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All,

On February 28, 2023, California's COVID-19 State of Emergency ended.¹ That same day, the Alameda County Public Health Department ended its COVID-19 local public health emergency.² Later, on April 10, 2023, President Joe Biden signed H.J.Res. 7, which ended the national emergency related to COVID-19.³ While COVID-19 remains a health concern, increased immunity in the Oakland population and widely available treatments have rendered the disease considerably less threatening to the health and safety of employees. Given the change in conditions, it is appropriate for the City to update its COVID-19 policies and procedures.

Accordingly, I direct that the following local policies be rescinded effective as of the close of business April 30, 2023:

- 1) Administrative Instruction 593: Employee Mandatory Vaccination Policy
- 2) The City Administrator's July 17, 2020, masking memorandum
- 3) Oakland's COVID-19 Prevention Program
- 4) Local safety protocol for unvaccinated employees
- 5) Local cleaning protocol for workplace positives
- 6) Division implemented COVID-19 related protocols
- 7) Local testing program (reduced but not eliminated)

Although the above policies are rescinded, the City must still comply with state and federal regulations related to COVID-19, most notably the Cal/OSHA COVID-19 Prevention Non-Emergency Regulations.⁴ To facilitate the City's compliance with these requirements, the Human Resources Management Department will develop and maintain a COVID-19 Prevention Procedures for the City (**Attachment A**). Departments should review this document, and supplement as necessary with department procedures. Finally, the Human Resources Management Department will update the City of Oakland COVID-19 Employee Resources.⁵ That

¹ <https://www.gov.ca.gov/2023/02/28/governor-newsom-marks-end-of-californias-covid-19-state-of-emergency/>

² <https://covid-19.acgov.org/covid19-assets/docs/press/press-release-2023.02.28.pdf>

³ <https://www.whitehouse.gov/briefing-room/legislation/2023/04/10/bill-signed-h-j-res-7/>

⁴ https://www.dir.ca.gov/dosh/coronavirus/Non_Emergency_Regulations/

⁵ <https://www.oaklandca.gov/resources/city-of-oakland-covid-19-employee-resources>

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website will continue to be the City's primary archive of information and documents related to COVID-19 and associated compliance.

Please direct questions, comments, or concerns about these policy changes to the Human Resources Management Department. Thank you all for your service and dedication to Oakland.

Regards,

A handwritten signature in black ink, appearing to read 'SF Falk', written over a horizontal line.

Steven Falk
Interim City Administrator

COVID-19 Prevention Procedures (CPP)

In California, all employers are required to establish, implement, and maintain an effective, written Injury and Illness Prevention (IIPP) program that meets the requirements of California Code of Regulations (CCR), Title 8, section 3203. COVID-19 is considered a workplace hazard and most employers must address COVID-19 prevention under their workplace IIPP. COVID-19 prevention procedures must be addressed either in the written IIPP or maintained in a separate document.

The City of Oakland developed this COVID-19 CPP as a document separate from its IIPP to comply with the following regulations from CCR Title 8:

- **3205, COVID-19 Prevention**
- **3205.1, COVID-19 Outbreaks**
- **3205.2, COVID-19 Prevention in Employer-Provided Housing**
- **3205.3, COVID-19 Prevention in Employer-Provided Transportation**

Additional guidance and resources are available at www.dir.ca.gov/dosh/coronavirus/

CCR, Title 8 sections 3205 through 3205.3 apply until two years after February 3, 2023, except for the recordkeeping subsections 3205(j)(2) through (3), which apply until three years after February 3, 2023.



COVID-19 Prevention Procedures (CPP) for The City of Oakland

This CPP is designed to control employees' exposures to the SARS-CoV-2 virus (severe acute respiratory syndrome coronavirus 2) that causes COVID-19 (Coronavirus Disease 2019) that may occur in our workplace.

Date: April 27, 2023

Authority and Responsibility

The City of Oakland City Administrator has overall authority and responsibility for implementing the provisions of this CPP in our workplace. In addition, all managers and supervisors are responsible for implementing and maintaining the CPP in their assigned work areas and for ensuring employees receive answers to questions about the procedures in a language they understand. Additionally, while this CPP is the baseline document for the entire City, individual departments are encouraged and expected to develop and implement complimentary safety procedures that apply to their specific workplaces and working conditions as needed.

Finally, all employees are responsible for using safe work practices, following all directives, policies, and procedures, and assisting in maintaining a safe work environment.

The City of Oakland Injury & Illness Prevention Program (IIPP) Application

COVID-19 is a recognized hazard in our workplace that is addressed through our IIPP, which will be effectively implemented and maintained to ensure the following:

1. When determining measures to prevent COVID-19 transmission and identifying and correcting COVID-19 hazards in our workplace:
 - a. All persons in our workplace are treated as potentially infectious, regardless of symptoms, vaccination status, or negative COVID-19 test results.
 - b. COVID-19 is treated as an airborne infectious disease. Applicable State of California and Alameda County Public Health Department orders and guidance will be reviewed when determining measures to prevent transmission and identifying and correcting COVID-19 hazards. COVID-19 prevention controls include:
 - i. Physical distancing.
 - ii. Reducing population density indoors.
 - iii. Moving indoor tasks outside.
 - iv. Implementing separate shifts and/or break times.
 - v. Restricting access to work areas.
 - vi. Physical barriers (mask, plexiglass, etc.)
 - vii. Proper hygiene
2. Training and instruction on COVID-19 prevention is provided:
 - a. When this CPP was first established.
 - b. To new employees.
 - c. To employees given a new job assignment involving COVID-19 hazards and they have not been previously trained.
 - d. Whenever new COVID-19 hazards are introduced.
 - e. When we are made aware of new or previously unrecognized COVID-19 hazards.
 - f. For supervisors to familiarize themselves with the COVID-19 hazards to which employees under their immediate direction and control may be exposed.

A tracking methodology, containing at a minimum the information contained in Appendix A COVID-19 **Training Roster**, will be used to document this training.

3. Procedures to investigate COVID-19 illnesses at the workplace include:

- a. Determining the day and time a COVID-19 case was last present; the date of the positive COVID-19 tests or diagnosis; and the date the COVID-19 case first had one or more COVID-19 symptoms. A tracking methodology, containing at a minimum the information contained in Appendix B Investigating COVID-19 Cases, will be used to document this information.
- b. Effectively identifying and responding to persons with COVID-19 symptoms at the workplace.
- c. Encouraging employees to report COVID-19 symptoms and to stay home when ill.

Symptomatic employees should report those symptoms to their supervisor. Supervisors should encourage symptomatic employees to remain off work and utilize available leave benefits.

4. Effective procedures for responding to COVID-19 cases at the workplace include:

- a. Immediately excluding COVID-19 cases (including employees excluded under CCR, Title 8, section 3205.1) according to the following requirements:
 - i. COVID-19 cases who do not develop COVID-19 symptoms will not return to work during the infectious period.
 - ii. COVID-19 cases who develop COVID-19 symptoms will not return to work during the shorter of either of the following:
 - a. The infectious period.
 - b. 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.
 - iii. Regardless of vaccination status, previous infection, or lack of COVID-19 symptoms, a COVID-19 case must wear a face covering in the workplace until 10 days have passed since the date that COVID-19 symptoms began or, if the person did not have COVID-19 symptoms, from the date of their first positive COVID-19 test.
 - iv. Elements i. and ii. apply regardless of whether an employee has been previously excluded or other precautions were taken in response to an employee's close contact or membership in an exposed group.
- b. Reviewing current **California Department of Public Health (CDPH)** guidance for persons who had close contacts, including any guidance regarding quarantine or other measures to reduce transmission.
- c. The following effective policies will be developed, implemented, and maintained to prevent transmission of COVID-19 by persons who had close contacts.

Employees who had close contacts will be notified of the contact, instructed to monitor their symptoms, notified of testing availability, and encouraged to remain away from the workplace should symptoms develop.

- d. If an order to isolate, quarantine, or exclude an employee is issued by a local or state health official, the employee will not return to work until the period of isolation or quarantine is completed or the order is lifted.
- e. If removal of an employee would create undue risk to a community's health, the City of Oakland may

submit a request for a waiver to Cal/OSHA in writing to rs@dir.ca.gov to allow employees to return to work if it does not violate local or state health official orders for isolation, quarantine, or exclusion.

- f. Upon excluding an employee from the workplace based on COVID-19 or a close contact, the City of Oakland will provide excluded employees information regarding COVID-19-related benefits to which the employee may be entitled under applicable federal, state, or local laws. This includes any benefits available under legally mandated sick leave, workers' compensation law, local governmental requirements, and the City of Oakland leave policies and leave guaranteed by contract. Excluded employees will be directed to the City's COVID-19 Employee Information website, which contains all required notices and information.

Testing of Close Contacts

COVID-19 tests are available at no cost, during paid time, to all of our employees who had a close contact in the workplace. These employees will be provided with the information outlined in paragraph (4)(f), above.

Exceptions are returned cases as defined in CCR, Title 8, section 3205(b)(11).

Notice of COVID-19 cases

Employees and independent contractors who had a close contact, as well as any employer with an employee who had a close contact, will be notified as soon as possible, and in no case longer than the time required to ensure that the exclusion requirements of paragraph (4)(a) above, are met.

When Labor Code section 6409.6 or any successor law is in effect, the City of Oakland will:

- Provide notice of a COVID-19 case, in a form readily understandable to employees. The notice will be given to all employees, employers, and independent contractors at the worksite.
- Provide the notice to the authorized representative, if any of:
 - The COVID-19 case and of any employee who had a close contact.
 - All employees on the premises at the same worksite as the COVID-19 case within the infectious period.

Workplace Investigation and Subsequent Notice

i. Initiation

A workplace investigation begins when the City learns that an individual who was present at a City worksite tested positive for COVID-19. The City may learn this information from either a Health Care Provider, directly from the Positive Individual, or from knowledgeable City staff. When reports of possible infection come from sources other than a Health Care Provider or the Positive Individual, the City will perform additional inquiry to determine the validity of those reports. In the absence of direct evidence of infection, the City will only initiate a workplace investigation when it is reasonable based on the amount and quality of the indirect evidence. The City should not initiate a workplace investigation on mere rumor or speculation.

During this step the City must collect the following information for the Positive Individual if available:

1. Name
2. Personal Phone Number
3. Department

ii. Interview

A trained Risk Management representative will directly contact the Positive Individual as soon as practicable after learning of the positive test. The contact should be made by telephone to allow for direct communication without chance of further COVID-19 spread. The main purpose of the employee interview is to discover Close Contacts who might have been exposed to the Positive Individual.

When the Positive Individual is too sick, unavailable, or unwilling to cooperate, Risk Management will interview a knowledgeable City employee to gather as much information about the situation as possible. During this process Risk Management will only disclose confidential medical information and the identity of the Positive Individual as needed to conduct an appropriate worksite investigation.

iii. **Department Notice and Inquiry**

Following the initial interview, Risk Management will notify the affected Department of the Positive Individual. Notice will be sent by email to the Department Director with a copy to all other Department Directors. The email should state that the Department had possible exposure and should include the possible dates and locations that the Positive Individual may have been in Close Contact with others. The email will explain Close Contact and remind the Department to protect the Positive Individual's personal information. If Close Contacts have been identified, then the contact information for those employees should be obtained from Human Resources Management or the Department. Finally, the notice should direct the Department Directors notice employee's in their departments who were possible exposed.

The Department Notice and Inquiry is to verify the information provided by the Positive Employee and/or obtain any additional information that may lead to the identification of additional employees who may have been exposed. It not only verifies the Positive Employee's account but may also identify Close Contacts that the Positive Employee did not mention. This notice also makes the Department aware of the situation so that it can take actions to address and mitigate the exposure.

iv. **Notification**

After interviewing the Positive Employee and coordinating with the affected Department, the City will have a list of possibly exposed employees and their email contact information. Notification will then occur by email, individually sent to each possibly exposed employee. The email should include a personalized greeting, the date and location of possible exposure, the availability of City testing, and an invitation to ask questions.

Face Coverings

Employees will be provided face coverings and required to wear them when required by a CDPH regulation or order. This includes spaces within vehicles when a CDPH regulation or order requires face coverings indoors. Face coverings will be clean, undamaged, and worn over the nose and mouth.

The following exceptions apply:

1. When an employee is alone in a room or vehicle.
2. While eating or drinking at the workplace, provided employees are at least six feet apart and, if indoors, the supply of outside or filtered air has been maximized to the extent feasible.
3. While employees are wearing respirators required by the employer and used in compliance with CCR, Title 8 section 5144.
4. Employees who cannot wear face coverings due to a medical or mental health condition or disability, or who are hearing-impaired or communicating with a hearing-impaired person. Such 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. During 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.

If an employee is not wearing a face covering due to exceptions (4) and (5), above, the COVID-19 hazards will be assessed, and action taken as necessary.

Employees will not be prevented from wearing a face covering, including a respirator, when not required by this section, unless it creates a safety hazard.

Respirators

Respirators will be provided for voluntary use to employees who request them and who are working indoors or in vehicles with more than one person. Employees who request respirators for voluntary use will be:

- Encouraged to use them.
- Provided with a respirator of the correct size.
- Trained on:
 - How to properly wear the respirator provided.
 - How to perform a user seal check according to the manufacturer's instructions each time a respirator is worn.
 - The fact that facial hair interferes with a seal.

The requirements of CCR, Title 8 section 5144(c)(2) will be complied with according to the type of respirator (disposable filtering face piece or elastomeric re-usable) provided to employees.

Ventilation

For our indoor workplaces we will:

- Review CDPH and Cal/OSHA guidance regarding ventilation, including the CDPH [Interim Guidance for Ventilation, Filtration, and Air Quality in Indoor Environments](#). The City of Oakland will develop, implement, and maintain effective methods to prevent transmission of COVID-19, including one or more of the following actions to improve ventilation:
 - Maximize the supply of outside air 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 maximizing outdoor air by other means would cause a hazard to employees, for instance from excessive heat or cold.
 - In buildings and structures with mechanical ventilation, filter circulated air through filters at least as protective as Minimum Efficiency Reporting Value (MERV)-13, or the highest level of filtration efficiency compatible with the existing mechanical ventilation system.
 - Use High Efficiency Particulate Air (HEPA) filtration units in accordance with manufacturers' recommendations in indoor areas occupied by employees for extended periods, where ventilation is inadequate to reduce the risk of COVID-19 transmission.
- Determine if our workplace is subject to CCR, Title 8 section 5142 Mechanically Driven Heating, Ventilating and Air Conditioning (HVAC) Systems to Provide Minimum Building Ventilation, or section 5143 General Requirements of Mechanical Ventilation Systems, and comply as required.

In vehicles, we will maximize the supply of outside air to the extent feasible, except when doing so would cause a hazard to employees or expose them to inclement weather.

Reporting and Recordkeeping

A virtual database of COVID-19 Cases will be used to keep a record of and track all COVID-19 cases. These records will be kept by The Department of Human Resources Management and retained for two years beyond the period in which it is necessary to meet the requirements of CCR, Title 8, sections 3205, 3205.1, 3205.2, and 3205.3.

The notices required by subsection 3205(e) will be kept in accordance with Labor Code section 6409.6 or any successor law.

Appendix A: COVID-19 Training Roster

Date training completed: **[enter date]**

Person that conducted the training: **[enter name(s)]**

Employee Name	Signature

Appendix B: Investigating COVID-19 Cases

All personal identifying information of COVID-19 cases or persons with COVID-19 symptoms, and any employee required medical records will be kept confidential unless disclosure is required or permitted by law. Unredacted information on COVID-19 cases will be provided to the local health department, CDPH, Cal/OSHA, the National Institute for Occupational Safety and Health (NIOSH) immediately upon request, and when required by law.

Date COVID-19 case (suspect or confirmed) became known: **[enter information]**

Date investigation was initiated: **[enter information]**

Name of person(s) conducting the investigation: **[enter name(s)]**

COVID-19 Case Summary

Name	Contact Info	Occupation	Location	Last day and time present	Date of positive test and/or diagnosis	Date of first symptoms

Summary of employees, independent contractors, and employees of other employers that came in close contact **[CCR Title 8, section 3205 does not require recordkeeping for close contacts. These tables are included to assist employers in keeping track of which close contacts they have notified to meet the notice requirements.]**

Name	Contact Info	Date notified	Date offered COVID-19 testing (employees only)

Summary notice of a COVID-19 case (employees, employers, independent contractors) – during the infectious period and regardless of a close contact occurring.

Name	Date notified

Summary notice of a COVID-19 case (authorized representative of the COVID-19 case and employee who had close contact).

Name	Date notified

What were the workplace conditions that could have contributed to the risk of COVID-19 exposure?
[enter information]

What could be done to reduce exposure to COVID-19?
[enter information]

Was local health department notified? Date?
[enter information]

Additional Consideration #1

COVID-19 Outbreaks

This addendum will stay in effect until there are one or fewer new COVID-19 cases detected in the exposed group for a 14-day period.

COVID-19 testing

We immediately provide COVID-19 testing available at no cost to our employees within the exposed group, regardless of vaccination status, during employees' paid time, except for returned cases and employees who were not present at the workplace during the relevant 14-day period(s).

Additional testing is made available on a weekly basis to all employees in the exposed group who remain at the workplace.

Employees who had close contacts will have a negative COVID-19 test taken within three to five days after the close contact or will be excluded and follow our return-to-work requirements starting from the date of the last known close contact.

Face Coverings

Employees in the exposed group, regardless of vaccination status, will wear face coverings when indoors, or when outdoors and less than six feet from another person, unless one of the exceptions in our CPP applies.

Respirators

Employees will be notified of their right to request and receive a respirator for voluntary use, as stipulated in our CPP.

COVID-19 investigation, review, and hazard correction

The City of Oakland will perform a review of potentially relevant COVID-19 policies, procedures and controls, and implement changes as needed to prevent further spread of COVID-19 when this addendum initially applies and periodically thereafter. The investigation, review, and changes will be documented and include:

- Investigation of new or unabated COVID-19 hazards including:
 - Our leave policies and practices and whether employees are discouraged from remaining home when sick.
 - Our COVID-19 testing policies.
 - Insufficient supply of outdoor air to indoor workplaces.
 - Insufficient air filtration.
 - Insufficient physical distancing.
- Review updated every 30 days that CCR, Title 8 section 3205.1 continues to apply:
 - In response to new information or to new or previously unrecognized COVID-19 hazards.
 - When otherwise necessary.
- Any changes implemented to reduce the transmission of COVID-19 based on the investigation and review, which may include:
 - Moving indoor tasks outdoors or having them performed remotely.
 - Increasing the outdoor air supply when work is done indoors.
 - Improving air filtration.
 - Increasing physical distancing to the extent feasible.

- Requiring respiratory protection in compliance with CCR, Title 8 section 5144.
- Other applicable controls.

Ventilation

Buildings or structures with mechanical ventilation will have recirculated air filtered 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, filters with the highest compatible filtering efficiency will be used. High Efficiency Particulate Air (HEPA) air filtration units will be used in accordance with manufacturers' recommendations in indoor areas occupied by employees for extended periods, where ventilation is inadequate to reduce the risk of COVID-19 transmission.

These ventilation requirements will continue to be implemented after the outbreak has passed and CCR, Title 8 section 3205.1 is no longer applicable.

Major Outbreaks

The following will be done while CCR, Title 8 section 3205.1 applies if 20 or more employee COVID-19 cases in an exposed group visited the worksite during their infectious period within a 30-day period:

- The COVID-19 testing will be required of all employees in the exposed group, regardless of vaccination status, twice a week or more frequently if recommended by Alameda County Public Health Department. Employees in the exposed group will be tested or excluded and follow our CPP return to work requirements. The twice a week testing requirement ends when there are fewer than three new COVID-19 cases in the exposed group for a 14-day period. We will then follow weekly testing requirement until there are one or fewer new COVID-19 cases in the exposed group for a 14-day period.
- Report the outbreak to Cal/OSHA.
- Provide respirators for voluntary use to employees in the exposed group, encourage their use, and train employees according to CCR, Title 8 section 5144(c)(2) requirements.
- Any employees in the exposed group who are not wearing respirators as required will be separated from other persons by at least six feet, except where it can be demonstrated that at least six feet of separation is not feasible, and except for momentary exposure while persons are in movement.

Methods of physical distancing include:

- Telework or other remote work arrangements.
- Reducing the number of persons in an area at one time, including visitors.
- Visual cues such as signs and floor markings to indicate where employees and others should be located or their direction and path of travel
- Staggered arrival, departure, work, and break times.
- Adjusted work processes or procedures, such as reducing production speed, to allow greater distance between employees.

When it is not feasible to maintain a distance of at least six feet, individuals will be as far apart as feasible.

Additional Consideration #2

COVID-19 Prevention in Employer-Provided Housing

Assignment of housing units

To the extent feasible:

- Employee housing will be assigned to cohorts that travel and work together, separate from other workers.
- Residents who usually maintain a household together will be housed in a single housing unit without other persons.

Ventilation

The quantity and supply of outdoor air in housing units will be maximized and filtration efficiency increased to the highest-level compatible with the existing ventilation system. If there is not a Minimum Efficiency Reporting Value (MERV-13) or higher filter in use, portable or mounted High Efficiency Particulate Air (HEPA) filtration units will be used, to the extent feasible, in all sleeping areas.

Face coverings

All residents will be provided face coverings and information on when they should be used in accordance with state or the Alameda County Public Health Department orders or guidance.

Reporting Symptoms

We encourage residents to report COVID-19 symptoms to the Human Resources Management Department

COVID-19 testing

We establish, implement, maintain, and communicate to residents effective policies and procedures for COVID-19 testing of residents who had a close contact.

COVID-19 cases and close contacts

All COVID-19 cases will be isolated from all residents who are not COVID-19 cases, for the period established in our CPP. Effective isolation includes housing COVID-19 cases only with other COVID-19 cases, and providing COVID-19 case residents with a sleeping area and bathroom that is not shared by non-COVID-19 case residents.

Residents who have had a close contact will be quarantined from all other residents, for the time period required by our CPP. Effective quarantine includes providing residents who had a close contact with a private bathroom and sleeping area.