

ATTACHMENT #1

**City of Indian Wells
COVID-19 Prevention
Program (“CPP”)**

Updated: July 6, 2023

I. PURPOSE:

The Division of Occupational Safety and Health (“DOSH”) recognizes that COVID-19 constitutes a workplace hazard.

The purpose of the City of Indian Wells’s COVID-19 Prevention Program (“CPP”) is to establish, implement and maintain a program that addresses this work-related hazard in order to provide City of Indian Wells employees a healthy and safe workplace as required under the California Occupational Safety and Health Act (Lab. Code §§ 6300, *et seq.*) and associated regulations (8 C.C.R. §§ 3203 and 3205-3205.3).

Nothing in this CPP precludes the City of Indian Wells from complying with federal, state, or local laws or public health order or guidance that may recommend or require that the City of Indian Wells adopt and implement measures that are more prescriptive and/or restrictive than those that are provided herein.

II. SCOPE

Unless one or more of the exceptions provided below applies, this CPP shall apply to all City of Indian Wells employees (hereinafter referred to as “employees”).

The following employees are exempt from coverage under the CPP:

- (1) Employees who are teleworking from home or a location of the employee’s choice that is not under the control of the City of Indian Wells;
- (2) Employees who are working in or at a work location and do not have contact with any other individuals; and
- (3) Employees that because of their tasks, activities or work location have with occupational exposure as defined by the Aerosol Transmissible Diseases (“ATD”) regulation (*i.e.*, 8 C.C.R. § 5199).

III. EFFECTIVE PERIOD

The CPP shall apply until February 3, 2025, except for the recordkeeping subsection 3205(j), which shall apply until February 3, 2026.

The recordkeeping requirements provided for at Section V., L., below, may apply after the expiration of the CPP.

IV. DEFINITIONS:

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

“Close Contact” means sharing the same indoor space as a COVID-19 Case for a cumulative total of 15 minutes or more over a 24-hour period during the COVID-19 Case’s Infectious Period, as defined by this section, regardless of the use of Face Coverings, unless Close Contact is defined by regulation or order of

the California Department of Public Health (“CDPH”). If so, the CDPH definition shall apply.

Employees who were wearing a Respirator as required by the City of Indian Wells and who used such Respirator in compliance with Title 8, Section 5144 (hereinafter referred to as Section 5144) during contact with a COVID-19 Case will be deemed not to have had Close Contact COVID-19 exposure.

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

“COVID-19 Case” means a person who either:

- (1) Has a positive COVID-19 Test;
- (2) Is subject to COVID-19-related order to isolate issued by a local or state health official;
- (3) Has a positive COVID-19 diagnosis from a licensed health care provider; or
- (4) 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.

“COVID-19 Hazard” means 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, or sneezing, or from procedures performed on persons which may aerosolize saliva or Respiratory tract fluids.

“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 test for SARS-CoV-2 that is:

- (1) Cleared, approved, or authorized, including in an Emergency Use Authorization (“EUA”), by the United States Food and Drug Administration (“FDA”) to detect current infection with the SARS-CoV-2 virus (*e.g.*, a viral test); and
- (2) Administered in accordance with the authorized instructions.
- (3) To meet the return to work criteria set forth in Section V., E., a COVID-19 test may be both self-administered and self-read if the test result can be independently verified (*e.g.*, the employee can provide a time-stamped photograph of the test result).

“Exposed Group” means all employees at a work location, working area, or a common area at work, within employer-provided transportation covered by Section 3205.3, or residing within housing covered by Section 3205.2, where a COVID-19 Case was present at any time during the Infectious Period. However, if the COVID-19 Case visited a work location, working area, or a common area at work for less than 15 minutes during the Infectious Period, and all employees were wearing Face Coverings at the time the COVID-19 Case was present, other people at the work location, working area, or common area would not constitute part of the exposed group. Common areas at work includes bathrooms, walkways, hallways, aisles, break or eating areas, and waiting areas. However, places where employees momentarily pass through while everyone is wearing Face Coverings, without congregating, is not a work location, working area, or a common area at work.

“Face Covering” means a surgical mask, a medical procedure mask, a Respirator worn voluntarily, or a tightly woven fabric or non-woven material of at least two layers that completely covers the nose and mouth and is secured to the head with ties, ear loops, or elastic bands that go behind the head. If gaiters are worn, they shall have two layers of fabric or be folded to make two layers. A Face Covering is a solid piece of material without slits, visible holes, or punctures, and must fit snugly over the nose, mouth, and chin with no large gaps on the outside of the face. A Face Covering may be clear or cloth with a clear plastic panel that otherwise meet this definition and which may be used to facilitate communication with people who are deaf or hard-of-hearing or others who need to see a speaker’s mouth or facial expressions to understand speech or sign language respectively. A Face Covering does not include a scarf, ski mask, balaclava, bandana, turtleneck, collar, or single layer of fabric.

“Infectious Period” means the following time period, unless otherwise defined by CDPH regulation or order:

- (1) For COVID-19 Cases who develop COVID-19 Symptoms: From two (2) days before the date of symptom onset until after both conditions are satisfied: (1) 10 days have passed after symptoms first appeared, or through day five (5) if testing is negative on day five (5) or later; and (2) 24 hours have passed with no fever, without the use of fever-reducing medications, and symptoms have improved.
- (2) For COVID-19 Cases who never develop COVID-19 Symptoms: From two (2) days before the positive specimen collection date through 10 days (or through day five (5) if testing negative on day five (5) or later) after the date on which the specimen for their first positive test for COVID-19 was collected.

“Respirator” means a respiratory protection device approved by the National Institute for Occupational Safety and Health (“NIOSH”) to protect the wearer from particulate matter, such as an N95 filtering facepiece Respirator.

“Returned Case” means a COVID-19 Case who was excluded from work but returned pursuant to Section V., E. and did not develop any COVID-19 Symptoms after returning. A person shall only be considered a Returned Case for 90 days after the initial onset of COVID-19 Symptoms or, if the person never developed COVID-19 Symptoms, for 90 days after the first positive test. If a period of other than 90 days is required by a CDPH regulation or order, that period shall apply.

“Worksite,” for the limited purposes of COVID-19 prevention regulations only, means the building, store, facility, agricultural field, or other location where a COVID-19 Case was present during the Infectious Period. It does not apply to buildings, floors, or other locations of the employer that a COVID-19 Case did not enter.

V. PROGRAM

A. CITY OF INDIAN WELLS RECOGNIZES COVID-19 AS A POTENTIAL WORK-RELATED HAZARD

An employee is potentially exposed to COVID-19 Hazards when near other persons, whether or not the employee is performing an assigned work task.

The City of Indian Wells will treat all persons as potentially infectious, regardless of symptoms, vaccination status, or negative COVID-19 Test results.

COVID-19 shall be considered a hazard specific to an employee’s job assignments and job duties if those assignments and/or duties bring the employee near other persons.

B. MEASURES ADOPTED BY THE CITY OF INDIAN WELLS TO PREVENT COVID-19 TRANSMISSION AND TO IDENTIFY AND CORRECT COVID-19 HAZARDS AT CITY OF INDIAN WELLS WORKSITES AND FACILITIES

The City of Indian Wells recognizes that COVID-19 is an airborne infectious disease and treats it as such.

When determining measures to prevent COVID-19 transmission and to identify and correct COVID-19 Hazards, the City of Indian Wells reviews applicable orders and guidance related to COVID-19 from the CDH, DOSH and the local health department in Riverside County.

The City of Indian Wells adopted the following measures to prevent COVID-19 transmission and to identify and correct COVID-19 Hazards at City of Indian Wells Worksites and facilities:

- (1) The City of Indian Wells investigates COVID-19 illness at the workplace as provided for in Section V., D. of this CPP;

- (2) The City of Indian Wells effectively responds to COVID-19 Cases at the workplace as provided for in Section V., E. of this CPP;
- (3) The City of Indian Wells makes COVID-19 Tests available at no cost to employees to all employees who had a Close Contact COVID-19 exposure as provided for in Section V. F. of this CPP;
- (4) The City of Indian Wells provides notice of COVID-19 Cases as provided for in Section V., G. of this CPP;
- (5) The City of Indian Wells provides Face Coverings to all employees and requires that such Face Coverings are worn when required by regulation or order from the CDPH or local health department, as provided for in Section V., H. of this CPP;
- (6) The City of Indian Wells provides Respirators as provided for in Section V. I. of this CPP;
- (7) The City of Indian Wells ensures adequate ventilation as provided for in Section V., J. of this CPP;
- (8) The City of Indian Wells follows all applicable aerosolizing procedures as provided for in Section V., K. of this CPP;
- (9) The City of Indian Wells keeps adequate records and completes all required reports as provided for in Section V., L. of this CPP; and
- (10) The City of Indian Wells complies with all orders promulgated by the Division of Occupational Safety and Health as provided for in Section V., M. of this CPP.

C. EMPLOYEE TRAINING AND INSTRUCTION

The City of Indian Wells will provide employee training and instruction on COVID-19 in the following circumstances:

- (1) When this CPP is adopted or updated;
- (2) To all new employees;
- (3) To all employees given new job assignments for which training has not previously been received;
- (4) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard;
- (5) Whenever the City of Indian Wells is made aware of a new or previously unrecognized hazard; and

- (6) For supervisors to familiarize themselves with the safety and health hazards to which employees under their immediate direction and control may be exposed.

The City of Indian Wells provides training and instruction to City of Indian Wells employees on the following subjects: (1) COVID-19 Symptoms; (2) the spread and transmission of SARS-CoV-2; (3) the importance of COVID-19 vaccinations and boosters; (4) the importance of hand hygiene, Face Coverings and Respirators; (5) information regarding COVID-19-related benefits; and (6) information on the employer's COVID-19 policies and procedures to protect employees from COVID-19, including what is provided for in the CPP.

1. COVID-19 Symptoms

The City of Indian Wells provides employees training and instruction on 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.

The City of Indian Wells monitors and adheres to guidance issued 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>. The City of Indian Wells will advise employees in the event that the CDC revises the symptoms that its associates with COVID-19.

In addition to providing training and instruction on COVID-19 Symptoms, the City of Indian Wells provides information and instruction on the importance of employees not coming to work if they have any COVID-19 Symptoms. As discussed below, the City of Indian Wells provides information on paid leaves to which employees may be entitled if they are experiencing a COVID-19 Symptom and would like to be tested for COVID-19.

2. Spread and Transmission of the SARS-CoV-2

The City of Indian Wells advises and provides updates to employees about the known spread and transmission of COVID-19. The City of Indian Wells specifically advises employees of the following: (1) that COVID-19 is an infectious Respiratory disease; (2) that the virus that causes COVID-19 can be spread through the air when an infectious person talks or vocalizes, sneezes, coughs, or exhales; (3) 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; (4) 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 (5) that an infectious person may have no COVID-19 Symptoms or be pre-symptomatic.

3. Importance of COVID-19 Vaccinations and Boosters

The City of Indian Wells provides employees information and instruction on the fact that COVID-19 vaccines are effective at both preventing the transmission of the virus that causes COVID-19 and preventing serious illness or death, and how employees may receive paid leave for reasons related to COVID-19 vaccinations.

As discussed below, the City of Indian Wells provides information on paid leaves to which employees may be entitled in order for them to be vaccinated and in the event that they experience any illness or adverse effects as a result of such vaccination.

4. Importance of Hand Hygiene, and Face Coverings and Respirators

The City of Indian Wells advises employees of the importance of physical distancing, Face Coverings, and hand hygiene, including hand washing, and instructs employees that the combination of physical distancing, Face Coverings, increased ventilation indoors, and Respiratory protection make such preventative measures most effective.

With respect to hand hygiene, the City of Indian Wells provides employees information regarding the importance of frequent hand washing, that hand washing is most effective when soap and water are used and the employees washes for at least 20 seconds. The City of Indian Wells instructs employees to use hand sanitizer when employees do not have immediate access to a hand washing facility (i.e., a sink) and that hand sanitizer will not be effective if the employee's hands are soiled.

With respect to Face Coverings and Respirators, the City of Indian Wells provides employees information on the benefits of Face Coverings, both to themselves and to others. The City of Indian Wells also provides employees instructions on the proper use of Face Coverings and the differences between Face Coverings and Respirators.

Upon request, the City of Indian Wells will provide employees Respirators for their use at work. At such time as the City of Indian Wells provides Respirators to employees for their use, it will provide such employees training on the proper use of such Respirators, including, but not limited to, how to properly wear the Respirator and the method by which employees may check the seal of such Respirator in conformance with the manufacturer's instructions.

The City of Indian Wells will provide training on the conditions under which Face Coverings must be worn at the workplace and that employees can request Face Coverings from the City of Indian Wells at no cost to the employee and can wear them at work, regardless of vaccination status, without fear of retaliation.

5. Information regarding City of Indian Wells's COVID-19 Policies and Procedures

The City of Indian Wells provides regular updates to employees on the City of Indian Wells's policies and procedures adopted in order to prevent COVID-19 Hazards at City of Indian Wells Worksites and facilities, how such policies and procedures are intended to protect the health and safety of employees and City of Indian Wells Worksites and

facilities, and how employees may participate in the identification and evaluation of COVID-19 Hazards in order to make such Worksites and facilities healthier and safer for themselves and others.

6. Information regarding COVID-19 Related Benefits

The City of Indian Wells advises and provides updates to employees on the leaves to which employees may be entitled under applicable federal, state, or local laws as well as the City of Indian Wells's own leave policies.

Further, when employees require leave in order to receive a COVID-19 Test or to be vaccinated or are directed not to report to work by the City of Indian Wells for reasons related to the presentation of COVID-19 Symptoms, a COVID-19 Case, Close Contact COVID-19 exposure, the City of Indian Wells will advise the employees of the leaves to which the employees may be entitled for that specific reason.

D. CITY OF INDIAN WELLS PROCEDURE FOR INVESTIGATING COVID-19 ILLNESS AT CITY OF INDIAN WELLS WORKPLACES

1. Investigation of COVID-19 Cases

In the event of a COVID-19 Case, the City of Indian Wells will undertake the following steps to investigate the COVID-19 Case:

- (1) Determine the day and time the COVID-19 Case was last present at the workplace;
- (2) Determine, to the extent possible, the date of the COVID-19 Case's positive COVID-19 Test(s) and/or diagnosis; and
- (3) Determine the date the COVID-19 Case first experience one (1) or more COVID-19 Symptoms, if any were experienced.

The City of Indian Wells will also collect the following information for COVID-19 Cases:

- (1) The employee's name;
- (2) The employee's contact information;
- (3) The employee's occupation;
- (4) The location where the employee worked;
- (5) The date of the employee's last day at the workplace; and
- (6) The date of the employee's positive COVID-19 Test and/or COVID-19 diagnosis.

The City of Indian Wells will also collect the following information for COVID-19 Close Contacts:

- (1) The employee's name;

- (2) The employee's contact information; and
- (3) The date upon which the City of Indian Wells provided the employee notice of the Close Contact.

2. Identification of and Response to Employees with COVID-19 Symptoms

The City of Indian Wells will identify and respond to persons with COVID-19 Symptoms at the workplace.

The City of Indian Wells encourages employees to report COVID-19 Symptoms and to stay home when ill.

E. CITY OF INDIAN WELLS METHOD OR PROCEDURE FOR RESPONDING TO A COVID-19 CASE IN THE WORKPLACE

1. Exclusion of COVID-19 Cases from the Workplace

The City of Indian Wells will immediately exclude from the workplace all COVID-19 Cases and, in the event of an outbreak, all employees within the Exposed Group who had a Close Contact with a COVID-19 Case.

The City of Indian Wells will not allow COVID-19 Cases to return to work unless and until the COVID-19 Case satisfies the following requirements:

- (1) COVID-19 Cases who do not develop COVID-19 Symptoms shall not return to work during their Infectious Period;
- (2) COVID-19 Cases who develop COVID-19 Symptoms shall not return to work during the shorter of the following: (1) the Infectious Period; or (2) through 10 days after the onset of symptoms and at least 24 hours have passed since a fever of 100.4 degrees Fahrenheit or higher has resolved without the use of fever-reducing medication.

The above requirements shall apply regardless of whether an employee has previously been excluded from the workplace or the City of Indian Wells took other precautions in response to an employee's Close Contact or membership in an exposed group.

The City of Indian Wells will provide a COVID-19 Case that is excluded from the workplace information regarding COVID-19-related benefits to which the employee may be entitled under applicable federal, state, or local laws. The City of Indian Wells will provide the employee information on any benefits available under legally mandated sick leave, if applicable, workers' compensation law, local government requirements, the City of Indian Wells own leave policies, and leave guaranteed by contract.

2. Requirement that a COVID-19 Case Wears a Face Covering

Regardless of the employee's vaccination status, previous infection, or lack of COVID-19 Symptoms, a COVID-19 Case shall wear a Face Covering in the workplace until 10

days have passed since the date that COVID-19 Symptoms began or, if the COVID-19 Case did not present COVID-19 Symptoms, from the date of their first positive COVID-19 Test.

3. Responding to Employees Who Had a Close Contact

The City of Indian Wells reviews current CDPH guidance for employees who had a Close Contact, including guidance regarding required or recommended quarantines and other measures intended to reduce the transmission of COVID-19.

The City of Indian Wells has developed policies in order to prevent transmission of COVID-19 by an employees who had a Close Contact.

The City of Indian Wells will provide any employee who had a Close Contact and must be excluded from the workplace information regarding COVID-19-related benefits to which the employee may be entitled under applicable federal, state, or local laws. The City of Indian Wells will provide the employee information on any benefits available under legally mandated sick leave, if applicable, workers' compensation law, local government requirements, the City of Indian Wells's own leave policies, and leave guaranteed by contract.

4. The City of Indian Wells's Observance of Adherence to Isolation, Quarantine and Exclusion Orders

If an order to isolate, quarantine, or exclude an employee is issued by a local or state health official, the City of Indian Wells will not allow any employee who is subject to such order to report to an City of Indian Wells workplace until the employee satisfies the isolation or quarantine requirements or the order is lifted.

If no violations of local or state health official orders for isolation, quarantine, or exclusion would result, the City of Indian Wells may request that DOSH allow employees to return to work on the basis that the removal of an employee would create undue risk to a community's health and safety.

In such cases, the City of Indian Wells would implement effective control measures in order to prevent the transmission of COVID-19 in the workplace, including isolating the employee at the workplace and, if isolation is not feasible, using Respirators.

F. TESTING OF CLOSE CONTACTS

The City of Indian Wells makes COVID-19 Tests available at no cost to employees to all employees who had a Close Contact COVID-19 exposure at an City of Indian Wells Worksite.

The City of Indian Wells will offer such employees COVID-19 Tests during paid time, whether during the employee's regular work schedule or otherwise, and will provide compensation for the time that the employee spends waiting for and being tested.

The City of Indian Wells will not provide free COVID-19 Tests to Returned Cases.

G. NOTICE OF COVID-19 CASES

1. Notice to Close Contacts

In the event of a known Close Contact, the City of Indian Wells will notify employees and independent contractors who had a Close Contact, as well as any employer with an employee who had a Close Contact.

The City of Indian Wells will provide the notice as soon as possible after becoming aware of the Close Contact, and in no case longer than the time required to ensure the exclusion of the Close Contact, if required pursuant to the requirements for the exclusion of Close Contacts described in Section IV., E., 3., above.

2. Notice of Workplace Exposures

When Labor Code section 6409.6 or any successor law is in effect, in the event of a workplace COVID-19 exposure, the City of Indian Wells will provide notice to employees and the employers of independent contractors who were present at the Worksite at the same time as the COVID-19 Case. The City of Indian Wells will provide such notice in a form readily understandable to employees, as required by Labor Code section 6409.6.

When Labor Code section 6409.6 or any successor law is in effect, in the event of a workplace COVID-19 exposure, the City of Indian Wells will provide notice to the authorized representative, if any, of the COVID-19 Case and of any employee who had a workplace COVID-19 exposure as a result of the COVID-19 Case.

H. FACE COVERINGS

1. General Face Covering Requirements

The City of Indian Wells provides Face Coverings to all employees and requires that such Face Coverings are worn when required by regulation or order from the CDPH or local health department.

When a CDPH regulation or order requires Face Coverings indoors, the City of Indian Wells will require employees to wear Face Coverings in vehicles, unless expressly provided that Face Coverings need not be worn in such circumstances.

The City of Indian Wells requires that employees' Face Coverings be clean, undamaged and worn over both the nose and mouth.

The City of Indian Wells allows employees to use face shields to supplement, not supplant, Face Coverings.

2. Limited Exceptions to Face Covering Requirements

The City of Indian Wells will not require that employees wear Face Coverings when the use of Face Coverings is required as a result of a regulation or order from the CDPH or local health department during the following circumstances:

- (1) When an employee is alone in a room (e.g., alone in an office or another space with walls that extend from the floor to the ceiling and a door that may be closed in order to close the space to others) or vehicle;
- (2) While the employee is eating and drinking at the workplace, provided that employees are at least six (6) feet apart and that the City of Indian Wells has maximized the supply of outside or filtered air to the area.
- (3) While the employee is wearing a Respirator required by the City of Indian Wells and the Respirator is being used in compliance with the regulatory requirements for the use of such Respirators.
- (4) If the employee cannot wear Face Coverings due to a medical or mental health condition or disability, or because the employee is hearing-impaired or is communicating with a hearing-impaired person. In such a circumstance, the employees shall wear an effective non-restrictive alternative, such as a face shield with a drape on the bottom, if the condition or disability permits it.
- (5) While the employee is performing specific tasks which cannot feasibly be performed with a Face Covering. This exception is limited to the time period in which the employees is actually performing the task.

If an employee is not wearing a Face Covering pursuant to the exceptions in subsections (4) and (5), above, the City of Indian Wells will assess COVID-19 Hazards and take action as necessary based on General Industry Safety Orders, including Sections 3205 and 3203.

3. The City of Indian Wells Will Not Prevent or Discourage Employees from Wearing Face Coverings

The City of Indian Wells will not prevent or discourage any employee from wearing a Face Covering, including a Respirator, when the use of such a Face Covering is not required by a regulation or order from the CDPH or local health department.

Notwithstanding the above, the City of Indian Wells may prevent an employee from wearing a Face Covering if the use of such Face Covering would create a safety hazard.

I. RESPIRATORS

Upon request, the City of Indian Wells shall provide any employee who is working indoors or in a vehicle with more than one person a Respirator for the employee's voluntary use. The City of Indian Wells will provide such Respirators at no cost to the employee.

However, the City of Indian Wells will not provide an employee a Respirator if the City of Indian Wells determines that the employee's use of such Respirator will itself create a hazard.

If the City of Indian Wells determines that any voluntary Respirator use is permissible, the City of Indian Wells will provide the employee information contained in Appendix D to Title 8, Section 5144 (“Information for Employees Using Respirators When Not Required Under the Standard”). The City of Indian Wells will ensure that the employee is provided with a Respirator of the correct size, that the employee is trained how to properly wear the Respirator provided, that the employee knows how to perform a seal check according to the manufacturer’s instructions each time a Respirator is worn, and that the employee understands that facial hair interferes with a seal.

As part of the provision of Respirators, the City of Indian Wells will establish and implement those elements of a written Respiratory protection program necessary to ensure that any employee using a Respirator voluntarily is medically able to use that Respirator, and that the Respirator is cleaned, stored, and maintained so that its use does not present a health hazard to the employee.

Further, the City of Indian Wells will designate a program administrator who is qualified by appropriate training or experience that is commensurate with the complexity of the program to administer or oversee the Respiratory protection program and conduct the required evaluations of program effectiveness.

The City of Indian Wells will provide Respirators, training, and medical evaluations at no cost to the employee.

J. VENTILATION

1. Ventilation of Indoor Workplaces

The City of Indian Wells will monitor and review CDPH and DOSH guidance regarding ventilation for indoor workplaces, including, but not limited to, the “Interim Guidance for Ventilation, Filtration, and Air Quality in Indoor Environments.”

The City of Indian Wells will evaluate whether current indoor ventilation is adequate in order to reduce the risk of transmission of SARS-CoV-2 if a COVID-19 Case enters the workplace. Where such indoor ventilation is not adequate, the City of Indian Wells will implement changes as necessary to provide adequate ventilation.

2. Maximization of Outdoor Air in Vehicles

The City of Indian Wells will require that employees who use vehicles for work-related purposes maximize the supply of outside air inside the vehicle to the extent feasible, except when doing so would cause a hazard to employees or expose them to inclement weather.

3. City of Indian Wells Compliance with the Regulatory Requirements regarding Mechanical Ventilation Systems, including Mechanically-Driven Heating, Ventilating and Air Conditioning (“HVAC”) Systems

The City of Indian Wells will review and comply with relevant requirements provided for at Title 8, Section 5142 and 5143 concerning “Mechanically Driven Heating, Ventilating and Air Conditioning (“HVAC”) Systems to Provide Minimum Building Ventilation” and “General Requirements of Mechanical Ventilation Systems,” respectively.

4. Ventilation During and After a Workplace COVID-19 Outbreak

In the event of a workplace COVID-19 outbreak, the City of Indian Wells will comply with the ventilation requirements below, which are set forth at Section 3205.1.

For the purpose of determining whether there exists an “outbreak,” the City of Indian Wells will consider an “outbreak” to mean three (3) or more employee COVID-19 Cases within an exposed group who have visited the Worksite during their Infectious Period during any 14-day period. The City of Indian Wells will use this definition unless a CDPH regulation or order defines the term “outbreak” using a different number of COVID-19 Cases or a different time period for determining the existence of a workplace COVID-19 outbreak.

In buildings or structures with mechanical ventilation, the City of Indian Wells will filter recirculated air with Minimum Efficiency Reporting Value (“MERV”)-13 or higher efficiency filters if compatible with the ventilation system. If MERV-13 or higher filters are not compatible with the ventilation system, employers shall use filters with the highest compatible filtering efficiency.

Where ventilation is inadequate to reduce the risk of COVID-19 transmission, the City of Indian Wells will use High Efficiency Particulate Air (“HEPA”) air filtration units in accordance with manufacturers’ recommendations in indoor areas occupied by employees for extended periods.

K. AEROSOLIZING PROCEDURES

The City of Indian Wells will evaluate the need for respiratory protection to prevent the transmission of COVID-19 transmission under Section 5144 and will comply with the protective requirements for employees who work in work settings that are exempt from Section 5199, but who may be exposed to procedures that may aerosolize potentially infectious material such as saliva or respiratory tract fluids.

L. REPORTING AND RECORDKEEPING

1. Reporting Cases and Outbreaks to the Local Health Department

The City of Indian Wells will report information about COVID-19 Cases and outbreaks at the Worksite to the local health department whenever required by law, and shall provide any related information requested by the local health department.

The City of Indian Wells will report all information to the local health department as required by Labor Code section 6409.6.

2. Recording and Retention of Records regarding COVID-19 Cases and Close Contacts

a. Tracking and Recording Information about COVID-19 Cases

The City of Indian Wells will keep a track all COVID-19 Cases and will record the following information about such cases:

- (1) The employee's name;
- (2) The employee's contact information;
- (3) The employee's occupation;
- (4) The location where the employee worked;
- (5) The date of the employee's last day at the workplace; and
- (6) The date of the employee's positive COVID-19 Test and/or COVID-19 diagnosis.

b. Tracking and Recording Information about Close Contacts

The City of Indian Wells will also track employees who had a Close Contact exposure and will record the following information about such exposures:

- (1) The employee's name;
- (2) The employee's contact information; and
- (3) The date upon which the City of Indian Wells provided the employee notice of the Close Contact.

c. Retention of Records regarding COVID-19 Cases and Close Contacts

The City of Indian Wells will retain records regarding COVID-19 Cases and Close Contacts for two (2) years beyond the period in which the record is necessary to meet the requirements of this Sections 3205 through 3205.3.

3. Retention of COVID-19 Workplace Exposure Notices

The City of Indian Wells will retain the notices that the City of Indian Wells provides to employees, the employers of independent contractors, and employee organization in the event of a workplace COVID-19 exposure for three (3) years in accordance with Labor Code section 6409.6(k) or any successor law.

4. Confidentiality of Records Related to COVID-19 Cases, Close Contacts, and Symptomatic Employees

The City of Indian Wells will keep confidential all personal identifying information of COVID-19 Cases, Close Contacts and employees with COVID-19 Symptoms, unless disclosure is required or permitted by law.

The City of Indian Wells will also keep confidential any employee medical records, unless disclosure is required or permitted by law.

The City of Indian Wells will provide unredacted information on COVID-19 Cases to the local health department, CDPH, the Division, and NIOSH immediately upon request, and when required by law

M. CITY OF INDIAN WELLS COMPLIANCE WITH OTHER ORDERS BY DOSH

The City of Indian Wells will comply any additional actions required by DOSH through or by the issuance of an Order to Take Special Action in order to protect City of Indian Wells employees against COVID-19 Hazards