

This post is for general informational purposes only and should not be considered to constitute legal advice.

Employment Update: More Mask and Leave Clarifications

We have received questions from many of you, so we thought it would be helpful to provide a few clarifications:

Mask Mandates:

1. Fully vaccinated employees can be mask-free in all areas starting February 16. This is true in all local counties except Santa Clara.
2. Fully vaccinated does not include a booster shot. The definition does not include this provision as of yet.
3. Fully vaccinated employees (along with unvaccinated) will need to wear masks in certain *Return to Work Criteria* situations outlined by CDPH and Cal/OSHA. (see attached)

New Paid Sick Leave:

1. New Paid COVID Sick Leave law was signed by the Governor yesterday, which means it will be effective as of February 19.
2. The Labor Commissioner will develop a notice that you will need to provide your employees about the Paid Sick Leave. We will send the link when it is ready. For now, here is information on the law from their website: <https://www.dir.ca.gov/dlse/COVID19Resources/FAQ-for-SPSL-2021.html>. This website will be updated by the Labor Commissioner soon. It currently contains FAQ for last year's law only (some of which will be the same).
3. Employers are not required to pay retroactive **absent an employee request**. Once the notice is given to employees about their rights under this law, employees can request that these new paid sick hours be applied to previous absences.. We encourage you to review your pay records to see how many employees may have this time available for previous absences and make sure you have good records of providing notice to employees of their rights.
4. Unfortunately, there is no direct tax credit available to offset these payments

As always, contact us with any questions or concerns.



What Employers and Workers Need to Know About COVID-19 Isolation and Quarantine

January 19, 2022

This fact sheet provides employers and workers not covered by the [Aerosol Transmissible Diseases standard](#) with information on when and for how long workers must be excluded from the workplace if they test positive or are exposed to someone who has COVID-19. The chart below reflects the new California Department of Public Health (CDPH) isolation and quarantine periods guidance from January 6, 2022, which overrides the Cal/OSHA COVID-19 Prevention Emergency Temporary Standards in certain circumstances.

More information is available on [Cal/OSHA's ETS FAQs](#).

Vaccination status	Isolation or quarantine	Period of time to be excluded from work
All workers that test positive for COVID-19, regardless of vaccination status	Isolation	<ul style="list-style-type: none"> • Must be excluded from the workplace for at least 5 days. • A worker can return to work after day 5 if they do not have symptoms <u>and</u> test negative. • If a worker cannot test or declines to test¹ they can return to work after 10 days. • Must wear a face covering around others at work for a total of 10 days after the positive test.
Unvaccinated workers exposed to someone with COVID-19	Quarantine	<ul style="list-style-type: none"> • Must be excluded from the workplace for 5 days after the close contact <u>and</u> take a test on day 5. • A worker can come back to work after day 5 if they test negative and do not have any symptoms. • If the worker cannot test or declines to test¹ they can return to the workplace after day 10 if they do not have symptoms. • Must wear a face covering around others at work for 10 days after exposure. • If the worker develops symptoms, they must be excluded pending a test result.
Booster-eligible, but not boosted workers exposed to someone with COVID-19	No quarantine	<ul style="list-style-type: none"> • Does not need to be excluded from work if asymptomatic but must have a negative test 3-5 days after close contact. • Must wear a face covering around others at work for 10 days after exposure. If the worker develops symptoms, they must be excluded pending a test result.
Workers received a booster, or are fully vaccinated but not yet booster-eligible.	No quarantine	<ul style="list-style-type: none"> • Does not need to be excluded from work if asymptomatic, but must take a test on day 5 after exposure. • Must wear a face covering around others at work for 10 days after exposure. • If they develop symptoms, the worker must be excluded from the workplace pending a test result.

¹ An employer may require a test. More information is available in the [Department of Fair Employment and Housing FAQ](#).

Commonly Asked Questions

When do workers need to be paid exclusion pay if exposed to COVID-19?

When workers are required to be excluded from work due to work-related COVID-19 exposure, they must be paid exclusion pay. Workers should speak with their employers about available exclusion pay. Some exceptions apply, for example if the worker can work from home, or they are receiving disability pay or Workers' Compensation Temporary Disability Payments.

What is required if a worker was exposed to COVID-19 but tests are not available?

If a worker that is unvaccinated cannot be tested as required, quarantine must continue for at least 10 days as explained in the table. If a worker is fully vaccinated, whether or not they are booster eligible or have received a booster, and the worker cannot be tested on or by day 5, as applicable, employers should follow the ETS by ensuring the worker wears a face covering and maintains six feet of distance for 14 days following the close contact.

This guidance is an overview, for full requirements see Title 8 sections [3205](#), [3205.1](#), [3205.2](#), [3205.3](#), [3205.4](#)

- January 19, 2022 – Updated to clarify this fact sheet does not apply to workplaces covered by the Aerosol Transmissible Diseases Standard.

