

AB 685 – COVID-19 Notification Key Points

The Legislature passed AB 685, which establishes mandatory COVID-19 notification requirements. Before being passed, the bill was updated to indicate presumption of retaliation for unfavorable employment actions and removed the \$10,000 penalty provisions. Notification requirements do not apply until January 1, 2021.

The bill's official key elements are as follows:

- Requires that, if an employer or representative of the employer receives a notice of potential exposure to COVID-19, the employer shall take all of the following actions within one business day of the notice of potential exposure:
 - a) Provide a written notice to all employees, and the employers of subcontracted employees, who were on the premises at the same worksite as the qualifying individual within the infectious period that they may have been exposed to COVID-19 in a manner the employer normally uses to communicate employment-related information.
 - b) Provide a written notice to the exclusive representative, if any, of employees described above.
 - c) Provide all employees who may have been exposed and the exclusive representative, if any, with information regarding COVID-19-related benefits to which the employee may be entitled under applicable federal, state, or local laws.
 - d) Notify all employees, and the employers of subcontracted employees and the exclusive representative, if any, on the disinfection and safety plan that the employer plans to implement and complete per the guidelines of the federal Centers for Disease Control.
- Provides that an employer cannot require employees to disclose medical information unless otherwise required by law.
- Provides that an employer cannot retaliate against a worker for disclosing a positive COVID-19 test, or diagnosis or order to quarantine or isolate. Workers who believe they have been retaliated against in violation of this section may file a complaint with the Division of Labor Standards Enforcement.
- Requires that the California Department of Public Health (CDPH) must make occupation and industry information received pursuant to this section available on their respective internet websites in a manner that allows the public to track outbreaks.
- Provides that the Division of Occupational Health and Safety (DOSH) may issue citations and civil penalties for violations of these requirements.