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**Biweekly Webinar Series: Returning to Work
in California: Highlights of Major State and
Local Orders**

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Presenters



Kate McGuigan



Andrea Fellion



Reece Hirsch

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Lawsuits – Enforcement of COVID-19 Closures

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- *HoganWillig PLLC v. Letitia James et al.*
- *Inyo County v. Two Brothers Ocean Pine, LLC*

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California – Contact Tracing and Mandatory Reporting

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Contact Tracing/Isolation or Quarantine

- **San Francisco:** issued guidance on contact tracing, communicating with close contacts and other employees, and disinfection and cleaning
- **Los Angeles:** employer must have a protocol in place to isolate positive/symptomatic employee and quarantine close contacts – isolation instructions, not business-specific
- **San Diego:** order refers to the state's employer playbook for notice requirements after an employee tests positive (pages 11-12 – considerations for communicating positive test to workers)

Mandatory Reporting to the Department of Public Health

- **San Francisco:** required to report if three or more employees test positive within two weeks
- **Los Angeles:** required to report three or more positive tests within 14 days
- **San Diego:** required to report even one positive COVID-19 test to the local department of public health

California Confidentiality of Medical Information Act

- Cal. Civil Code § 56.20(c), which is part of the CMIA, provides:
 - “No employer shall use, disclose, or knowingly permit its employees or agents to use or disclose medical information which the employer possesses pertaining to its employees without the patient first having signed an authorization under Section 56.11 or Section 56.21 permitting such use or disclosure, except as follows:
 - (1) The information may be disclosed if the disclosure is compelled by judicial or administrative order ***or by any other specific provision of law.***”

Disclosures to Public Health Compelled by Law

- The San Francisco, Los Angeles, and San Diego orders would constitute public health disclosures “compelled by law”
- What if you’re in a jurisdiction where there doesn’t appear to be an order compelling disclosure?
 - Ask the health department to submit its request in writing, along with a citation to the law that gives the department the authority to demand the information and a statement of whether the disclosure is required by law

Disclosure by Authorization

- What if there is no authority compelling disclosure to the health department?
 - Section 56.20(c) permits disclosure if the employee executes a written authorization
 - Can be a CMIA-compliant authorization from a healthcare provider (Section 56.11) or
 - An authorization for an employer to disclose medical information (Section 56.21)
 - An employer authorization must include certain required elements, such as
 - Typeface no smaller than 14-point type
 - Separate from any other language on the same page
 - Signature should serve only one purpose (authorizing the disclosure)

Return to Work Resources for Employers

View a list of the [return to work resources](#) we have developed to support employers' efforts in safely returning to work.

Get more information on our [Return to Work – Stay in the Safe Zone](#) training program.

Access our [workplace reopening checklist](#).

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RETURN TO WORK RESOURCES

| Category | Work Product |
|---|---|
| Essential Business and/or Reopening Guidance | State and Local Orders, Ordinances, and Regulations Regarding Shelter in Place, Business Restrictions, and Business Reopening Chart <ul style="list-style-type: none">We can also provide weekly updates |
| | We can also create customized charts of specific orders or just reopening orders. Examples: <ul style="list-style-type: none">Requirements Regarding Temperature Screens and Symptom ScreensRequirements for PPE or Face Coverings |
| Workplace Screening, Social Distancing, PPE, and Sanitization Policies and Procedures | Social Distancing Policy Template, Customization Guidance, and Face Covering Policy Template |
| | Active Screening Protocol with Temperature/Symptom Screening Policy Template |
| | FAQs on COVID-19 Molecular and Serology Testing |
| | Infection Control Protocols for the Workplace |
| | <i>Policies and procedures can be customized for the company.</i> |
| Training | Webinar Training Program on Social Distancing and Safety Measures for Return to Work |
| Unions | Labor Management Return To Work Memorandum of Understanding Template |

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Additional Resources

Find resources on how to cope with the postpandemic reality on our [Now. Normal. Next. page](#) and our [COVID-19 page](#) to help keep you on top of developments as they unfold.

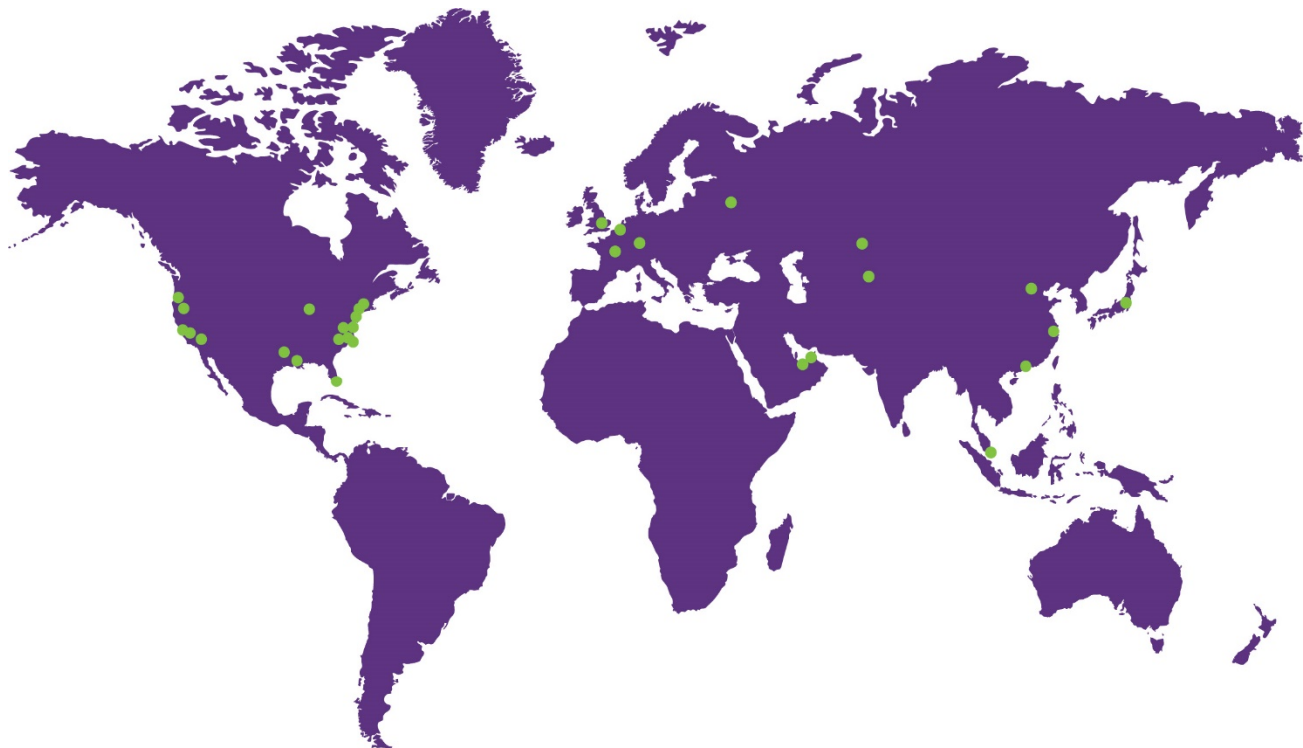
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Our Global Reach

Africa
Asia Pacific
Europe
Latin America
Middle East
North America

Our Locations

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Almaty
Beijing*
Boston
Brussels
Century City
Chicago
Dallas
Dubai
Frankfurt
Hartford
Hong Kong*
Houston
London
Los Angeles
Miami
Moscow
New York
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