

## SCAG COVID-19 PREVENTION PROGRAM (CPP)

### I. POLICY STATEMENT:

The purpose of SCAG’s COVID-19 Prevention Program (“CPP”) is to provide employees a healthy and safe workplace as required under the California Occupational Safety and Health Act (Labor Code §§ 6300, *et seq.*) and associated regulations (8 C.C.R. § 3205).

Nothing in this CPP precludes SCAG from complying with federal, state, or local laws or guidance that recommends or requires measures that are more prescriptive and/or restrictive than are provided herein.

### II. APPLICATION

This CPP reflects an update from the “SCAG Protocols for Maintaining a Safe and Healthy Workplace Related to COVID-19” and applies to all SCAG staff.



APPROVAL:  
Chief Operating Officer, Darin Chidsey

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REVISION HISTORY: Fifth edition

*NOTE: This policy replaces the fourth edition to account for updates to COVID related leaves, isolation and quarantine recommendations and workplace access for guests.*



Table of Contents

SCAG COVID-19 Prevention Program (CPP).....1

I. Policy Statement:.....1

II. Application.....1

III. DEFINITIONS:.....5

IV. Program.....6

    A. System for Communicating with SCAG employees.....6

        1. Reporting Symptoms, Possible Close Contact Exposures, and Possible Hazards at SCAG Worksites as it relates to COVID-19.....6

        2. Accommodations Process for SCAG Employees with Medical or Other Conditions that put them, or those they reside with, at Increased Risk of Severe COVID-19 Illness.....6

        3. COVID-19 Testing.....9

        4. COVID-19 Hazards.....9

    B. Identification and Evaluation of COVID-19 Hazards at SCAG worksites.....9

        1. Screening SCAG Employees for COVID-19 Symptoms.....9

        2. Responding to SCAG Employees with COVID-19 Symptoms.....9

        3. SCAG’s Response to COVID-19 Cases.....10

        4. Workplace-Specific Identification of COVID-19 Hazards.....10

        5. Maximization of Outdoor Air and Air Filtration.....11

        6. SCAG Compliance with Applicable State and Local Health Orders.....11

        7. Evaluation of Existing COVID-19 Prevention Controls and Adoption of Additional Controls.....11

        8. Periodic Inspections.....11

    C. Investigating and Responding to COVID-19 Cases in SCAG worksites.....12

        1. Procedure to Investigate COVID-19 Cases.....12

        2. Response to COVID-19 Cases.....12

        3. Confidential Medical Information.....13

    D. Correction of COVID-19 Hazards at SCAG Worksites.....13

    E. Training and Instruction of SCAG employees.....13

        1. COVID-19 Symptoms.....13

        2. SCAG’s COVID-19 Policies and Procedures.....14

        3. COVID-19 Related Benefits.....14

        4. Spread and Transmission of the Virus that Causes COVID-19.....14

        5. Methods and Importance of Physical Distancing, Face Coverings, and Hand Hygiene.....14

    F. Face Coverings.....15

        1. Face Covering Requirement.....15

        2. Required Use of Effective Non-Restrictive Alternative for Employees Exempted from Face Covering Requirement.....16



---

3.	Communication to Non-Employees Regarding Face Covering Requirement .....	16
4.	Policies to Reduce COVID-19 Hazards Originating from Persons Not Wearing Face Coverings .....	16
G.	Other Engineering and Administrative Controls and Personal Protective Equipment (ppe) .....	16
1.	Installation of Solid Partitions Between Workstations Where Physical Distancing is Not Possible.....	16
2.	Maximization of Outdoor Air .....	16
3.	Cleaning and Disinfecting Procedures .....	17
4.	Evaluation of Handwashing Facilities .....	17
5.	Personal Protective Equipment (PPE).....	17
H.	Reporting, Recordkeeping and Access .....	19
1.	Reporting COVID-19 Cases to the Local Health Department.....	19
2.	Reporting Serious COVID-19 Illnesses and Deaths to Cal/OSHA .....	19
3.	Maintenance of Records Related to the Adoption of the CPP .....	19
4.	Availability of the CPP for Inspection.....	19
5.	Records Related to COVID-19 Cases .....	19
I.	Exclusion of COVID-19 cases.....	19
1.	Exclusion of COVID-19 Cases from SCAG Worksites and Facilities .....	19
2.	Exclusion of Employees with Close Contact COVID-19 Exposures from SCAG Worksites and Facilities	20
3.	Provision of Benefits to SCAG Employees Excluded from Work as a Result of a Positive COVID-19 Test or Diagnosis or a Close Contact COVID-19 Exposure .....	20
4.	Adherence with Laws, Policies, and/or Agreements Providing Excluded Employees Greater Protections.....	21
5.	Provision of Information Concerning Benefits to Excluded Employees.....	21
J.	Return to Work Criteria .....	21
1.	Minimum Criteria to Return to Work for Symptomatic COVID-19 Cases .....	21
2.	Minimum Criteria to Return to Work for Asymptomatic COVID-19 Cases .....	22
3.	Criteria to Return to Work for a fully vaccinated employee exposed to a COVID-19 Case .....	22
4.	COVID-19 Testing Not Required in Order to Return to Work .....	22
5.	Minimum Criteria to Return to Work for Employees Directed to Self-Quarantine or Isolate by a State or Local Health Official .....	22
6.	Allowance by Cal/OSHA for an Employee to Return to Work .....	22
V.	COVID-19 Related Policies .....	23
A.	Use and Disclosure of Confidential Medical Information Related To COVID-19.....	23
1.	Preamble.....	23
2.	Statement of Policy.....	23
3.	Compliance .....	23
4.	Policy.....	23
B.	Administrative Policy and Protocols for employee COVID-19 leave and Child Care Leave.....	28



---

1.	Preamble.....	28
2.	Statement of Policy.....	28
3.	Policy.....	28
C.	Mandatory Vaccine Policy.....	33
VI.	Protocols.....	39
A.	Cleaning and Disinfecting.....	39
	Break rooms, restrooms, and other common areas are disinfected frequently and thoroughly, according to the following schedule: .....	39
B.	Worksite Configurations & Guidelines .....	39
1.	Los Angeles Office 900 Wilshire Blvd. Floors 17 and 16 .....	39
2.	Imperial Office 1503 N. Imperial Ave., Suite 104 El Centro, CA 92243 .....	41
3.	Orange Office OCTA Bldg 600 South Main Street, Suite 741 Orange, CA 92868 .....	41
4.	Riverside Office 3403 10th Street, Suite 805 Riverside, CA 92501 .....	42
5.	San Bernardino Office 1170 West 3rd Street, Suite 140 San Bernardino, CA 92410.....	43
6.	Ventura Office 4001 Mission Oaks Blvd., Ste. L Camarillo, CA 93012.....	43
C.	Workplace Access - Calcium (Formerly HealthCHAMPION) & Guest access.....	44
VII.	Forms .....	45
A.	Religious Exemption Request Form (COVID-19 Vaccine) .....	46
B.	Medical Exemption Request Form (COVID-19 Vaccine).....	49
C.	Authorization for disclosure and use of medical information .....	51

### **III. DEFINITIONS:**

For the purposes of the CPP, the following definitions shall apply:

“COVID-19” means coronavirus disease, an infectious disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

“COVID-19 case” means a person who either: (1) Has a positive “COVID-19 test” as defined in this section; (2) Is subject to COVID-19-related order to isolate issued by a local or state health official; or (3) Has died due to COVID-19, in the determination of a local health department or per inclusion in the COVID-19 statistics of a county. A person is no longer a “COVID-19 case” when a licensed health care professional determines that the person does not have COVID-19, in accordance with recommendations made by the California Department of Public Health (CDPH) or the local health department pursuant to authority granted under the Health and Safety Code or title 17, California Code of Regulations to CDPH or the local health department.

“Close contact COVID-19 exposure” means being within six (6) feet of a COVID-19 case for a cumulative total of 15 minutes or greater in any 24-hour period within or overlapping with the “high-risk exposure period” as defined here. This definition applies regardless of the use of face coverings.

“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, sneezing, or 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.

“COVID-19 symptoms” means one of the following: (1) fever of 100.4 degrees Fahrenheit or higher or chills; (2) cough; (3) shortness of breath or difficulty breathing; (4) fatigue; (5) muscle or body aches; (6) headache; (7) new loss of taste or smell; (8) sore throat; (9) congestion or runny nose; (10) nausea or vomiting; or (11) diarrhea, unless a licensed health care professional determines the person’s symptoms were caused by a known condition other than COVID-19.

“COVID-19 test” means a viral test for SARS-CoV-2 that is both: (1) Approved by the United States Food and Drug Administration (FDA) or has an Emergency Use Authorization from the FDA to diagnose current infection with the SARS-CoV-2 virus; and (2) Administered in accordance with the FDA approval or the FDA Emergency Use Authorization as applicable.

“Exposed workplace” means any work location, working area, or common area at work used or accessed by a COVID-19 case during the high-risk period, including bathrooms, walkways, hallways, aisles, break or eating areas, and waiting areas.

The exposed workplace does not include buildings or facilities not entered by a COVID-19 case. Effective January 1, 2021, the “exposed workplace” also includes but is not limited to the “worksite” of the COVID-19 case as defined by Labor Code section 6409.6(d)(5).

“Face covering” means a tightly woven fabric or non-woven material with no visible holes or openings, which covers the nose and mouth.

“High-risk exposure period” means the following time period: (1) For persons who develop COVID-19 symptoms: from two (2) days before they first develop symptoms until ten (10) days after symptoms first appeared, and 24 hours have passed with no fever, without the use of fever-reducing medications, and symptoms have improved; or (2) For persons who test positive who never develop COVID-19 symptoms: from two (2) days before until ten (10) days after the specimen for their first positive test for COVID-19 was collected.

#### **IV. PROGRAM**

##### **A. SYSTEM FOR COMMUNICATING WITH SCAG EMPLOYEES**

###### **1. Reporting Symptoms, Possible Close Contact Exposures, and Possible Hazards at SCAG Worksites as it relates to COVID-19**

SCAG policy requires that SCAG employees immediately report to their manager or supervisor or to the Department of Human Resources any of the following:

- (1) the employee’s presentation of COVID-19 symptoms;
- (2) the employee’s possible COVID-19 close contact exposures;
- (3) possible COVID-19 hazards at SCAG worksites.

SCAG will not discriminate or retaliate against any SCAG employee who makes such a report.

###### **2. Accommodations Process for SCAG Employees with Medical or Other Conditions that put them, or those they reside with, at Increased Risk of Severe COVID-19 Illness**

SCAG policy provides for an accommodation process for employees who have a medical or other condition identified by the Centers for Disease Control and Prevention (“CDC”) or the employees’ health care provider as placing or potentially placing the employees at increased risk of severe COVID-19 illness.

The CDC identifies the following medical conditions and other conditions as placing or potentially placing individuals at an increased risk of severe COVID-19 illness:

The CDC guidance provides that adults of any age with the following conditions are at increased risk of severe illness from the virus that causes COVID-19:

1. Cancer
2. Chronic kidney disease

3. COPD (chronic obstructive pulmonary disease)
4. Heart conditions, such as heart failure, coronary artery disease, or cardiomyopathies
5. Immunocompromised state (weakened immune system) from solid organ transplant
6. Obesity (body mass index [BMI] of 30 kg/m<sup>2</sup> or higher but < 40 kg/m<sup>2</sup>)
7. Severe Obesity (BMI ≥ 40 kg/m<sup>2</sup>)
8. Pregnancy
9. Sickle cell disease
10. Smoking
11. Type 2 diabetes mellitus

The CDC guidance also provides that adults of any age with the following conditions might be at an increased risk for severe illness from the virus that causes COVID-19:

1. Asthma (moderate-to-severe)
2. Cerebrovascular disease (affects blood vessels and blood supply to the brain)
3. Cystic fibrosis
4. Hypertension or high blood pressure
5. Immunocompromised state (weakened immune system) from blood or bone marrow transplant, immune deficiencies, HIV, use of corticosteroids, or use of other immune weakening medicines
6. Neurologic conditions, such as dementia
7. Liver disease
8. Overweight (BMI > 25 kg/m<sup>2</sup>, but < 30 kg/m<sup>2</sup>)
9. Pulmonary fibrosis (having damaged or scarred lung tissues)
10. Thalassemia (a type of blood disorder)
11. Type 1 diabetes mellitus

SCAG may also provide certain employment-related reasonable accommodations to employees who reside with individuals whose age and/or underlying medical condition places them at higher risk of severe illness if they contract the virus that causes COVID-19 unless an



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accommodation presents a hardship to or a direct threat to the health and safety of SCAG employees.

SCAG will periodically review the following web address in order to account for any additional medical conditions and other conditions or circumstances that the CDC has identified as placing or potentially placing individuals at an increased risk of severe COVID-19:

<https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html>

SCAG employees are encouraged to review the list of medical conditions and other conditions and circumstances mentioned above in order to determine whether they have such a condition.

To request an accommodation under the SCAG policy, employees may make a request with Human Resources in accordance with SCAG's Reasonable Accommodation Policy – Personnel Rule 12.3.

Following receipt of the request, Human Resources will require a note from the individual's health care provider(s) certifying that the individual has a qualified underlying medical condition that exposes the employee to a higher risk of severe illness if they contract the virus that causes COVID-19 and evidence the employee resides with that individual. As with any request for an accommodation, SCAG is not requesting medical information. Employees have a duty, however, to submit accurate and truthful information. An employee's dishonesty or failure to abide by the terms of this policy may subject that employee to discipline up to and including termination.

Human Resources will make determinations regarding reasonable accommodations under this program on a case-by-case basis depending on factors including, but not limited to: (1) The operational needs of the employee's department and SCAG; (2) The potential for disruption to SCAG's functions; (3) The portability of the employee's work; (4) Other considerations deemed necessary and appropriate by SCAG for example but not limited to: the current state of the pandemic and any public health measures.

Reasonable accommodations may include, but are not limited to, the following: Alternative work assignments or locations; remote work; reassignment; increased social distancing measures; and Leave.

Determinations made by Human Resources are final and are not subject to appeal by the employee under Personnel Rule 12.4 or any other rule, policy, or procedure.



### **3. COVID-19 Testing**

SCAG possesses authority to require that employees who report to work at SCAG worksites or facilities be tested for COVID-19.

Where SCAG requires that employees be tested, SCAG will inform employees for the reason that testing is required.

SCAG will also inform SCAG employees of the possible consequences of a positive COVID-19 test, which may include, but is not limited to, a requirement that employees not report to SCAG offices during the high-risk exposure period and satisfying the minimum criteria to return to work.

Where SCAG requires testing, SCAG has adopted policies and procedures that ensure the confidentiality of employees and comply with the Confidentiality of Medical Information Act (“CMIA”). Specifically, SCAG will keep confidential all personal identifying information of COVID-19 cases or persons with COVID-19 symptoms unless expressly authorized by the employee to disclose such information or as otherwise permitted or required under the law.

### **4. COVID-19 Hazards**

SCAG will notify SCAG employees and subcontracted employees of any potential COVID-19 exposure at a SCAG worksite or facility where a COVID-19 case and SCAG employees were present on the same day. SCAG will notify SCAG employees of such potential exposures within one (1) business day, in a way that does not reveal any personal identifying information of the COVID-19 case.

SCAG will also notify SCAG employees of cleaning and disinfecting measures the SCAG is undertaking in order to ensure the health and safety of the SCAG worksite or facility where the potential exposure occurred.

## **B. IDENTIFICATION AND EVALUATION OF COVID-19 HAZARDS AT SCAG WORKSITES**

### **1. Screening SCAG Employees for COVID-19 Symptoms**

SCAG possesses authority to screen employees or require that employee self-screen for COVID-19 symptoms.

SCAG policy provides that SCAG will screen SCAG employees for COVID-19 symptoms prior to entering SCAG worksites or SCAG employees will self-screen for COVID-19 symptoms prior to reporting to any SCAG worksite.

### **2. Responding to SCAG Employees with COVID-19 Symptoms**



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Should a SCAG employee present COVID-19 symptoms during a SCAG administered screening or a self-screen, SCAG will instruct the employee to remain at or return to their home or place of residence and not report to work until such time as the employee satisfies the minimum criteria to return to work.

SCAG will advise employees of any leaves to which they may be entitled during this self-quarantine period.

Further, SCAG has adopted policies and procedures that ensure the confidentiality of employees and comply with the CMIA and will not disclose to other employees the fact that the employees presented COVID-19 symptoms.

### **3. SCAG's Response to COVID-19 Cases**

In the event that SCAG employees test positive for COVID-19 or are diagnosed with COVID-19 by a health care provider, SCAG will instruct the employees to remain at or return to their home or place of residence and not report to work until such time as they satisfy the minimum criteria to return to work.

SCAG will advise employees of any leaves to which they may be entitled during this self-isolation period.

SCAG will comply with all reporting and recording obligations as required under the law, including, but not limited to, reporting the COVID-19 case to the following individuals and institutions as required based on the individual circumstances: (1) the local health department; (2) Cal/OSHA; (3) employees who were present at a SCAG worksite or facility when the COVID-19 case was present; (4) the employee organizations that represent employees at the SCAG worksite or facility; (4) the employers of subcontracted employees who were present at the SCAG worksite or facility; and (5) SCAG's workers' compensation plan administrator.

If possible, the SCAG will interview the COVID-19 cases in order to ascertain the nature and circumstances of any contact that the employees may have had with other employees during the high-risk exposure period. If SCAG determines that there were any close contact COVID-19 exposures, SCAG will instruct those employees to remain at their home or place of residence and not report to work until such time as the employees satisfy the minimum criteria to return to work.

SCAG has adopted policies and procedures that ensure the confidentiality of employees and comply with the CMIA. Specifically, SCAG will not disclose to other employees, except for those who need to know, the fact that the employees tested positive for or were diagnosed with COVID-19. Further, SCAG will keep confidential all personal identifying information of COVID-19 cases or persons unless expressly authorized by the employees to disclose such information or as otherwise permitted or required under the law.

### **4. Workplace-Specific Identification of COVID-19 Hazards**



SCAG conducted a workplace-specific assessment of all interactions, areas, activities, processes, equipment, and materials that could potentially expose employees to COVID-19 hazards.

As part of this process, SCAG identified places and times when employees and individuals congregate or come in contact with one another, regardless of whether employees are performing an assigned work task or not, including, for example, during meetings or trainings, in and around entrances, bathrooms, hallways, aisles, walkways, elevators, break or eating areas, cool-down areas, and waiting areas.

As part of this process, SCAG identified potential workplace exposure to all persons at worksites and facilities, including employees, employees of other entities, members of the public, customers or clients, and independent contractors. SCAG considered how employees and other persons enter, leave, and travel through SCAG worksites and facilities, in addition to addressing employees' fixed workspaces or workstations.

As part of this process, SCAG treated all persons, regardless of symptoms or negative COVID-19 test results, as potentially infectious.

## **5. Maximization of Outdoor Air and Air Filtration**

For indoor SCAG worksites and facilities, SCAG evaluated how to maximize the quantity of outdoor air and whether it is possible to increase filtration efficiency to the highest level compatible with the worksites and facilities' existing ventilation systems.

## **6. SCAG Compliance with Applicable State and Local Health Orders**

SCAG monitors applicable orders and guidance from the State of California and the local health department related to COVID-19 hazards and prevention, including information of general application and information specific to the SCAG's location and operations.

SCAG fully and faithfully complies with all applicable orders and guidance from the State of California and the local health department.

## **7. Evaluation of Existing COVID-19 Prevention Controls and Adoption of Additional Controls**

Periodically, SCAG will evaluate existing COVID-19 prevention controls at the workplace and assess whether there is a need for different and/or additional controls.

This includes evaluation of controls related to the correction of COVID-19 hazards, physical distancing, face coverings, engineering controls, administrative controls, and personal protective equipment (PPE).

## **8. Periodic Inspections**

SCAG will conduct periodic inspections of SCAG worksites and facilities as needed to identify unhealthy conditions, work practices, and work procedures related to COVID-19 and to ensure compliance with SCAG's COVID-19 policies and procedures.



## **C. INVESTIGATING AND RESPONDING TO COVID-19 CASES IN SCAG WORKSITES**

### **1. Procedure to Investigate COVID-19 Cases**

SCAG has a procedure for investigating COVID-19 cases in the workplace. As provided below, the procedure provides for the following: (1) the verification of COVID-19 case status; (2) receiving information regarding COVID-19 test results; (3) receiving information regarding the presentation of COVID-19 symptoms; and (4) identifying and recording all COVID-19 cases.

### **2. Response to COVID-19 Cases**

As provided above at Section IV.B.3., in the event that SCAG employees test positive for COVID-19 or are diagnosed with COVID-19 by a health care provider, SCAG will instruct the employees to remain at or return to their home or place of residence and not report to work until such time as the employees satisfy the minimum criteria to return to work.

#### **a. Contact Tracing**

If possible, SCAG will interview the COVID-19 cases in order to ascertain the following information: (1) the date on which the employees tested positive, if asymptomatic, or the date on which the employees first presented COVID-19 symptoms, if symptomatic; (2) the COVID-19 cases recent work history, including the day and time they were last present at a SCAG worksite or facility; and (3) the nature and circumstances of the COVID-19 cases' contact with other employees during the high-risk exposure period, including whether there were any close contact COVID-19 exposure.

If SCAG determines that there were any close contact COVID-19 exposures, SCAG will instruct those employees to remain at their home or place of residence and not report to work until such time as the employees satisfy the minimum criteria to return to work.

#### **b. Reporting the Potential Exposure to Other Employees**

SCAG will comply with all reporting and recording obligations as required under the law, including, but not limited to, reporting the COVID-19 case to the following individuals and institutions as required based on the individual circumstances: (1) employees who were present at a SCAG worksite or facility when the COVID-19 case was present; and (2) subcontracted employees who were present at the SCAG worksite or facility.

#### **c. Free COVID-19 Testing for Close Contact Exposures**

SCAG will provide COVID-19 testing at no cost to employees during their working hours to all employees who had potential close contact COVID-19 exposure at a SCAG worksite or facility.

#### **d. Leave and Compensation Benefits for Close Contact Exposures**

SCAG will provide these employees with information regarding COVID-19-related benefits to which the employees may be entitled under applicable federal, state, or local laws. This includes any benefits available under workers' compensation law, Labor Code sections 248.1 and 248.5, Labor



Code sections 3212.86 through 3212.88, local governmental requirements, the SCAG's own leave policies, and leave guaranteed by contract.

SCAG will continue to provide and will maintain these employees' earnings, seniority, and all other employee rights and benefits, including the employees' right to their former job status, as if the employees had not been removed from their jobs.

SCAG may require that these employees use employer-provided employee sick leave benefits for this purpose and consider benefit payments from public sources in determining how to maintain earnings, rights and benefits, where permitted by law and when not covered by workers' compensation.

**e. Investigation to Determine Whether Workplace Conditions Contributed to COVID-19 Exposure**

SCAG will conduct an investigation in order to determine whether any workplace conditions could have contributed to the risk of COVID-19 exposure and what could be done to reduce exposure to COVID-19 hazards.

**3. Confidential Medical Information**

SCAG will protect the confidentiality of the COVID-19 cases, and will not disclose to other employees the fact that the employees tested positive for or were diagnosed with COVID-19.

SCAG will keep confidential all personal identifying information of COVID-19 cases unless expressly authorized by the employees to disclose such information or as other permitted or required under the law.

**D. CORRECTION OF COVID-19 HAZARDS AT SCAG WORKSITES**

SCAG will implement effective policies and/or procedures for correcting unsafe or unhealthy conditions, work practices, policies and procedures in a timely manner based on the severity of the hazard.

This includes, but is not limited to, implementing controls and/or policies and procedures in response to the evaluations conducted related to the identification and evaluation of COVID-19 hazards and investigating and responding to COVID-19 cases in the workplace. This also includes implementing controls related to physical distancing, face coverings, engineering controls, administrative controls, and personal protective equipment (PPE).

**E. TRAINING AND INSTRUCTION OF SCAG EMPLOYEES**

**1. COVID-19 Symptoms**

SCAG provided employees training, which is available on the agency's intranet, and instruction on the COVID-19 symptoms, including advising employees of COVID-19 symptoms, which include the following: (1) fever of 100.4 degrees Fahrenheit or higher or chills; (2) cough; (3) shortness of breath or difficulty breathing; (4) fatigue; (5) muscle or body aches; (6) headache;



(7) new loss of taste or smell; (8) sore throat; (9) congestion or runny nose; (10) nausea or vomiting; or (11) diarrhea, unless a licensed health care professional determines the person's symptoms were caused by a known condition other than COVID-19.

SCAG monitors and adheres to guidance by the CDC concerning COVID-19 symptoms, including guidance provided at the following web address:

<https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>

SCAG will advise employees in the event that the CDC makes any changes to its guidance concerning such symptoms.

SCAG provided employees instruction on the importance of not coming to work and obtaining a COVID-19 test if the employees have COVID-19 symptoms.

## **2. SCAG's COVID-19 Policies and Procedures**

SCAG provides regular updates to employees on the SCAG's policies and procedures to prevent COVID-19 hazards at SCAG worksites and facilities and to protect SCAG employees.

## **3. COVID-19 Related Benefits**

SCAG advised SCAG employees of the leaves to which the employees may be entitled under applicable federal, state, or local laws. This includes any benefits available under workers' compensation law, Labor Code sections 248.1 and 248.5, Labor Code sections 3212.86 through 3212.88, any applicable local governmental requirements, SCAG's own leave policies, and leave guaranteed by contract.

Further, when employees require leave or are directed not to report to work by the SCAG, SCAG will advise the employees of the leaves to which the employees may be entitled for that specific reason.

## **4. Spread and Transmission of the Virus that Causes COVID-19**

SCAG advised SCAG employees of that COVID-19 is an infectious disease that can be spread through the air when an infectious person talks or vocalizes, sneezes, coughs, or exhales; that COVID-19 may be transmitted when a person touches a contaminated object and then touches their eyes, nose, or mouth, although that is less common; and that an infectious person may have no symptoms.

SCAG further advised SCAG employees of the fact that particles containing the virus can travel more than six (6) feet, especially indoors, so physical distancing must be combined with other controls, including face coverings and hand hygiene, including hand washing, in order to be effective.

## **5. Methods and Importance of Physical Distancing, Face Coverings, and Hand Hygiene**



SCAG advised SCAG employees of the methods and importance of physical distancing, face coverings, and hand hygiene, including hand washing.

Specifically, SCAG trained and instructed SCAG employees on the importance of frequent hand washing with soap and water for at least 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.

Further, SCAG trained and instructed employees on the proper use of face coverings and the fact that face coverings are not respiratory protective equipment.

## **F. FACE COVERINGS**

### **1. Face Covering Requirement**

SCAG provides face coverings to SCAG employees and requires that such face coverings are worn by employees and individuals at SCAG worksites and facilities when directed and is subject to change through the duration of the pandemic.

SCAG policy adheres to orders and guidance provided by the CDPH and the local health department, including as provided at the following web address:

<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/guidance-for-face-coverings.aspx>

SCAG's policy on the use of face coverings ensures that they are worn over the nose and mouth when indoors, when outdoors and less than six (6) feet away from another person, and where required by orders from the CDPH or local health department.

SCAG's policy requires that face coverings are clean and undamaged. SCAG's policy allows for face shields to be used to supplement, and not supplant face coverings.

SCAG's policy provides for the following exceptions to the face coverings requirement:

1. When an employee is alone in a room.
2. While eating and drinking at the workplace, provided employees are at least six (6) feet apart and outside air supply to the area, if indoors, has been maximized to the extent possible.
3. Employees wearing respiratory protection in accordance with section 5144 or other title 8 safety orders (8 C.C.R. 5144 is available at the following web address: <https://www.dir.ca.gov/title8/5144.html>).
4. Employees who cannot wear face coverings due to a medical or mental health condition or disability, or who are hard of hearing or communicating with a hard of hearing person.

5. Specific tasks which cannot feasibly be performed with a face covering. This exception is limited to the time period in which such tasks are actually being performed, and the unmasked employee shall be at least six (6) feet away from all other persons unless unmasked employees are tested at least twice weekly for COVID-19.

2. **Required Use of Effective Non-Restrictive Alternative for Employees Exempted from Face Covering Requirement**

SCAG's policy requires that SCAG employees who exempted from wearing face coverings due to a medical condition, mental health condition, or disability wear an effective non-restrictive alternative, such as a face shield with a drape on the bottom, if their condition or disability permits it.

3. **Communication to Non-Employees Regarding Face Covering Requirement**

SCAG posts signage to inform non-employees that the SCAG requires the use of face coverings at SCAG worksites and facilities.

4. **Policies to Reduce COVID-19 Hazards Originating from Persons Not Wearing Face Coverings**

SCAG has developed COVID-19 policies and procedures to minimize employees' exposure to COVID-19 hazards originating from any person not wearing a face covering, including a member of the public.

These policies may include requiring that employees and non-employees wear face coverings at SCAG worksites and facilities, that SCAG employees wear face coverings at other times, maintain physical distance from person not wearing a face covering, and observe proper hand hygiene.

**G. OTHER ENGINEERING AND ADMINISTRATIVE CONTROLS AND PERSONAL PROTECTIVE EQUIPMENT (PPE)**

1. **Installation of Solid Partitions Between Workstations Where Physical Distancing is Not Possible**

At fixed work locations where it is not possible to maintain the physical distancing requirement at all times, the employer shall install cleanable solid partitions that effectively reduce aerosol transmission between the employees and other persons.

2. **Maximization of Outdoor Air**

As provided above at Section IV.B.5., for indoor SCAG worksites and facilities, the SCAG evaluated how to maximize the quantity of outdoor air.

Further, for SCAG worksites and facilities with mechanical or natural ventilation, or both, the SCAG has maximized the quantity of outside air provided to the extent feasible, except when the United





States Environmental Protection Agency (“EPA”) Air Quality Index is greater than 100 for any pollutant or if opening windows or letting in outdoor air by other means would cause a hazard to SCAG employees, for instance from excessive heat or cold.

### **3. Cleaning and Disinfecting Procedures**

SCAG’s cleaning and disinfecting policy requires the following:

1. Identifying and regularly cleaning and disinfecting frequently touched surfaces and objects, such as doorknobs, elevator buttons, equipment, tools, handrails, handles, controls, and bathroom surfaces. The SCAG will inform employees and authorized employee representatives of cleaning and disinfection protocols, including the planned frequency and scope of regular cleaning and disinfection.
2. Prohibiting the sharing of personal protective equipment and to the extent feasible, items that employees come in regular physical contact with such as phones, headsets, desks, keyboards, writing materials, instruments, and tools. When it is not feasible to prevent sharing, sharing will be minimized and such items and equipment shall be disinfected between uses by different people.
3. Cleaning and disinfection of areas, material, and equipment used by a COVID-19 case during the high-risk exposure period.

Further, SCAG requires that cleaning and disinfecting must be done in a manner that does not create a hazard to SCAG employees or subcontracted employees.

### **4. Evaluation of Handwashing Facilities**

In order to protect SCAG employees, SCAG evaluated its handwashing facilities in order to determine the need for additional facilities, encourage and allow time for employee handwashing, and provide employees with an effective hand sanitizer.

SCAG encourages SCAG employees to wash their hands for at least 20 seconds each time.

SCAG does not provide hand sanitizers with methyl alcohol.

### **5. Personal Protective Equipment (PPE)**

SCAG policy provides for PPE.

SCAG evaluates the need for PPE, such as gloves, goggles, and face shields, to prevent exposure to COVID-19 hazards and provide such PPE as needed.

In accordance with applicable law, SCAG evaluates the need for respiratory protection when the physical distancing requirements, as provided herein, are not feasible or are not maintained.

In accordance with applicable law, SCAG will provide and ensure use of respirators in accordance when deemed necessary by Cal/OSHA through the Issuance of Order to Take Special Action.



In accordance with applicable law, SCAG will provide and ensure use of eye protection and respiratory protection when SCAG employees are exposed to procedures that may aerosolize potentially infectious material such as saliva or respiratory tract fluids.



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## **H. REPORTING, RECORDKEEPING AND ACCESS**

### **1. Reporting COVID-19 Cases to the Local Health Department**

In accordance with applicable law, SCAG will report information about COVID-19 cases at the workplace to the local health department.

Further, SCAG will provide any related information requested by the local health department.

### **2. Reporting Serious COVID-19 Illnesses and Deaths to Cal/OSHA**

In accordance with applicable law, SCAG will immediately report to Cal/OSHA any serious COVID-19-related illnesses or deaths of SCAG employees occurring at a SCAG worksite or facility or in connection with any employment.

Further, in accordance with applicable law, SCAG will record any serious work-related COVID-19-related illnesses or deaths.

### **3. Maintenance of Records Related to the Adoption of the CPP**

In accordance with applicable law, SCAG will maintain records of the steps taken to implement this CPP.

### **4. Availability of the CPP for Inspection**

SCAG will make this written CPP available to employees and employee organizations at SCAG worksites or facilities.

Further, the SCAG will make this written CPP available to Cal/OSHA representatives immediately upon request.

### **5. Records Related to COVID-19 Cases**

SCAG will keep a record of and track all COVID-19 cases with the following information: (1) employee's name; (2) contact information; (3) occupation; (4) location where the employee worked; (5) the date of the last day at the workplace; and (6) the date of a positive COVID-19 test.

In accordance with the Confidentiality of Medical Information Act (CMIA) and applicable law, the SCAG will keep the employees' medical information confidential.

In accordance with the CMIA and applicable law, the SCAG will make this information available to employees and employee organizations with personal identifying information removed. The SCAG will also make this information available as otherwise required by law.

## **I. EXCLUSION OF COVID-19 CASES**

### **1. Exclusion of COVID-19 Cases from SCAG Worksites and Facilities**

SCAG will ensure that a person with COVID-19 are excluded from the workplace until the individual satisfies the minimum return to work criteria provided for in Section IV.K. This applies to employees who are not fully vaccinated and are COVID-19 positive, or have had COVID-19 exposure. SCAG will

also exclude fully vaccinated employees if they are COVID-19 positive, or have had a COVID-19 exposure and exhibit COVID-19 symptoms. However, SCAG may not need to exclude fully vaccinated employees who have had a COVID-19 exposure who are asymptomatic.

**2. Exclusion of Employees with Close Contact COVID-19 Exposures from SCAG Worksites and Facilities**

**a. Close Contact Exclusion Period**

Unless the employee is covered by the limited exception described below, SCAG will exclude employees with close contact COVID-19 exposure from the workplace:

- Exclude from work for at least 5 days, after last exposure.
- Work exclusion can end after Day 5 if symptoms are not present **and** a diagnostic specimen collected on Day 5 or later tests negative.
- If unable to test or choosing not to test, and symptoms are not present, work exclusion can end after day 10.
- Comply with CDPH masking guidance (i.e., universal masking and, in some cases, where surgical masks or higher filtration respirators may be required).
- Strongly encouraged to get vaccinated or boosted.
- If symptoms develop, stay home and test as soon as possible; AND
- If test result is positive, contact Human Resources immediately

**3. Provision of Benefits to SCAG Employees Excluded from Work as a Result of a Positive COVID-19 Test or Diagnosis or a Close Contact COVID-19 Exposure**

**a. Employees Who Are Able to Telework During Isolation or Quarantine Period**

SCAG will allow employees who are able to work remotely, and are able and available to work, to work remotely during the isolation or quarantine period. SCAG will provide these employees their normal compensation for the work that they perform for the SCAG during the isolation or quarantine period.

**b. Employees Who Are Unable to Telework During Isolation or Quarantine Period**

The provision of benefits described below does not apply to either: (1) SCAG employees who SCAG can demonstrate that the close contact COVID-19 exposure was not work-related; and (2) SCAG employees who are unable to work for reasons other than protecting employees and non-



employees at SCAG worksites and facilities from possible COVID-19 transmission. Such employees may still use paid sick leave for the purpose of receiving compensation during the isolation or quarantine period if they elect to do so.

For other employees, SCAG will require that employees who are unable to remote work, but are otherwise able and available to work, to use paid sick leave in order to receive compensation during the isolation or quarantine period. SCAG employees retain their entitlement to elect not to use other earned or accrued paid leave during this time. SCAG may provide such employees who are unable to remote work, but who do not have any paid sick leave available, paid administrative leave in order to receive compensation during the isolation or quarantine period.

For all employees who are subject to an isolation or quarantine because of a COVID-19 case or a close contact COVID-19 exposure, SCAG will maintain the employees' seniority and all other employee rights and benefits, including the employees' right to their former job status, during the isolation or quarantine period.

SCAG may consider benefit payments from public sources, in determining how to maintain earnings, rights and benefits, where permitted by law and when not covered by workers' compensation.

**4. Adherence with Laws, Policies, and/or Agreements Providing Excluded Employees Greater Protections**

The obligations set forth in this section do not limit any other applicable law, SCAG policy, or collective bargaining agreement that provides SCAG employees with greater protections or benefits.

**5. Provision of Information Concerning Benefits to Excluded Employees**

At the time of exclusion, SCAG will provide the excluded employees the information on benefits to which the employees may be entitled under applicable federal, state, or local laws.

This includes any benefits available under workers' compensation law, Labor Code sections 248.1 and 248.5, Labor Code sections 3212.86 through 3212.88, any applicable local governmental requirements, SCAG's own leave policies, and leave guaranteed by contract.

**J. RETURN TO WORK CRITERIA**

**1. Minimum Criteria to Return to Work for Symptomatic COVID-19 Cases**

SCAG policy requires that COVID-19 cases with COVID-19 symptoms remain at their home or place of residence and not report to any SCAG worksite or facility until they satisfy each of the following conditions:

1. At least 24 hours have passed since a fever of 100.4 or higher has resolved without the use of fever-reducing medications;
2. COVID-19 symptoms have improved; and

3. At least 10 days have passed since COVID-19 symptoms first appeared. Isolation can end after day 5 if symptoms are not present or are resolving and a diagnostic specimen\* collected on Day 5 or later tests negative. If unable to test, choosing not to test, or testing positive on Day 5 (or later), isolation can end after Day 10 if fever-free for 24 hours without the use of fever-reducing medications. If fever is present, isolation should be continued until 24 hours after fever resolves. If symptoms, other than fever, are not resolving, continue to isolate until symptoms are resolving or until after Day 10.

## **2. Minimum Criteria to Return to Work for Asymptomatic COVID-19 Cases**

SCAG policy requires that COVID-19 cases who tested positive but never developed COVID-19 symptoms not report to any SCAG worksite or facility until a minimum of 5 days have passed since the date of specimen collection of their first positive COVID-19 test.

## **3. Criteria to Return to Work for a fully vaccinated employee exposed to a COVID-19 Case**

Applying Executive Order N-84-20 and the CDPH COVID-19 Public Health Recommendations for Fully Vaccinated People, an exposed employee who does not develop symptoms of COVID-19, does not need to quarantine.

## **4. COVID-19 Testing Not Required in Order to Return to Work**

In accordance with CDC guidance concerning symptom-based strategies for the discontinuation of isolation, SCAG does not require employees submit to a COVID-19 test, or produce a negative COVID-19 test result, in order to return to work.

## **5. Minimum Criteria to Return to Work for Employees Directed to Self-Quarantine or Isolate by a State or Local Health Official**

If employees are subject to an isolation or quarantine order issued by a state or local health official, SCAG policy requires that the employees not report to any SCAG worksite or facility until the period of isolation or quarantine is completed or the order is lifted.

If the order did not specify a definite isolation or quarantine period, then the period shall be 10 days from the time the order to isolate was effective, or 10 days from the time the order to quarantine was effective.

## **6. Allowance by Cal/OSHA for an Employee to Return to Work**

If there are no violations of state or local health officer orders for isolation or quarantine, Cal/OSHA may, upon request, allow employees to return to work on the basis that the removal of employees would create undue risk to a community's health and safety.

In such cases, SCAG will develop, implement, and maintain effective control measures to prevent transmission in the workplace including providing isolation for the employees at the SCAG worksite or facility and, if isolation is not possible, the use of respiratory protection in the workplace.

## **V. COVID-19 RELATED POLICIES**

### **A. USE AND DISCLOSURE OF CONFIDENTIAL MEDICAL INFORMATION RELATED TO COVID-19**

#### **1. Preamble**

SCAG implemented COVID-19 Prevention Program for employees in order to ensure the health and safety of SCAG employees in accordance with the California Occupational Safety and Health Act of 1973 and its purpose to assure safe and healthy working conditions for all workers. (Labor Code § 6300, et seq.)

SCAG's COVID-19 Prevention Program authorize[s] SCAG to collect certain confidential medical information ("Medical Information") about SCAG employees.

#### **2. Statement of Policy**

The purpose of this policy is to safeguard Medical Information in a manner compliant with the Confidentiality of Medical Information Act ("CMIA") and the Americans with Disabilities Act ("ADA") with respect to all Medical Information that SCAG acquires during the administration of these policies, or obtains by other means. SCAG recognizes the importance of confidentiality concerning the information at issue and will fully and faithfully comply with CMIA in its use and disclosure of such information.

#### **3. Compliance**

SCAG will fully and faithfully comply with the CMIA and ADA in the implementation and administration of this policy as well as the associated COVID-19 policies and/or protocols included in the COVID-19 Prevention Program for employees.

#### **4. Policy**

##### **Definitions:**

"Medical Information" means any Individually Identifiable information, in electronic or physical form, in possession of or obtained from a provider of health care, health care service plan, pharmaceutical company, or contractor regarding an employee's medical history, mental or physical condition, or treatment. It also means any Individually Identifiable information collected by SCAG in relation to the COVID-19 Prevention Program for employees implemented by SCAG.

"Individually Identifiable" means that the Medical Information includes or contains any element of personal identifying information sufficient to allow identification of the individual, such as the patient's name, address, electronic mail address, telephone number, or social security number, or



other information that, alone or in combination with other publicly available information, reveals the individual's identity.

**Scope of Coverage:**

This policy covers all Individually Identifiable Medical Information of all SCAG employees and applicants that SCAG acquires or obtains and which relates to COVID-19, including, but not limited to, symptoms associated with COVID-19, positive COVID-19 test results, COVID-19 vaccination status or other health or medical conditions that would place the employee at high-risk for a serious illness if the employee contracted COVID-19.

Specifically, this policy covers the following types of Medical Information:

- All Medical Information acquired by SCAG during or as a result of the administration of SCAG’s COVID-19 temperature testing and COVID-19 symptom screening policy and/or an accommodation policy for high-risk employees.
- All Medical Information that SCAG obtains by means other than by testing administered by SCAG. For example, the County Public Health Department may inform SCAG that a SCAG employee has tested positive or a SCAG employee may voluntarily disclose a positive COVID-19 diagnosis not as the result of a test administered by SCAG.
- All Medical Information related to COVID-19 that SCAG acquires or obtains, including, but not limited to, information about an employee’s health or medical conditions that may put the employee at increased risk of serious illness should the employee contract COVID-19 as provided under SCAG’s accommodation policy for high-risk employees.
- COVID-19 vaccination status

**Effective Dates:**

This policy shall be effective immediately upon adoption and shall remain in effect as long as necessary to safeguard Medical Information acquired or obtained by SCAG employees and as otherwise required by law.

**Notice of Privacy Practices:**

SCAG will provide a Notice of Privacy Practices to employees to explain their rights under this policy.

**Employee Authorization to Disclose Medical Information:**

Permissible disclosures of employee Medical Information without prior written authorization from an employee are limited.

Should an employee wish to provide SCAG authority to make additional disclosures of Medical Information related to COVID-19, the employee or their legal representative may authorize such





disclosure using the Authorization for Disclosure and Use of Medical Information (“Authorization”), and completing each of the required fields provided therein.

An employee may also authorize the Disclosure and Use of Medical Information in a handwritten document. Such a handwritten Authorization must state:

- The specific uses and limitations on the types of Medical Information to be disclosed;
- The name or function of SCAG that may disclose the Medical Information;
- The names or functions of the persons or entities authorized to receive the Medical Information;
- The limitations, if any, on the use of the Medical Information by the persons or entities authorized to receive the Medical Information; and
- A specific date after which SCAG is no longer authorized to disclose the Medical Information.

#### **Permissible Uses and Disclosures of Medical Information:**

Generally, SCAG may not disclose Medical Information without prior written authorization from an employee. SCAG may, however, use and disclose an employee’s Medical Information for certain public interest and benefit purposes, including, but not limited to:

- If compelled by judicial or administrative process or by any other specific provision of law;
- That part of the information which is relevant in a lawsuit, arbitration, grievance, or other claim or challenge to which SCAG and employee are parties and in which the patient has placed in issue his, her, or their medical history, mental or physical condition, or treatment may be used or disclosed in connection with that proceeding;
- For the purpose of administering and maintaining employee benefit plans, including health care plans and plans providing short-term and long-term disability income, workers' compensation and for determining eligibility for paid and unpaid leave from work for medical reasons;
- To a provider of health care or other health care professional or facility to aid the diagnosis or treatment of the employee, where the employee or other person authorized by law to permit disclosure of Medical Information on the employee’s behalf, is unable to authorize the disclosure.

The uses and disclosures of an employee’s confidential information for these purposes do not require the employee’s authorization.

Further, it shall not be a violation of the Policy and Protocols for SCAG to disclose information that does not contain Individually Identifiable information of an employee. For example, SCAG may notify other employees that an employee has tested positive for COVID-19 so long as SCAG does not disclose information that would lead others to identify that employee (e.g. their name, work location, position). In such a circumstance, it may be necessary for SCAG to inform certain persons, such as the individual’s supervisor, janitorial staff, that an employee has tested positive so that SCAG may take appropriate steps to ensure a healthy and safe workplace for all SCAG employees.



### **Disclosures of Medical Information to the Employee:**

Employees are entitled to access and review their medical file as maintained by SCAG. SCAG must disclose the Medical Information contained in the employee's medical file to the employee when requested.

### **Reasonable Safeguards for Medical Information:**

SCAG employs reasonable safeguards in order to protect against and limit the incidental use and disclosure of employee's Medical Information.

SCAG will store Medical Information in a medical file that is separate and distinct from the employee's personnel file.

SCAG employees follow the following safeguards in order to limit the incidental use and disclosure of Medical Information:

1. Determine who is with an employee before discussing the employee's Medical Information.
2. Do not assume that an employee will permit disclosure of their Medical Information to a family member or friend.
3. Request that individuals leave the room or vicinity in order to provide the employee an opportunity to object to the disclosure of their Medical Information.
4. Dispose of unnecessary paper products that have protected health information in a shredder.

### **Limiting the Disclosures of Medical Information:**

All requests for Medical Information, whether routine or non-routine, are handled by SCAG's Division of Human Resources. All SCAG employees must therefore direct all requests for Medical Information to SCAG's Division of Human Resources.

### **Requests to Review and/or Amend Employee Authorization for Disclosure of Medical Information:**

Employees are entitled to request a true copy of an employee's authorization for the disclosure of Medical Information.

Employees are also entitled to cancel or modify an employee authorization for the disclosure of Medical Information. Employees who wish to cancel or modify an employee authorization must provide written notice to SCAG. Cancellations and modifications of employee authorizations only become effective after SCAG receives written notice of any such action.



**Requests to Restrict Use and Disclosure of Medical Information:**

Employees are entitled to request that SCAG restrict the use and/or disclosure of protected health information, as outlined in Civil Code Section 56.11(d)-(h).

If an employee has authorized disclosure of Medical Information but wishes to restrict such authorization, SCAG shall communicate to the person or entity to which it discloses the Medical Information any limitations in the authorization regarding the use of the Medical Information.



## **B. ADMINISTRATIVE POLICY AND PROTOCOLS FOR EMPLOYEE COVID-19 LEAVE AND CHILD CARE LEAVE**

### **1. Preamble**

SCAG values its employees and understands the challenge this pandemic has presented to many of our SCAG families. This policy has been revised to to remove expired California’s SB 95 and incorporate California’s SB 114 which provides employees of the Southern California Association of Governments (SCAG) with leaves due to the COVID-19 pandemic.

### **2. Statement of Policy**

SCAG will provide eligible employees with leave in order to address sick leave and childcare concerns due to the COVID-19 pandemic. The following provisions set forth contain policies and obligations with respect to said leave. Except as modified by this Policy, all SCAG policies, procedures, regulations, and protocols remain in full force and effect. This is an emergency policy and is not intended to be a binding practice.

### **3. Policy**

#### **Effective Dates:**

On February 9, 2022, Governor Newsom signed into law SB 114 which reauthorizes employers to provide COVID-19 Supplemental Paid Sick Leave (SPSL) to employees who are unable to work or telework due to certain COVID-19 related qualifying reasons. SB 114 will go into effect on February 19, 2022. SB 114 provides employees entitlement to such leave retroactive from January 1, 2022, through September 30, 2022. Any unused hours do not carry over beyond September 30, 2022.

#### **Definitions:**

A. “COVID-19 Leave” refers to the SB 114’s Supplemental Paid Sick Leave provided under the COVID-19 Leave section.

B. “Individual” means an employee’s immediate family member, a person who regularly resides in the employee’s home, or a similar person with whom the employee has a close relationship that creates an expectation that the employee would care for the person if, they were quarantined or self-quarantined. “Individual” does not include persons with whom the Employee has no personal relationship.



C. “Subject to a Quarantine or Isolation Order” means a quarantine or isolation order and includes quarantine, isolation, containment, shelter-in-place, or stay-at-home orders issued by any Federal, State, or local government authority that causes the employee to be unable to work even though his or her Employer has work that the employee could perform but for the order.

D. “Health Care Provider” has the same definition in 29 C.F.R. § 825.125 of the Family and Medical Leave Act.

E. “Child Care Provider” means a provider who receives compensation for providing childcare services on a regular basis. The term includes a center-based child care provider, a group home child care provider, a family child care provider with or without compensation, or provider of child care services for compensation that is licensed, regulated, or registered under State law; and satisfies the State and local requirements.

F. “Family member” is defined to include a child, grandchild, grandparent, parent, sibling, or spouse.

#### **COVID-19 Leave:**

If an employee was unable to work or telework due to one of the eight qualifying reasons enumerated below and used another paid leave, then the employee may request that SPSL be applied retroactively to that leave and SCAG will restore the leave used previously.

#### **Qualifying Reasons for COVID-19 Leave:**

1. The covered employee is subject to a quarantine or isolation period related to COVID-19 as defined by an order or guidance of the California Department of Public Health (“CDPH”), the federal Centers for Disease Control and Prevention (“CDC”), or a local public health officer who has jurisdiction over the workplace.
2. The covered employee has been advised by a health care provider to isolate or quarantine due to COVID-19.
3. The covered employee is attending an appointment for themselves or a family member to receive a vaccine or a vaccine booster for protection against COVID-19.
4. The covered employee is experiencing symptoms or caring for a family member experiencing symptoms, related to a COVID-19 vaccine or vaccine booster that prevents the employee from being able to work or telework.
5. The covered employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
6. The covered employee is caring for a family member who:
  - a. Is subject to a CDPH, CDC, or local health officer order or guidance to isolate or quarantine, OR
  - b. Has been advised by a health care provider to isolate or quarantine.



7. The covered employee is caring for a child whose school or place of care is closed or otherwise unavailable for reasons related to COVID-19 on the premises.
8. The covered employee, or a family member for whom the covered employee is providing care, tests positive for COVID-19.

### **Employees Eligible for COVID-19 Leave:**

Subject to the provisions of this Policy, all benefit-eligible SCAG employees may be eligible for COVID-19 Leave.

### **Amount of COVID-19 Leave:**

SB114 requires employers to provide employees who worked at least 40 hours per week, two banks of 40 hours of SPSL (prorated for part-time employees).

- SPSL Bank 1 – Employee can use these hours for qualifying reasons 1-7
- SPSL Bank 2 – Employees can use these hours for qualifying reason 8. Employees who take SPSL under qualifying reason 8 may also qualify for SPSL coverage under more than one of the above-enumerated qualifying reasons (see qualifying reasons 1, 2, and 6).

### **Additional Requirements on SPSL Taekn for Qualifying Reason 8**

- If an employee requests SPSL for reason 8, SCAG may require that the employee provide the positive test result to confirm that the employee qualifies for such leave. SCAG may also require that the employee provide the family member's positive test result if the employee is requesting leave in order to provide care to a covered family member.
- SCAG may also require an employee who has taken SPSL for qualifying reason 8 to test for COVID-19 on or after day five, following the initial positive test. If SCAG requires an employee to test on or after day five, SCAG will cover the cost of the test.

### **Compensation for Leave:**

SB114 requires employers to compensate employees up to \$511 per day. SCAG will continue its practice and pay employees at their full rate of pay up to 80 hours.

### **Intermittent Leave:**

Generally, an employee must use the permitted days of COVID-19 Leave consecutively until the employee no longer has a qualifying reason to take the leave. An employee may use COVID-19 Leave on an intermittent basis if SCAG agrees to the intermittent leave schedule.

### **Restoration to Prior Position:**



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SCAG will use reasonable efforts to reinstate an employee on COVID-19 Leave to their prior or an equivalent position, unless the employee's employment would have ended regardless of whether they took leave.

**COVID-19 Leave Request:**

An employee who seeks COVID-19 Leave must notify their supervisor and Human Resources as soon as practicable of the need for leave. SCAG may deny COVID-19 Leave where the employee does not request the leave in advance.

**Certification of COVID-19 Leave:**

An employee who seeks COVID-19 leave must complete the [Supplemental Paid Sick Leave](#) (SPSL) certification form and obtain supervisors acknowledgement. This EPSLA certification form is available on SCAGHub's COVID-19 webpage.

**COVID-19 Leave Carry-Over:**

Unused COVID-19 Leave will not carryover after the expiration of this policy.

**No COVID-19 Leave Cash-Out or Conversion to Service Credits:**

Unused COVID-19 Leave may not be cashed out upon termination, resignation, retirement, or other separation from employment. Unused COVID-19 Leave may not be converted to retirement service credits.

**COVID-19 Leave is *Not* Subject to Grievance or Appeal:**

SCAG's Executive Officer will resolve any ambiguities in this Policy. SCAG's right to grant, deny, modify, or revoke COVID-19 Leave under this policy is not subject to any grievance or appeal process.

**Public Health Emergency Leave**

**This leave is not required by law and is initiated and granted only at the discretion of SCAG's Executive Director.** Employees may not request Public Health Emergency Leave.

If an employee is unable to work or is restricted from working due to precautionary, responsive, or mandated measures that SCAG has implemented due to COVID, the Executive Director may initiate placing the employee on Public Health Emergency Leave.



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The Executive Director may designate the leave as full time, part time, or intermittent leave based on SCAG business needs, and may approve additional periods of Public Health Emergency Leave if needed.

**Eligibility:**

All regular and limited term employees may be eligible.

**Benefits:**

Full time employees may be eligible to receive up to 80 hours at their regular rate of pay per pay period. The number of hours will be prorated using the methodology described in this Policy for part time employees.

**Public Health Emergency Leave is *Not* Subject to Grievance or Appeal:**

SCAG's Executive Director will resolve any ambiguities in this Policy. SCAG's right to grant, deny, modify, or revoke the Public Health Emergency Leave under this policy is not subject to any grievance or appeal process.



## C. MANDATORY VACCINE POLICY

### Purpose

Southern California Association of Governments (“SCAG”) seeks to provide a safe work environment and protect the health and safety of agency employees and the public. This policy is intended to be consistent with COVID-19 public health guidance.

### Scope

According to the CDC and the California Department of Public Health (CDPH), COVID-19 poses a risk, especially to unvaccinated and not fully vaccinated individuals, and specific safety measures remain necessary to protect against COVID-19 infections, hospitalizations, and deaths. COVID-19 vaccinations are widely available to those 5 years and older at no cost. In addition, the significantly more transmissible Delta and Omicron variants of the SARS-CoV-2 virus has become the predominant strains in the United States and in the SCAG region. The CDC has stated that authorized vaccines are highly protective against hospitalization and death, and people who are fully vaccinated are less likely to be contagious or transmit the virus to someone else. Currently authorized vaccines have proven safe and effective at preventing severe outcomes from the virus causing COVID-19, including the Delta and other variants. COVID-19 vaccines are free, safe, and widely available. Please see the CDC website for more information: <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/vaccine-benefits.html>.

A continued increase in the vaccination rate is paramount to decrease COVID-19 transmission, to provide employees with a safe workplace, and to take reasonable steps to help protect the community we serve from COVID-19.

### Resources around COVID-19 Vaccines

The CDC has promoted the benefits and safety of approved and Emergency Use Authorization approved COVID-19 vaccines. According to the CDC, COVID-19 vaccines currently approved or in development in the US:

- do not contain the COVID-19 virus;
- do not change your DNA;
- will not make you sick with COVID-19;
- will not affect fertility; and
- will not make you test positive for the COVID-19 virus.

(<https://www.cdc.gov/coronavirus/2019-ncov/vaccines/facts.html>.) COVID-19 vaccinations have been shown to be highly effective at preventing you from getting sick with COVID-19 and may prevent you from experiencing the most severe consequence of the disease and spreading the virus to others.



For information about what you can expect when getting the vaccine, see the CDC: Vaccine What to Expect Handout. (<https://www.cdc.gov/coronavirus/2019-ncov/vaccines/expect.html>)

Employees may obtain the vaccine at any authorized provider for vaccinations. Employees are encouraged to visit <https://myturn.ca.gov/> for information on where they can obtain the vaccine. The COVID-19 vaccine is free to all and does not require health insurance.

### Definitions

1. **COVID-19 Vaccine:** A COVID-19 vaccine satisfies the requirement of this policy if the U.S. Food and Drug Administration (FDA) has issued Emergency Use Authorization (EUA) or full licensure for the vaccine.<sup>1</sup> Vaccines that currently meet this requirement include Moderna (EUA), Pfizer-BioNTech (full licensure), and Johnson & Johnson/Janssen (EUA).
2. **COVID-19 Vaccine Booster:** As with vaccines for other diseases, people are best protected against infection with the virus that causes COVID-19 when they stay up to date with vaccinations. CDC recommends everyone ages 12 years and older receive a COVID-19 vaccine booster after completing their primary COVID-19 vaccination series. Some people can receive two boosters.
3. **Fully Vaccinated:** A person is fully vaccinated two weeks after receiving all recommended doses in the primary series of their COVID-19 vaccination.  
*[NOTE: This definition is subject to change and should be updated to correspond with any changes to the definition of fully vaccinated issued by the CDPH and/or Cal/OSHA.]*
4. **Partially Vaccinated:** Employees who have received at least one dose of a COVID-19 vaccine but do not meet the definition of fully vaccinated.
5. **Up to Date:** A person is up to date with their COVID-19 vaccination if they have received all recommended doses in the primary series and one booster when eligible. Getting a second booster is not necessary to be considered up to date at this time.
6. **Unvaccinated:** Employees who have not received any doses of the COVID-19 vaccine or whose status is unknown.

### Vaccination

In order to allow SCAG to follow OSHA Emergency Temporary Standards and ensure that SCAG fulfills its primary function of protecting the health and safety of the community, while also meeting its obligation to provide a safe and healthy workplace for employees, all SCAG employees must be fully vaccinated for COVID-19 by no later than Friday, February 11, 2022 unless they have received an exemption based on a sincerely held religious belief or medical/condition/disability. The mandatory procedures for meeting this requirement are set forth below.

### Procedures:

1. Reporting Vaccination Status and Documentation: All SCAG staff must report their vaccination status using the following two-step process designated by SCAG. Any employee who refuses to report their vaccination status will be treated as unvaccinated under this policy, as well as for purposes of SCAG's compliance with any legal or policy obligations that distinguish between vaccinated and unvaccinated individuals. SCAG may use the information provided by employees about their vaccination status to enforce the Cal/OSHA masking, testing, quarantine, and other requirements and compliance with this policy.
  - a. Step 1: By no later than Friday, January 21, 2022, employees must certify that they are one of the following:
    - i. Fully vaccinated for COVID-19 (including the type of vaccine obtained and date(s) of the dose(s));
    - ii. Partially vaccinated for COVID-19 (including the type of vaccine obtained and date of the first dose);
    - iii. Unvaccinated for COVID-19; or
    - iv. Declining to state their vaccination status and acknowledging they will be treated as unvaccinated for purposes of this policy and any other legal or policy obligations distinguishing between vaccinated and unvaccinated individuals.

Employees are required to certify the information they provide regarding vaccination status is true and accurate under penalty of perjury in the Calcium (formerly HealthChampion) COVID-19 Application <https://app.calciumhealth.com>.

Employees who believe they have a valid request for exemption due to a sincerely held religious belief or medical condition/disability must complete and submit a request form available here. Any employee/staff who wishes to request a reasonable accommodation should submit their written request to [ramirez@scag.ca.gov](mailto:ramirez@scag.ca.gov) as soon as possible. SCAG will engage in an interactive process, discussed below, with the employee to determine if alternative reasonable accommodations are available.

- b. Step 2: By no later than Friday, February 11, 2022, employees who have not already fully certified vaccination status must certify that they are one of the following:
    - i. Fully vaccinated for COVID-19 (including the type of vaccine obtained and date(s) of the dose(s));
    - ii. Partially vaccinated for COVID-19 (including the type of vaccine obtained and date of the first dose);
    - iii. Have applied for and received an exemption due to a sincerely held religious belief or medical condition/disability;

- iv. Unvaccinated for COVID-19; or
- v. Declining to state their vaccination status and acknowledging they will be treated as unvaccinated for purposes of this policy and any other legal or policy obligations distinguishing between vaccinated and unvaccinated individuals.

Employees will be required to certify the information they provide regarding vaccination status is true and accurate under penalty of perjury in the Calcium (formerly HealthChampion) COVID-19 Application <https://app.calciumhealth.com>.

- c. Proof of Vaccination Status: Employees at steps 1 and 2 are required to provide the Agency with documented proof of vaccination status. Any of the following options should be uploaded and submitted in the Calcium (formerly HealthChampion) COVID-19 pathway:
  - i. A copy of the digital vaccination record, which is available free and instantly from the state of California, <https://myvaccinerecord.cdph.ca.gov/>;
  - ii. A photo of the CDC COVID-19 vaccination record card; or
  - iii. Vaccination documentation by the employee's healthcare provider.

Employees are not requested or required to provide any medical information. The Agency reserves the right to inspect the original hard copy of any proof of vaccination status provided if there is reason to doubt its validity.

- d. Access to Vaccination Information: SCAG will maintain information provided about vaccination status as a confidential health record. Only authorized SCAG employees will have access to employee personnel information regarding proof of vaccination status. SCAG will share information about an employee's vaccination status only on a need-to-know basis to enforce masking and safety requirements, including to the employee's department head, managers, and supervisors.
  - e. Updates to Vaccination Information: If an employee subsequently becomes vaccinated, the employee will be required to update the Agency with current vaccination status by completing the procedures in steps 1 or 2 above.
2. Exemption Request: As described above, employees who believe they have a valid request for exemption from the mandatory vaccination policy due to a sincerely held religious belief or medical condition/disability must complete and submit a request form by Friday, January 21, 2022. If SCAG determines that an employee cannot be required to receive the COVID-19 vaccination due to disability or medical condition, or because of a sincerely held religious belief, SCAG will engage in a process to determine whether a reasonable accommodation can be provided. This process will determine whether a reasonable accommodation exists to enable an



employee to perform the “essential functions” of their job, including increased mitigation measures, such as the use of an N95 mask, additional personal protective equipment, and weekly COVID-19 surveillance testing. Essential functions vary by job class and therefore the process shall be case by case and may result in different outcomes in different cases. An employee may also be assigned to temporarily work remotely in accordance with the Work@SCAG Policy and would be prohibited from physically reporting to any SCAG facilities or events related to their employment or physically interacting with other SCAG staff as part of their employment.

SCAG will follow its normal accommodations process in determining a reasonable accommodation. Accommodations may not be possible where they would result in an undue burden to SCAG or result in a health or safety threat.

3. As of Friday, February 18, 2022, any employee who is not fully vaccinated (meaning those partially vaccinated or unvaccinated) for any reason or has not received an approved medical exemption or religious accommodation is in violation of this policy and may be subject to disciplinary action up to and including termination. Any employee who is not complying with any aspect of an accommodation, such as failing to provide weekly testing results, may be subject to disciplinary action up to and including termination.
4. Any new hires will be ask to review and comply with this policy and will receive the same window of time to become compliant with either a full vaccination status or to submit a request for exemption.

### **Policy Administration and Questions**

Human Resources is responsible for administering and enforcing this policy. If you have any questions about this policy or about health and safety issues that are not addressed in this policy, please contact SCAG’s Risk Management and Safety Officer at [ramirez@scag.ca.gov](mailto:ramirez@scag.ca.gov).

### **Policy Modification**

Government and public health guidelines, restrictions, business and industry best practices regarding COVID-19 and COVID-19 vaccines are continuing to change as new information becomes available, further research is conducted, and additional vaccine data is published. SCAG reserves the right to modify this policy at any time in its sole discretion to adapt to changing circumstances and business needs, consistent with its commitment to maintaining a safe and healthy workplace.

### **No Harassment or Retaliation**

The decision to get or not get vaccinated belongs to each employee. While SCAG has legitimate health



and safety reasons for encouraging vaccination and tracking how much of its workforce has been vaccinated, SCAG expressly prohibits any form of harassment, discipline, reprisal, intimidation, or retaliation based on an employee's decision to get or not get vaccinated or provide proof of vaccination.



## VI. PROTOCOLS

### A. **CLEANING AND DISINFECTING**

Break rooms, restrooms, and other common areas are disinfected frequently and thoroughly, according to the following schedule:

- 1. Breakrooms: Daily; 2. Restrooms: Daily; 3. Waiting areas: Weekly; 4. Conference rooms: Weekly; 5. Elevators: Daily**

The frequency of cleaning may be subject to change based on the needs of SCAG.

SCAG has directed all employees to discontinue the use of shared office equipment to the extent practicable, or in the alternative to, sanitize shared surfaces and objects (e.g., conference room chairs and tables, counter tops, refrigerator door handles, agency vehicles keyboards, shared office supplies) after use. Sanitizers and wipes are available throughout the office, in communal areas, at copiers and extra supplies are available in the reprographics supply room.

SCAG has directed all employees to frequently wash their hands with soap and water, or use sanitizer when a sink is not available, approximately every 60 minutes, for 20-seconds and after the following activities: using the restroom, sneezing, touching their face, blowing their nose, touching the refrigerator, using shared equipment such as copiers and file cabinets, eating, drinking, entering and leaving the building, going on a break and before the start of their work shift.

Employees are allowed breaks, as needed, to wash their hands.

SCAG has placed tissues/paper towels and no-touch disposal receptacles at locations where they can be easily accessed by employees and members of the public, including but not limited to outside of every restroom, public entrance and entrance to SCAG if such an entrance requires an individual to touch a door handle in order to enter.

### B. **WORKSITE CONFIGURATIONS & GUIDELINESS**

#### 1. **Los Angeles Office 900 Wilshire Blvd. Floors 17 and 16**

The Los Angeles Office consists of 10 offices, 22 cubicles, 15 bench spaces on the 17<sup>th</sup> floor and 20 offices, 96 cubicles and 12 bench spaces on the 16<sup>th</sup>. The office also maintains several communal areas, which are utilized by SCAG employees. These communal areas are listed below. Access to such areas at any one time **may** be limited to the number of individuals identified in the chart below in order to maintain proper social distancing.

Communal Area	Maximum number of people permitted in the area at a given time
17th Floor, 17B13, Reception Area	10 5 standing, 5 seated including Receptionist and Security Guard
17 <sup>th</sup> Floor, 17B07, Regional Council Room	68 Dais (36), Audience (32)
17 <sup>th</sup> Floor, 17B21, Policy Room B	36 Dais (18), Audience (18)
17 <sup>th</sup> Floor, 17B16, Policy A	34 Dais (16), Audience (18)
17 <sup>th</sup> Floor, 17K13, Innovation Conference Room	8
17 <sup>th</sup> Floor, 17I14, President's Conference Room	2
17 <sup>th</sup> Floor, 17I12, Officer's Conference Room	2
17 <sup>th</sup> Floor, 17F23, Executive Lunchroom	8
17 <sup>th</sup> Floor, Executive Conference Room	4
17 <sup>th</sup> Floor, 17F01, Board Lounge	8
17 <sup>th</sup> Floor, 17K11, Phone Room	1
17 <sup>th</sup> Floor, 17L11, The Other Phone Room	1
17 <sup>th</sup> Floor, 17H03, AV Control Room	2
17 <sup>th</sup> Floor, 17F03, Mother's Room	1
16 <sup>th</sup> Floor, 16F24, Teamwork Conference Room	4
16 <sup>th</sup> Floor, 16I15, Catalyst Conference Room	4
16 <sup>th</sup> Floor, 16I11, Collaboration Conference Room	4
16 <sup>th</sup> Floor, 16F01, Leadership Conference Room	6
16 <sup>th</sup> Floor, 16D03, Corner Conference Room	2
16 <sup>th</sup> Floor, 16K13, Impact Café	7
16 <sup>th</sup> Floor, 16E04, Changing Room	1
16 <sup>th</sup> Floor, 16E05, Wellness Room – Closed until further notice	0

SCAG has confirmed with the Wilshire Grand Center that the design of the air flow allows for 100% outside air floor to be recycled 6 times per hour and the air filtration system is comparable to hospital grade. The Wilshire Grand Center has placed signage outside the facility/worksites that instructs people to remain at least six feet apart, including when waiting to enter the facility/worksites.





**2. Imperial Office 1503 N. Imperial Ave., Suite 104 El Centro, CA 92243**

The Imperial Office consists of one dedicated private office and several communal areas, which are utilized by SCAG employees. These communal areas are listed below. Access to such areas at any one time **may** be limited to the number of individuals identified in the chart below in order to maintain proper social distancing. Additionally, SCAG shares restrooms with the Imperial County Transportation Commission (ICTC) in the office which are cleaned and maintained to adhere to Cal-OSHA requirements.

<b>Communal Area</b>	<b>Maximum number of people permitted in the area at a given time</b>
Conference Room	50% of regular capacity

SCAG has confirmed with the building that they have increased the frequency of cleaning and sanitizing shared spaces, heavy traffic areas and any other common areas SCAG employees have access to. SCAG and ICTC have placed signage throughout the space to remind employees and visitors on proper COVID-19 protocols. SCAG will provide any necessary PPE and disinfectant and/or sanitation materials, to maintain cleaning protocols in shared spaces between scheduled cleanings. SCAG shares restrooms with other tenants in the building which are cleaned and maintained to adhere to COVID-19 protocol requirements.

The Imperial Office building also requires a temperature check and screening prior to entering the building. This protocol must be adhered to in addition to any SCAG requirements for temperature test and risk screening. They also have a COVID-19 Response Plan that is in alignment with SCAG policies and is available upon request from SCAG or from the Imperial County Transportation Commission (ICTC).

**3. Orange Office OCTA Bldg 600 South Main Street, Suite 741 Orange, CA 92868**

The Orange County Office consists of one dedicated private office, one cubicle workstation and several communal areas, which are utilized by SCAG employees. These communal areas are listed below. Access to such areas at any one time **may** be limited to the number of individuals identified in the chart below to maintain proper social distancing.

<b>Communal Area</b>	<b>Maximum number of people permitted in the area at a given time</b>
Break/Lunch Rooms	Reduced capacity posted at entrances
Conference Room	50% of regular capacity

SCAG has confirmed with the building that they have increased the frequency of cleaning and sanitizing shared spaces, heavy traffic areas and any other common areas SCAG employees have



access to. OCTA has placed signage throughout the space to remind employees and visitors on proper COVID-19 protocols. SCAG will provide any necessary PPE and disinfectant and/or sanitation materials in addition to items provided by OCTA, to maintain cleaning protocols in shared spaces between scheduled cleanings. SCAG shares restrooms with the OCTA which are cleaned and maintained to adhere to COVID-19 protocol requirements.

The Orange County Office building requires a temperature check and screening prior to entering the building. This protocol must be adhered to in addition to any SCAG requirements for temperature test and risk screening. They also have a COVID-19 Response Plan that is in alignment with SCAG's COVID-19 Prevention Program and is available upon request from SCAG or from the building management.

#### **4. Riverside Office 3403 10th Street, Suite 805 Riverside, CA 92501**

The Riverside Office consists of a private suite that includes a reception area, private offices, shared open office desk space for two, and several communal areas, which are all utilized by SCAG employees and guests. These communal areas are listed below. Access to such areas at any one time **may** be limited to the number of individuals identified in the chart below in order to maintain proper social distancing. Additionally, SCAG has shared restrooms with other tenants on the floor/building which are cleaned and maintained by the building to adhere to Cal-OSHA requirements.

<b>Communal Area</b>	<b>Maximum number of people permitted in the area at a given time</b>
Reception Area	4 2 standing, 2 seated including reception desk
Conference Room	50% of regular capacity
Break Room	2

SCAG has confirmed with the building that they have increased the frequency of cleaning and sanitizing shared spaces, heavy traffic areas and any other common areas SCAG employees have access to. SCAG has placed signage throughout the suite to remind employees and visitors on proper COVID-19 protocols. SCAG will provide any necessary PPE and disinfectant and/or sanitation materials, to maintain cleaning protocols in shared spaces between scheduled cleanings. SCAG shares restrooms with other tenants in the Riverside Centre which are cleaned and maintained to adhere to COVID-19 protocol requirements.

The Riverside Centre Building has a COVID-19 Response Plan that is in alignment with SCAG policies and is available upon request from SCAG or from the Riverside building management.



**5. San Bernardino Office 1170 West 3rd Street, Suite 140 San Bernardino, CA 92410**

The San Bernardino Office consists of two dedicated private offices and several communal areas, which are utilized by SCAG employees. These communal areas are listed below. Access to such areas at any one time **may** be limited to the number of individuals identified in the chart below to maintain proper social distancing. Additionally,

<b>Communal Area</b>	<b>Maximum number of people permitted in the area at a given time</b>
Conference Room	50% of regular capacity
Break Room	2

SCAG has confirmed with the building property management company as well building tenant San Bernardino County Transportation Authority (SBCTA) that they will increase the frequency of cleaning and sanitizing shared spaces, heavy traffic areas and any other common areas SCAG employees have access to upon returning to the worksite. SCAG has placed signage throughout the suite to remind employees and visitors on proper COVID-19 protocols. SCAG will provide any necessary PPE and disinfectant and/or sanitation materials to maintain cleaning protocols in shared spaces between scheduled cleanings. SCAG shares a restroom with the San Bernardino County Transportation Authority (SBCTA) in the office which are cleaned and maintained to adhere to COVID-19 protocol requirements.

The building also has a COVID-19 Response Plan that is in alignment with SCAG's COVID-19 Prevention Program and is available upon request from SCAG or from the building management.

**6. Ventura Office 4001 Mission Oaks Blvd., Ste. L Camarillo, CA 93012**

The Ventura Office consists of a private suite that includes a reception area with two desk spaces, two private offices, and a conference room, which are all utilized by SCAG employees and guests. These communal areas are listed below. Access to such areas at any one time **may** be limited to the number of individuals identified in the chart below in order to maintain proper social distancing. Additionally, SCAG has shared restrooms with other tenants on the floor/building which are cleaned and maintained by the building to adhere to Cal-OSHA requirements.

<b>Communal Area</b>	<b>Maximum number of people permitted in the area at a given time</b>
Reception Area	50% of regular capacity
Conference Room	50% of regular capacity



SCAG has confirmed with the building that they have increased the frequency of cleaning and sanitizing shared spaces, heavy traffic areas and any other common areas SCAG employees have access to. SCAG has placed signage throughout the suite to remind employees and visitors on proper COVID-19 protocols. SCAG will provide any necessary PPE and disinfectant and/or sanitation materials, to maintain cleaning protocols in shared spaces between scheduled cleanings. SCAG shares restrooms with other tenants in the Riverside Centre which are cleaned and maintained to adhere to COVID-19 protocol requirements.

The Ventura Office Building has a COVID-19 Response Plan that is in alignment with SCAG policies and is available upon request from SCAG or from the Riverside building management.

### **C. WORKPLACE ACCESS - CALCIUM (FORMERLY HEALTHCHAMPION) & GUEST ACCESS**

After an employee has completed COVID-19 Prevention Program Training, they will receive an email invite to join the Calcium (formerly HealthChampion) COVID-19 Monitoring Pathway. This invite will be sent by Calcium to the employee's SCAG email address.

Employees will be required to register for SCAG's COVID-19 Monitoring Pathway to record temperature and complete the self-certification risk assessment tasks. Completion of the self-certification risk assessment is **REQUIRED** prior to arrival at the employee's work location on the days the employee is scheduled to be at a SCAG work location. Employees should also complete this assessment when visiting other locations to conduct SCAG business.

If the employee needs to purchase a thermometer to comply with taking their own temperature, they may submit the expense for reimbursement up to a maximum of \$15.00 on the expense reimbursement form available in the SCAG form bank.

Employees can visit <https://app.calciumhealth.com/> to complete their risk assessment or they can download the Calcium Application to their phone from the Apple App Store or Google Play Store.

#### **VISITOR/GUEST ACCESS**

SCAG's process to allow visitors access to the SCAG LA Office requires divisional administrative assistants, executive support, human resources or other select staff who have access to add visitors to Wilshire Grand Center's Easy Lobby for guest access. SCAG will also require an escort for each visitor(s) to receive them at the SCAG Lobby.

#### **I. Process Details (Follow All Steps)**

- a. The following have access to add individuals/groups to LA Office via the [eAdvance Visitor Pre-registration](#) (Easy Lobby) platform: Facilities Supervisor,



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Divisional Administrative Assistants, Executive Support Staff, Human Resources Staff:

- b. When adding a guest to the [eAdvance Visitor Pre-registration](#) (Easy Lobby), please also inform Security ([security@scag.ca.gov](mailto:security@scag.ca.gov)), Reception ([marin@scag.ca.gov](mailto:marin@scag.ca.gov)), and Facilities Supervisor ([jackson@scag.ca.gov](mailto:jackson@scag.ca.gov)) and include name of visitor(s), arrival date and time and SCAG host.
- c. Guests arriving on day of visit will:
  - i. Check-in at downstairs lobby entrance to obtain visitor badge (proof of ID required)
  - ii. Check-in at SCAG Lobby on 17<sup>th</sup> Floor. Check-in will consist of:
    1. COVID-19 temperature check and screening performed by Security Guard or SCAG authorized personnel.
    2. Security Guard or SCAG authorized personnel will notify the host of guest arrival via Teams.
    3. Guest(s) must wait in lobby reception until host arrives to escort them. Host must collect guest.

**VII. FORMS**



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## **A. RELIGIOUS EXEMPTION REQUEST FORM (COVID-19 VACCINE)**

The Southern California Association of Governments (“SCAG”) affords equal employment opportunity for all qualified employees, applicants, and volunteers as to all terms of employment and prohibits discrimination against employees, applicants, and volunteers based on classifications protected by law, including, but not limited to, religion, creed, and religious belief, practice, or observance. Accordingly, SCAG provides reasonable accommodations for applicants, employees, and volunteers whose sincerely held religious belief, practice, or observance conflicts with an employment requirement, unless providing a reasonable accommodation would result in undue hardship on the conduct of the SCAG’s operations.

To promote a safe and healthful workplace for employees and volunteers, and to promote the health and safety of employees, and volunteers working and learning on the SCAG office facilities, and members of the community, SCAG requires that all employees receive a COVID-19 vaccination by Friday, February 11, 2022, in order to be physically present on SCAG premises, participate in SCAG activities for an extended amount of time, or be inside a SCAG building or office. Applicants, employees, and volunteers may use this form to request a religious accommodation if they have a sincerely held religious belief, practice, or observance that conflicts with SCAG’s requirement that all employees receive a COVID-19 vaccination. SCAG will consider requests for exemptions for sincerely held religious beliefs on an individual basis. Exemptions will not be approved based on a purely personal preference to not take the COVID-19 vaccine. Opposition to the COVID-19 vaccine due to medical beliefs does not constitute a conflict with the vaccination requirement based on your sincerely held religious belief.

Employee, applicant, or volunteer to complete the following information:

### Section A: General Information

Name:

Job Title:

Supervisor:

Department:

### Section B: Description of Religious Belief, Practice, or Observance

Please describe your sincerely held religious beliefs, practices, or observances that conflicts with the requirement that you receive a COVID-19 vaccination:



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Does your sincerely held religious belief have formal services, ceremonial functions, and observation of holidays? Please describe below:

How have you applied your sincerely held religious beliefs about vaccines and preventive medicine in other contexts? Please describe below:

Section C: If you have requested religious accommodations to SCAG before, please state the nature of the request, the approximate date the request was made, and the outcome of the request:

Section D: Requested Accommodation

Please describe the accommodation\* you are requesting.\*\*

*\* For employees, please note that an accommodation must enable you to meet the essential functions of your job.*

*\*\* Please note that SCAG will consider your preferred accommodation and other possible accommodations that would resolve the conflict between your religious beliefs, practices, or observances and will select, approve, and implement the accommodation that it deems effective, which may include, but is not limited to: (1) job restructuring or job reassignment; (2)*



*modification of work practices; (3) alteration to worksite location; or (4) personal protective equipment.*

In some cases, SCAG will need to obtain documentation or other authority in support of your accommodation request. This may include documentation from your religious or spiritual leader.

If requested, can you provide documentation to support your sincerely held religious belief and need for an accommodation?

- YES
- NO

My signature below indicates that the information I have provided in this form accurately reflects my sincerely held religious beliefs, practices, or observances and its conflict with SCAG's requirement that all employees receive a COVID-19 vaccination. I also understand that in evaluating my request for an accommodation, SCAG may require me to provide additional supporting documentation and may not grant my request if it creates an undue hardship on the conduct of SCAG's operations. I understand that SCAG is relying on the information in this request to manage the health and safety of SCAG's employees, and community. If SCAG determines that I have submitted false information I can be disciplined up to and including termination.

\_\_\_\_\_  
Employee/Volunteer/Applicant Signature

\_\_\_\_\_  
Date





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**B. MEDICAL EXEMPTION REQUEST FORM (COVID-19 VACCINE)**

MEDICAL PROVIDER NAME: \_\_\_\_\_

MEDICAL PROVIDER PHONE NUMBER: \_\_\_\_\_

MEDICAL PROVIDER ADDRESS: \_\_\_\_\_

MEDICAL PROVIDER LICENSE NUMBER: \_\_\_\_\_

EMPLOYEE NAME: \_\_\_\_\_

**To Medical Provider:** The Southern California Association of Governments (“SCAG”) requires employees to be fully vaccinated against COVID-19. This form is to certify whether the SCAG employee named above has

- a contraindication or precaution to COVID-19 vaccination recognized by the Centers for Disease Control and Prevention (“CDC”) or by the vaccines’ manufacturers; **or**
- a COVID-19-related diagnosis or treatment within the last 90 days recognized by the CDC as a contraindication or precaution to the available COVID-19 vaccinations; **or**
- a disability within the meaning of the Fair Employment and Housing Act (“FEHA”) and the Americans with Disabilities Act (“ADA”) that precludes the employee’s ability to be fully vaccinated against COVID-19.

Please only answer the specific questions asked below and do not provide any additional information. Do not provide any information regarding diagnosis, medical cause, or medical history. Your responses should be limited to your determination of the employee’s limitations or need for accommodations, if any. Further, the Genetic Information Nondiscrimination Act of 2008 (“GINA”) prohibits employers from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. Therefore, we also request that you not provide genetic information when responding to this request.

**Section A: Disability Related Questions**

1. Does the employee have an underlying medical condition that precludes the employee from being fully vaccinated against COVID-19 using any of the currently available COVID-19 vaccines? DO NOT SPECIFY THE CONDITION.  
Yes \_\_\_ No \_\_\_
2. If your answer to question one is “Yes,” is the medical condition a physical or mental impairment that limits the employee’s ability to engage in a major life activity, such as the ability to work, care for themselves, perform manual tasks, walk, see, hear, eat,



sleep, or engage in social activities? A condition can be said to “limit,” if the condition makes the achievement of the major life activity more difficult.

Yes \_\_\_ No \_\_\_

Probable Duration of the Medical Condition: \_\_\_\_\_

**Section B: Health or Medical Condition Related Questions**

1. Does the employee have a contraindication or precaution to COVID-19 vaccination recognized by the Food and Drug Administration or by the vaccines’ manufacturers?

Yes \_\_\_ No \_\_\_

Probable Duration of the Contraindication or Precaution: \_\_\_\_\_

2. Did the employee receive a COVID-19-related diagnosis or treatment within the last 90 days that is recognized by the CDC as a contraindication or precaution to the available COVID-19 vaccinations?

Yes \_\_\_ No \_\_\_

Probable Duration of the Contraindication or Precaution: \_\_\_\_\_

\_\_\_\_\_

Medical Provider Signature

\_\_\_\_\_

Date



**C. AUTHORIZATION FOR DISCLOSURE AND USE OF MEDICAL INFORMATION**

**Confidentiality of Medical Information Act (CMIA), Civil Code § 56, et seq.**

Pursuant to California’s Confidentiality of Medical Information Act, I, \_\_\_\_\_ authorize \_\_\_\_\_ to disclose the medical information described in this authorization to representatives from the Human Resources Department of SCAG. I also authorize the same representatives from SCAG to use the medical information for the purposes described in this authorization.

This authorization is limited to the following types of information:

COVID-19 test results, including but not limited to any results of tests administered to detect the presence of the COVID-19 virus (SARS-CoV-2).

Information regarding my COVID-19 vaccination status:

The recipients of this information may use the information for the following purpose(s):

For legitimate, non-discriminatory business purposes where information regarding my vaccination status or COVID-19 test status is necessary for SCAG to make business and operational-related decisions authorized by or in order to comply with federal, state, or local laws that take a person’s vaccination status into account.

Expiration Date: \_\_\_\_\_ is no longer authorized to disclose medical information described in this authorization after 06/30/2023.

Right to Receive Copy of This Authorization: I understand that if I sign this authorization, I have the right to receive a copy of this authorization. Upon request, SCAG will provide me with a copy of this authorization.

**I authorize the disclosure and use of my medical information as described above for the purposes listed above. I understand that this authorization is voluntary and that I am signing this authorization voluntarily.**

\_\_\_\_\_  
Employee Name

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date