. Employees will be notified of the disinfection and safety plan.³⁰

²⁷ General Order Regarding Face Coverings in Courthouses issued September 26, 2022

²⁸ CCR Title 8 Section 3205(c)(6)

²⁹ CCR Title 8 Section 3205(c)(6)C

³⁰ Labor Code Section 6409.6(a)(4)

10. Personal Protective Equipment (PPE)

- A. The Court has evaluated the need for personal protective equipment (PPE) to prevent exposure to COVID-19 hazards.³¹ The following items are made available to all employees for their use in the workplace:³²
1. Face coverings,
 2. Hand sanitizer,
 3. Alcohol wipes, and
 4. Respirators for those employees who are working indoors or in vehicles with more than one person.³³ The Court will ensure the use of such respirators is in compliance with CCR Title 8 Section 1544 when deemed necessary by Cal/OSHA through the Issuance of Order to Take Special Act.³⁴

11. Hand Sanitizing

- A. In order to implement effective hand sanitizing procedures, the following have been or will be implemented:
1. Handwashing facilities have been evaluated, including the need for additional facilities;³⁵
 2. Employees are encouraged to hand wash and have frequent breaks provided for such handwashing;³⁶
 3. Employees are provided effective hand sanitizer which does not contain methanol (i.e. methyl alcohol);³⁷
 4. Wall mounted and/or free standing hand sanitizer stations have been installed at all entry/exit doors, elevators, and courtrooms;
 5. Employees are encouraged to wash their hands for at least twenty (20) seconds each time;³⁸
 6. Hand sanitizer and/or soap and water are available at or near the facilities' entrances and at various locations throughout to enable the public and employees to frequently clean their hands;
 7. Handwashing and other sanitary facilities are checked to make sure they are operational and stocked at all times; and
 8. Educational materials are posted throughout the workplace.

12. System for Communicating³⁹

- A. The Court's goal is to ensure that there is effective two-way communication with employees, in a readily understandable form, including the following information:

³¹ CCR Title 8 Section 3205(c)(7)(C)(1)

³² CCR Title 8 Section 3205(c)(7)(C)(1) and (C)

³³ CCR Title 8 Section 3205(c)(7)(D)(2)

³⁴ CCR Title 8 Section 3205(c)(7)(B)

³⁵ CCR Title 8 Section 3205(c)(7)(B)

³⁶ CCR Title 8 Section 3205(c)(7)(B)

³⁷ CCR Title 8 Section 3205(c)(7)(C)

³⁸ CCR Title 8 Section 3205(c)(7)(C)

³⁹ CCR Title 8 Section 3205(c)(1)

1. Employees should report COVID-19 symptoms and possible close contacts to Human Resources.⁴⁰ Employees may make such reports without fear of reprisal.⁴¹
 2. Employees should report possible hazards to Tom Daron, Deputy Court Manager, via email at tdaron@scscourt.org.⁴² Employees may report hazards without fear of reprisal.⁴³
 3. Employees with medical or other conditions that put them at increased risk of severe COVID-19 illness should contact Human Resources for information related to possible accommodations.⁴⁴
 4. Employees can access COVID-19 testing through their healthcare provider or at free community testing sites (www.sccfreetest.org).⁴⁵
 5. Information about COVID-19 hazards employees may be exposed to, what is being done to control those hazards, and COVID-19 policies and procedures will be provided.⁴⁶
- B. The Court will continue to send Court-wide email communications pertaining to the latest updates/changes to the SCCPHD COVID-19 guidelines, CDC updates, COVID-19 reporting and testing, and general safe best practice tips. In addition, postings of CDC and SCCPHD guidelines for the prevention and spreading of COVID-19 are displayed throughout the Court's facilities.

13. Training and Instruction

- A. The Court will provide employees with socially distanced remote training in COVID-19 protocols and latest updates on an on-going basis, in accordance with Cal/OSHA guidelines.⁴⁷ The topics covered include:
1. Current policies and procedures to protect employees from COVID-19 workplace hazards.⁴⁸
 - i. Information related to COVID-19-related work benefits to which employees may be entitled under applicable federal, state, or local laws, including benefits available under legally mandated sick and vaccination leave, if applicable, workers' compensation law, local government requirements, the Court's leave policies, Cal/OSHA regulations, and any leave guaranteed by contract.⁴⁹
 2. How to participate in the identification and evaluation of COVID-19 hazards.⁵⁰
 3. The fact that:

⁴⁰ CCR Title 8 Section 3205(c)(1)(A); Guidance for Safe Operation, updated January 20, 2023 by the Santa Clara County Public Health Officer

⁴¹ CCR Title 8 Section 3205(c)(1)(A)

⁴² CCR Title 8 Section 3205(c)(1)(A)

⁴³ CCR Title 8 Section 3205(c)(1)(A)

⁴⁴ CCR Title 8 Section 3205(c)(1)(B)

⁴⁵ CCR Title 8 Section 3205(c)(1)(C); Guidance for Safe Operation, updated January 20, 2023 by the Santa Clara County Public Health Officer

⁴⁶ CCR Title 8 Section 3205(c)(1)(D)

⁴⁷ CCR Title 8 Section 3205(c)(5)

⁴⁸ CCR Title 8 Section 3205(c)(5)(A)

⁴⁹ CCR Title 8 Section 3205(c)(5)(B)

⁵⁰ CCR Title 8 Section 3205(c)(5)(A)

- i. COVID-19 is an infectious disease that can be spread through the air when an infectious person talks or vocalizes, sneezes, coughs, or exhales.⁵¹
 - ii. COVID-19 may be transmitted when a person touches a contaminated object and then touches their eyes, nose, or mouth.⁵²
 - iii. An infectious person may have no symptoms.⁵³
 - iv. Particles containing the virus can travel more than six (6) feet, especially indoors, so physical distancing, face coverings, increased ventilation indoors, and respiratory protection decrease the spread of COVID-19, but are most effective when used in combination.⁵⁴
4. The Court's policies for providing respirators, and the right of employees who are not fully vaccinated to request a respirator for voluntary use, without fear of retaliation and at no cost to employees. Whenever respirators are provided for voluntary use, information regarding:
 - i. How to properly wear the respirator provided; and
 - ii. How to perform a seal check according to the manufacturer's instructions each time a respirator is worn, and the fact that facial hair interferes with a seal.⁵⁵
 5. The importance of frequent hand washing with soap and water for at least twenty (20) seconds and using hand sanitizer when employees do not have immediate access to a sink or hand washing facility, and that hand sanitizer does not work if the hands are soiled.⁵⁶
 6. The proper use of face coverings and the fact that face coverings are not respiratory protective equipment. COVID-19 is an airborne disease. N95s and more protective respirators protect the users from airborne disease while face coverings primarily protect people around the user.⁵⁷
 7. The conditions under which face coverings must be worn at the workplace. Employees can request face coverings from the Court at no cost to the employee and can wear them at work, regardless of vaccination status, without fear of retaliation.⁵⁸
 8. COVID-19 symptoms, and the importance of obtaining a COVID-19 test and not coming to work if the employee has COVID-19 symptoms.⁵⁹
 9. Information on the Court's COVID-19 policies; how to access COVID-19 training and vaccination; and the fact that vaccination is effective at preventing COVID-19, protecting against both transmission and serious illness or death.⁶⁰

14. Reporting, Recordkeeping, and Access

- A. The Court will report information about COVID-19 cases at Court facilities to the CDPH,

⁵¹ CCR Title 8 Section 3205(c)(5)(C)

⁵² CCR Title 8 Section 3205(c)(5)(C)

⁵³ CCR Title 8 Section 3205(c)(5)(C)

⁵⁴ CCR Title 8 Section 3205(c)(5)(D)

⁵⁵ CCR Title 8 Section 3205(c)(5)(E)

⁵⁶ CCR Title 8 Section 3205(c)(5)(F)

⁵⁷ CCR Title 8 Section 3205(c)(5)(G)

⁵⁸ CCR Title 8 Section 3205(c)(5)(J)

⁵⁹ CCR Title 8 Section 3205(c)(5)(H)

⁶⁰ CCR Title 8 Section 3205(c)(5)(I)

SCCPHD, and the National Institute for Occupational Safety and Health (“NIOSH”), as required, following the Procedures for Employee COVID-19 Exposures and Positive Tests.⁶¹

1. The Court will keep employees’ medical information and records confidential unless disclosure is required or permitted by law, except that 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.⁶²
- B. The Court will maintain records of the steps taken to implement this CPP.⁶³ This CPP will be available at Court facilities and on the Court’s webpage to employees, authorized employee representatives, and will be sent to representatives of Cal/OSHA immediately upon request.⁶⁴
- C. Human Resources will keep a record of and track all Court employee COVID-19 cases, including the employee’s name, contact information, occupation, location where the employee worked, the date of the last day at the workplace, and the date of a positive COVID-19 test.⁶⁵
- D. All notifications required by Labor Code Section 6409.6 will be kept for a period of at least three (3) years.⁶⁶
- E. Human Resources will ascertain the vaccination status of all employees and applicable personnel and will maintain records in accordance with Cal/OSHA standards.

15. Investigating and Responding to COVID-19 Cases

- A. The Court will have an effective procedure to investigate COVID-19 cases in the workplace, including procedures for 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.⁶⁷
- B. In the event of a COVID-19 case at the workplace, the Court will follow the notification protocols outlined in the Procedures for Employee COVID-19 Exposures and Positive Tests.⁶⁸
- C. Employees identified as a close contact to a COVID-19 case during the infectious period in the workplace will be:
 1. Notified within one (1) business day of the time the Court becomes aware of a COVID-19 case.⁶⁹
 2. Offered COVID-19 testing at no cost during their working hours, consistent with CCR Title 8 Section 3205.⁷⁰
 3. Provided with the information on benefits described in Training and Instruction and Exclusion of COVID-19 Cases Section of this CPP.⁷¹

⁶¹ CCR Title 8 Section 3205(c)(8)(A); CCR Title 8 Section 3205(c)(3)(C); Labor Code Section 6409.6(b)

⁶² CCR Title 8 Section 3205(c)(3)(C)

⁶³ CCR Title 8 Section 3203(c)(8)(b)

⁶⁴ CCR Title 8 Section 3205(c)(8)(C)

⁶⁵ CCR Title 8 Section 3205(c)(8)(D)

⁶⁶ Labor Code Section 6409.6(k)

⁶⁷ CCR Title 8 Section 3205(c)(3)(A)

⁶⁸ CCR Title 8 Section 3205(c)(3)(A)

⁶⁹ CCR Title 8 Section 3205(c)(3)(B)(3)

⁷⁰ CCR Title 8 Section 3205(c)(3)(B)(5)

⁷¹ CCR Title 8 Section 3205(c)(3)(B)(5)

- D. The Court will investigate whether workplace conditions could have contributed to the risk of COVID-19 exposure and what could be done to reduce exposure to COVID-19 hazards.⁷²

16. Exclusion of COVID-19 Cases and Close Contacts

- A. In the case of a COVID-19 case in Court facilities, transmission will be limited by:
 - 1. Ensuring that COVID-19 cases, regardless of vaccination status, and employees identified as a close contact to a COVID-19 case are excluded from the workplace until return-to-work requirements are met following the Procedures for Employee COVID-19 Exposures and Positive Tests.⁷³
 - 2. Employees excluded from the workplace due to a COVID-19 positive test or identified as a close contact to a COVID-19 case from the workplace will have their earnings, wages, seniority, and all other employee rights and benefits, including the employee’s right to their former job status, as if the employee had not been removed from their job. This includes continuing sick leave, where permitted by law and when not otherwise covered by workers’ compensation.⁷⁴
 - i. This section does not apply where the close contact is not work related or where the employee received disability payments or was covered by worker’s compensation and received temporary disability.⁷⁵
 - 3. Employees will be provided information on available benefits at the time of exclusion.⁷⁶

17. Return-to-Work Criteria

- A. Refer to the Procedures for Employee COVID-19 Exposures and Positive Tests for the return to work criteria for employees.
- B. If an order to isolate, quarantine, or exclude an employee is issued by a local or state health official, the employee will not return to work until the period of isolation or quarantine is completed or the order is lifted. If no period was specified, then the period will be in accordance with the return to work periods identified above, as applicable.⁷⁷
- C. If no violations of local or state health officer orders for isolation, quarantine, or exclusion would result, Cal/OSHA may, upon request, allow employees to return to work on the basis that the removal of an employee would create undue risk to a community’s health and safety. In such cases, the Court shall develop, implement, and maintain effective control measures to prevent transmission in the workplace including providing isolation for the employee at the workplace and, if isolation is not feasible, the use of respiratory protection in the workplace.⁷⁸

18. Multiple COVID-19 Infections and COVID-19 Outbreaks

- A. This Section 18 of the CPP will be utilized if three (3) or more employee COVID-19 cases within

⁷² CCR Title 8 Section 3205(c)(3)(B)(6)

⁷³ CCR Title 8 Section 3205(c)(9)(A)

⁷⁴ CCR Title 8 Section 3205(c)(9)(C)

⁷⁵ CCR Title 8 Section 3205(c)(9)(C)

⁷⁶ CCR Title 8 Section 3205(c)(3)(B)(5); CCR Title 8 Section 3205(c)(9)(E); Labor Code Section 6409.6(a)(3)

⁷⁷ CCR Title 8 Section 3205(c)(10)(E)

⁷⁸ CCR Title 8 Section 3205(c)(10)(F)

an exposed group visited a workplace during their infectious period during a fourteen (14) day period.⁷⁹

- B. This Section 18 of the CPP will stay in effect until there are no new COVID-19 cases detected in the exposed group for a fourteen (14)-day period.⁸⁰
- C. The Court will make COVID-19 testing available at no cost to its employees within the exposed group, during employees' paid time, except:
 - 1. Employees who were not present at the workplace during the relevant fourteen (14) day period(s).
 - 2. For returned cases who did not develop COVID-19 symptoms after returning to work.⁸¹
- D. COVID-19 testing consists of the following:
 - 1. Immediate testing for employees in the exposed group followed by testing one (1) week later. Negative COVID-19 test results of employees with COVID-19 exposure will not impact the duration of any quarantine, isolation, or exclusion period required by, or orders issued by, the SCCPHD.⁸²
 - 2. After the first two (2) COVID-19 tests, the Court will make COVID-19 testing available once per week at no cost, during paid time, to all employees in the exposed group who remain at the workplace, or more frequently if recommended by the SCCPHD, until there are no new COVID-19 cases detected in the exposed work group for a fourteen (14)-day period.⁸³
 - 3. Employees who had close contacts shall have a negative COVID-19 test taken within three (3) and five (5) days after the close contact or shall be excluded and follow the return to work requirements starting from the date of the last known close contact.⁸⁴
 - 4. The Court will make additional testing available at no cost to employees, during employees' paid time, when deemed necessary by Cal/OSHA through the Issuance of Order to Take Special Action, in accordance with CCR Title 8 Section 332.3.⁸⁵
- E. The Court will continue to comply with all applicable provisions of this CPP.⁸⁶ Additionally, the Court will:
 - 1. Require employees in the exposed group to wear face coverings when indoors, or when outdoors and less than six feet from another person;⁸⁷
 - 2. Give notice to employees in the exposed group of their right to request a respirator for voluntary use;⁸⁸ and
 - 3. Evaluate whether to implement physical distancing of at least six (6) feet between persons or, where six (6) feet of physical distancing is not feasible, as much distance between persons as feasible.⁸⁹

⁷⁹ CCR Title 8 Section 3205.1(a)(1)

⁸⁰ CCR Title 8 Section 3205.1(a)(2)

⁸¹ CCR Title 8 Section 3205.1(b)(1)

⁸² CCR Title 8 Section 3205.1(b)(2)(A)

⁸³ CCR Title 8 Section 3205.1(b)(2)(B)

⁸⁴ CCR Title 8 Section 3205.1(b)(2)(C)

⁸⁵ CCR Title 8 Section 3205.1(c)

⁸⁶ CCR Title 8 Section 3205.1(d)

⁸⁷ CCR Title 8 Section 3205.1(d)(1)

⁸⁸ CCR Title 8 Section 3205.1(d)(2)

⁸⁹ CCR Title 8 Section 3205.1(d)(3)

- F. The Court will immediately perform a review of potentially relevant COVID-19 policies, procedures, and controls and implement changes as needed to prevent further spread of COVID-19.
1. The investigation and review of new or unabated COVID-19 hazards and review will be documented and include:⁹⁰
 - i. Leave policies and practices and whether employees are discouraged from remaining home when sick;
 - ii. COVID-19 testing policies;
 - iii. Insufficient outdoor air;
 - iv. Insufficient air filtration; and
 - v. Lack of physical distancing.⁹¹
 2. The review will be updated every thirty (30) days that the outbreak continues, in response to new information or new or previously unrecognized COVID-19 hazards, or when otherwise necessary.⁹²
 3. The Court will implement changes to reduce the transmission of COVID-19 based on the investigation and review, in consideration of:⁹³
 - i. Moving indoor tasks outdoors or having them performed remotely.
 - ii. Increasing outdoor air supply when work is done indoors.
 - iii. Improving air filtration.
 - iv. Increasing physical distancing as much as feasible.
 - v. Respiratory protection in compliance with CCR Title 8 Section 5144.
 4. In buildings or structures with mechanical ventilation, the Court will filter recirculated air with Minimum Efficiency Reporting Value (MERV) 13 or higher efficiency filters if compatible with the ventilation system. If MERV-13 or higher filters are not compatible with the ventilation system, employers shall use filters with the highest compatible filtering efficiency. The Court will also evaluate whether portable or mounted High Efficiency Particulate Air (HEPA) filtration units or other air cleaning systems would reduce the risk of transmission and, if so, shall implement their use to the degree feasible.⁹⁴

19. Major COVID-19 Outbreaks

- A. This Section 19 of the CPP will be utilized if twenty (20) or more COVID-19 cases in an exposed group visited a workplace during their infectious period within a thirty (30)-day period.⁹⁵
- B. This Section 19 of the CPP will stay in effect until there are fewer than three (3) COVID-19 cases detected in the exposed group for a fourteen (14) day period.⁹⁶
- C. The Court will continue to comply with Section 18 "Multiple COVID-19 Infections and COVID-19 Outbreaks," except that the COVID-19 testing described in Section 18 shall be required of

⁹⁰ CCR Title 8 Section 3205.1(e)

⁹¹ CCR Title 8 Section 3205.1(e)(1)

⁹² CCR Title 8 Section 3205.1(e)(2)

⁹³ CCR Title 8 Section 3205.1(e)(3)

⁹⁴ CCR Title 8 Section 3205.1(f)

⁹⁵ CCR Title 8 Section 3205.2(a)(1)

⁹⁶ CCR Title 8 Section 3205.2(a)(2)

all employees in the exposed group, regardless of vaccination status, twice a week, or more frequently if recommended by the SCCPHD. Employees in the exposed group shall be tested or shall be excluded and follow the return to work requirements starting from the date the outbreak begins.⁹⁷

- D. In addition to the requirements of this CPP, including Section 18 “Multiple COVID-19 Infections and COVID-19 Outbreaks,” the Court will:⁹⁸
1. Provide a respirator for voluntary use in compliance with CCR Title 8 Subsection 5144(c)(2) to employees in the exposed group and will assess the need for a respiratory protection program or changes to an existing respiratory protection program under CCR Title 8 Section 5144 to address COVID-19 hazards.⁹⁹
 2. Separate any employees in the exposed group who are not wearing respirators required by the Court and used in compliance with CCR Title 8 Section 5144 from other persons by at least six (6) feet, except where the Court can demonstrate that six (6) feet of separation is not feasible, and except for momentary exposure while persons are in movement. Methods of physical distancing include: telework or other remote work arrangements; reducing the number of persons in an area at one time, including visitors; visual cues such as signs and floor markings to indicate where employees and others should be located or their direction and path of travel; staggered arrival, departure, work, and break times; and adjusted work processes or procedures, such as reducing production speed, to allow greater distance between employees. When it is not feasible to maintain a distance of at least six (6) feet, individuals shall be as far apart as feasible.¹⁰⁰
 3. Evaluate whether to halt some or all operations at Court facilities until COVID-19 hazards have been corrected.¹⁰¹
 4. Implement any other control measures deemed necessary by Cal/OSHA through the Issuance of Order to Take Special Action, in accordance with CCR Title 8 Section 332.3.¹⁰²

⁹⁷ CCR Title 8 Section 3205.2(b)

⁹⁸ CCR Title 8 Section 3205.2(c)

⁹⁹ CCR Title 8 Section 3205.2(c)(1)

¹⁰⁰ CCR Title 8 Section 3205.2(c)(2)

¹⁰¹ CCR Title 8 Section 3205.2(c)(3)

¹⁰² CCR Title 8 Section 3205.2(c)(4)