

AB 2693 Summary

1. When is AB 2693 effective?

- a) AB 2693 is effective beginning January 1, 2023, until January 1, 2024.

2. What are the notification requirements under AB 2693?

- a) Within **one business day**, employers are required to post at the worksite **written** notice in all places where notices to employees concerning workplace rules or regulations are customarily posted. The notice must remain posted for 15 calendar days.

If other workplace notices are posted on an existing employee portal, the written notice shall be posted on the employee portal.

The notice shall be in English, and the language understood by the majority of employees.

- i. Written notice must include the following information:
 - 1. Dates on which the confirmed case of COVID-19 was present at the worksite within the infectious period,
 - 2. The location of the exposures, including the department, floor, building, or other area,
 - a. Location does not need to be so specific as to allow individual workers to be identified
 - 3. Contact information for obtaining COVID-19-related benefits and protection information
 - 4. Contact information to receive cleaning and disinfection plan that will be implemented at the worksite in response to the potential exposure.
- b) As an alternative to the requirement in section (2)(a), the employer may provide written notice to all employees, and the employers of subcontracted employees, who were on the premises at the same worksite as the confirmed case of COVID-19 within the infectious period that they may have been exposed to COVID-19.

The notice must be sent in a manner the employer normally uses to communicate employment-related information. This can include, but is not limited to, personal service, email, or text message if it can reasonably be anticipated to be received by the employee within one business day of sending and shall be in both English and the language understood by the majority of the employees.

- c) Within **one business day**, provide a written notice to respective union representatives, if any, of confirmed cases of COVID-19 and

employees who had “close contact” with the confirmed cases of COVID-19.

Notice shall contain the same information as would be required in an incident report in a Cal/OSHA Form 300 injury and illness log.

3. What are the recordkeeping requirements under AB 2693?

- a) For the written notice described in section (2)(a), a log must be kept of all the dates the notice was posted at each worksite.
- b) Employers must maintain records of the written notifications required in section (2)(a) or (2)(b) for a period of at least three years.

4. For the purposes of AB 2693, the following definitions apply:

- a) **“Close Contact”** means an individual who has been in contact with a confirmed case of COVID-19, as defined by Cal/OSHA. As of February 8, 2023, Cal/OSHA defines “close contact” as the following:
 - i. **Indoor spaces of 400,000 or fewer cubic feet per floor (e.g. homes, clinic waiting rooms, airplanes):** sharing the same indoor airspace for a cumulative total of 15 minutes or more over a 24-hour period during an infected person’s infectious period.
 - ii. **Large indoor spaces greater than 400,000 cubic feet per floor (e.g. open-floor-plan offices, warehouses, large retail stores, manufacturing, or food processing facilities):** being within 6 feet of the infected person for a cumulative total of 15 minutes or more over a 24-hour period during the infected person’s infectious period.
 - iii. Spaces that are separated by floor-to-ceiling walls (e.g., offices, suites, rooms, waiting areas, bathrooms, or break or eating areas) must be considered distinct indoor spaces.
- b) **“Infectious period”** means the time a confirmed case of COVID-19 is infectious, as defined by the California Department of Public Health (“CDPH”). As of February 8, 2023, CDPH defines “infectious period” as follows:
 - i. For symptomatic infected persons: 2 days before the infected person had any symptoms (symptom onset date is Day 0) through Day 10 after symptoms first appeared (or through day 5 if testing negative on day 5 or later), and 24 hours have passed with no fever without the use of fever-reducing medications, and symptoms have improved.
 - ii. For infected persons not experiencing symptoms: 2 days before the positive specimen collection date (collection date is day 0) through Day 10 after positive specimen collection date (or

through day 5 if testing negative on day 5 or later) for their first positive COVID-19 test.

- c) **“Worksite”** means the building, store, facility, agricultural field, or other location where a worker worked during the infectious period. It does not apply to buildings, floors, or other locations of the employer that an individual with a confirmed case of COVID-19 did not enter, locations where the worker worked by themselves without exposure to other employees, or to a worker’s personal residence or alternative work location chosen by the worker when working remotely.

5. What authority does Cal/OSHA have under AB 2693?

- a) Order Prohibiting Use (OPU)

Under AB 2693, if a worksite exposes workers to the risk of infection with COVID-19 so as to constitute an imminent hazard to employees, Cal/OSHA can shut down the worksite by issuing an OPU. The worksite will remain closed off to employees until the employer effectively addresses the hazard(s) and the notice prohibiting use can only be removed by an authorized representative of Cal/OSHA. If Cal/OSHA uses its authority to issue an OPU, it must provide the employer with notice of the action and post that notice in a conspicuous place at the worksite.

Cal/OSHA may not, however, impose a restriction that would materially interrupt the performance of critical governmental functions essential to ensuring public health and safety functions or the delivery of electrical power, renewable natural gas, or water.

- b) Citations

Under AB 2693, Cal/OSHA can issue citations for an alleged violation of failure to provide written notifications to employees, employers of subcontracted employees, and union representatives as outlined above.

6. Who is exempt from AB 2693?

- a) AB 2693 does not apply to employees who, as part of their duties, conduct COVID-19 testing or screening or provide direct patient care or treatment to individuals who are known to have tested positive for COVID-19, are persons under investigation, or are in quarantine or isolation related to COVID-19, unless the confirmed case of COVID-19 is an employee at the same worksite.

7. AB 2693 Resources

- a) Assembly Bill 2693:
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=20210220AB2693
- b) Guidance on Isolation and Quarantine for COVID-19 Contact Tracing:
<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Guidance-on-Isolation-and-Quarantine-for-COVID-19-Contact-Tracing.aspx>