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[Home](#) > AB 685 COVID-19 Reporting Requirements Effective 01-01-21

As the coronavirus pandemic continues, the State of California is working to enforce elements of COVID-19 management and controls. At this time, you may be aware of SB 1159 which requires employers to report employee COVID-19 cases to their workers compensation claims administrator. Another reporting bill, **AB 685** [1], goes into effect on January 1, 2021. This bill requires employers to notify employees of potential COVID-19 exposures in the workplace and to report outbreaks to the local public health department.

Key Terms

Qualifying Individual

A person who:

- Tested positive for COVID-19
- Was diagnosed with COVID-19 by a licensed health care provider
- Is subject to an isolation order
- Died due to COVID-19
- In most jurisdictions, a person is subject to an isolation order if they display symptoms of COVID-19

Worksite

The building, store, facility, agricultural field, or other location. It does not include buildings, floors, or other locations that the “qualifying person” did not enter.

Infectious Period

Begins 48 hours before symptoms first appear or, if there are no symptoms, 48 hours before a positive test.

Notice to Employees, Employers of Subcontracted Employees, and Exclusive (Union) Representative

A potential exposure to COVID-19 means that a “qualifying individual” was physically present at the employer’s “worksite” during the “infectious period.”

An employer who receives notice of a potential exposure to COVID-19 must provide written notice within one business day to:

1. All employees, and the employers of subcontracted employees, who were on the premises at the same worksite as the qualifying individual during the infectious period.

2. The employees’ exclusive (union) representative.

- The notice may be sent in a manner the employer usually uses to communicate employment-related information. Communication may include personal delivery, e-mail, or text message if it can be reasonably anticipated to be received by the employee within one business day. The notice must be written in English and (if different) the language understood by a majority of the employees.

- The notice must include information regarding COVID-19 benefits available under federal, state, or local law, including workers compensation, COVID-19-related leave, company sick leave, state-mandated leave, supplemental sick leave, or negotiated leave, as well as anti-retaliation and anti-discrimination protections for employees.

- The notice must include information regarding the disinfection and safety plan that the employer plans to implement and complete per CDC guidelines.

VANTREO is here to help. If you have questions or need simple, cost effective COVID reporting technology, just [reply here](#) [2].

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Links

[1] https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB685

[2]

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