



## COVID-19 Prevention Program (CPP)

### I. PURPOSE:

The purpose of Kirby School'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 the School 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. SCOPE

This CPP applies to all School employees except for employees who are exclusively working remotely from home.

### 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 aerosolized 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 "worksites" 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 SCHOOL EMPLOYEES**

###### **1. Reporting COVID-19 Symptoms, Possible COVID-19 Close Contact Exposures, and Possible COVID-19 Hazards at School Worksites and Facilities**

Kirby School's policy requires that employees immediately report to their supervisor or to the Controller 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 the School's worksites or facilities.

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

###### **2. Accommodations Process for Employees at Increased Risk of Severe COVID-19 Illness**

Kirby School's policy is to provide an accommodation process for employees who can demonstrate that they are or may be at higher risk of severe illness from COVID-19.

The CDC identifies the following individuals as being at an increased risk of severe COVID-19 illness, as set forth in the CDC website:

<https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/index.html>.



Kirby School employees are encouraged to review the list of medical conditions and other conditions and factors identified by the CDC as placing an individual at increased risk of severe illness from COVID-19.

To request an accommodation under Kirby School's policy, employees may make a request with their supervisor or the Controller.

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

Kirby School requires that employees who report to work on campus be tested for COVID-19.

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

Kirby School will also inform employees of the possible consequences of a positive COVID-19 test, which may include, but is not limited to, a requirement that the employee not report for work on campus during the high-risk exposure period and satisfying the minimum criteria to return to work, as defined in Section IV.K.

Kirby School has adopted policies and procedures that ensure the confidentiality of employees and comply with the Confidentiality of Medical Information Act ("CMIA"). Specifically, Kirby School 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 other permitted or required under the law.

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

Kirby School will notify employees and employers of subcontracted employees of any potential COVID-19 exposure on campus where a COVID-19 case and employee were present on the same day.

Kirby School will notify 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.

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

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

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

Kirby School has adopted screening protocols, which include using FEVER FREE daily to check for COVID-19 symptoms as well as bi-weekly surveillance testing for all employees.

Kirby School policy provides that all employees **will** complete a health screen for COVID-19 symptoms prior to entering worksites and facilities.

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



Should an employee present COVID-19 symptoms during a FEVER FREE symptom check, Kirby School 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, as set forth in Section IV.K.

Kirby School will advise the employee of any leaves to which they may be entitled during this self-quarantine period.

Further, Kirby School has adopted policies and procedures that ensure the confidentiality of employees and compliance with the CMIA. Specifically, Kirby School will not disclose to other employees, except for those who need to know, the fact that the employee is experiencing symptoms associated with COVID-19.

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

In the event that a Kirby School employee tests positive for COVID-19 or is diagnosed with COVID-19 by a healthcare provider, Kirby School 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 set forth in Section IV.K.

Kirby School will advise the employee of any leaves to which they may be entitled during this self-isolation period.

Kirby School 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 on Kirby School's worksite or facility when the COVID-19 case was present; (4) the employers of subcontracted employees who were present at Kirby School's worksite or facility; and (5) Kirby School's workers' compensation plan administrator.

If possible, Kirby School will interview the COVID-19 case in order to ascertain the nature and circumstances of any contact that the employee may have had with other employees during the high-risk exposure period. If Kirby School determines that there were any close contact COVID-19 exposures, Kirby School 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 set forth in Section IV.K.

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

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

Kirby School 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, Kirby School 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, copier areas, and waiting areas.

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

As part of this process, Kirby School 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 areas of Kirby School's worksites and facilities, Kirby School 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. Kirby School installed MERV13 filters throughout all ventilation systems.

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

Kirby School 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 Kirby School's location and operations.

Kirby School 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, Kirby School 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**

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

### **C. INVESTIGATING AND RESPONDING TO COVID-19 CASES AT SCHOOL WORKSITES AND FACILITIES**

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



Kirby School 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 an employee tests positive for COVID-19 or is diagnosed with COVID-19 by a health care provider, Kirby School 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 set forth in Section IV.K.

### **a. Contact Tracing**

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

If Kirby School determines that there were any close contact COVID-19 exposures, Kirby School 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 set forth in Section IV.K.

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

Kirby School 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 Kirby School worksite or facility when the COVID-19 case was present; and (2) subcontracted employees who were present at a Kirby School worksite or facility.

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

Kirby School 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 on campus.

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

Kirby School will provide these employees with 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 workers' compensation law, the federal Families First Coronavirus Response Act (FFCRA), Labor Code sections 248.1 and 248.5, Labor Code sections 3212.86 through 3212.88, local governmental requirements, Kirby School's own leave policies, and leave guaranteed by contract.



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

Kirby School 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**

Kirby School 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**

Kirby School will protect the confidentiality of the COVID-19 case, and will not disclose to other employees, except for those who need to know, the fact that the employee tested positive for or was diagnosed with COVID-19.

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

**D. CORRECTION OF COVID-19 HAZARDS AT SCHOOL WORKSITES AND FACILITIES**

Kirby School 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 EMPLOYEES**

**1. COVID-19 Symptoms**

Kirby School provided employees training 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.



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

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

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

Kirby School provided employees instruction on the importance of not coming to work and obtaining a COVID-19 test if the employee has COVID-19 symptoms.

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

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

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

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

Further, when an employee requires leave or is directed not to report to work by Kirby School, the school will advise the employee of the leaves to which the employee may be entitled for that specific reason.

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

Kirby School advised employees of the 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.

Kirby School further advised 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, Hand Hygiene**

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

Specifically, Kirby School trained and instructed employees on the importance of frequent hand washing with soap and water for at least 20 seconds and to use hand sanitizer when employees do not have immediate access to a sink or hand washing facility. Note that hand sanitizer is a precautionary measure for safety and hand washing is optimal for removal of dirt and grime.

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





## **F. PHYSICAL DISTANCING**

Kirby School requires that all employees be separated from other persons by at least six (6) feet, except where Kirby School can demonstrate that six (6) feet of separation is not possible and where there is momentary exposure while persons are in movement.

Kirby School has adopted several methods by which it increases physical distancing including, but not limited to, the following: (1) providing employees the opportunity to work remotely or engage in other remote work arrangements if possible; (2) reducing the number of persons in an area at one time, including visitors; (3) posting visual cues such as signs and floor markings to indicate where employees and others should be located or their direction and path of travel; (4) adopting staggered arrival, departure, work, and break times; and (5) adjusting work processes or procedures, such as reducing production speed, to allow greater distance between employees.

When it is not possible for employees to maintain a distance of at least six (6) feet, Kirby School requires individuals to be as far apart as possible.

## **G. FACE COVERINGS**

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

Kirby School provides face coverings to employees and requires that such face coverings are worn by employees and individuals at Kirby School worksites and facilities.

Kirby School 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>

Kirby School'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.

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

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

- a. When an employee is alone in a room.
- b. 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.
- c. 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>).



- d. 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.
- e. 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**

Kirby School's policy requires that employees who are 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. Physical Distancing Required If Employee Is Not Wearing Face Covering or Non-Restrictive Alternative**

Kirby School's policy requires that any employee not wearing a face covering, face shield with a drape or other effective alternative, or respiratory protection, for any reason, shall be at least six (6) feet apart from all other persons unless the unmasked employee is tested at least twice (2x) weekly for COVID-19.

However, Kirby School does not use COVID-19 testing as an alternative to face coverings when face coverings are otherwise required by this section.

## **4. Prohibition on Preventing Employees from Wearing Face Covering**

Kirby School does not prevent any employee from wearing a face covering when wearing a face covering is not required by this section, unless not wearing a face covering would create a safety hazard, such as interfering with the safe operation of equipment.

## **5. Communication to Non-Employees Regarding Face Covering Requirement**

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

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

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

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

## **H. OTHER ENGINEERING CONTROLS, 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 employee and other persons.

### **2. Maximization of Outdoor Air**

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

Further, for Kirby School worksites and facilities with mechanical or natural ventilation, or both, Kirby School 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 employees, for instance from excessive heat or cold.

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

Kirby School’s cleaning and disinfecting policy requires the following:

- a. Identifying and regularly cleaning and disinfecting frequently touched surfaces and objects, such as doorknobs, elevator buttons, equipment, tools, handrails, handles, controls, bathroom surfaces, and Kirby School vehicle steering wheels. Kirby School will inform employees and authorized employee representatives of cleaning and disinfection protocols, including the planned frequency and scope of regular cleaning and disinfection.
- b. 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. Sharing of Kirby School vehicles will be minimized to the extent feasible, and high touch points (steering wheel, door handles, seatbelt buckles, armrests, shifter, etc.) shall be disinfected between users.
- c. Cleaning and disinfection of areas, material, and equipment used by a COVID-19 case during the high-risk exposure period.

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

### **4. Evaluation of Hand Washing Facilities**

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



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

Kirby School does not provide hand sanitizers with methyl alcohol.

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

Kirby School's policy provides for PPE.

Kirby School 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, Kirby School 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, Kirby School 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, Kirby School will provide and ensure use of eye protection and respiratory protection when employees are exposed to procedures that may aerosolize potentially infectious material such as saliva or respiratory tract fluids.

### **I. REPORTING, RECORD KEEPING AND ACCESS**

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

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

Further, Kirby School 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, Kirby School will immediately report to Cal/OSHA any serious COVID-19-related illnesses or deaths of employees occurring at a Kirby School worksite or facility or in connection with any employment.

Further, in accordance with applicable law, Kirby School 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, Kirby School will maintain records of the steps taken to implement this CPP.

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

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



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

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

Kirby School 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, Kirby School will keep the employees' medical information confidential.

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

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

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

Kirby School will ensure that COVID-19 cases are excluded from the workplace until the individual satisfies the minimum return to work criteria provided for in Section IV.K.

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

Kirby School will exclude employees with close contact COVID-19 exposure from the workplace for 14 days after the last known close contact COVID-19 exposure.

#### **3. Provision of Benefits to 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 Work Remotely During Isolation or Quarantine Period**

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

##### **b. Employees Who Are Unable to Work Remotely During Isolation or Quarantine Period**

The provision of benefits described below does not apply to either: (1) Kirby School employees who the school can demonstrate that the close contact COVID-19 exposure was not work-related; and (2) Kirby School employees who are unable to work for reasons other than protecting employees and non-employees at Kirby School 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, Kirby School will require that employees who are unable to telework, but are otherwise able and available to work, use paid sick leave in order to receive compensation during the isolation or quarantine period. Kirby School employees retain their entitlement to elect not to use other earned or accrued paid leave during this time. Kirby School may provide such employees who are unable to work remotely, 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 isolation or quarantine because of a COVID-19 case or a close contact COVID-19 exposure, Kirby School will maintain the employee's seniority and all other employee rights and benefits, including the employee's right to their former job status, during the isolation or quarantine period.

Kirby School may consider benefit payments from public sources, including under the FFCRA and Labor Code section 248.1 (until December 31, 2020 or longer if FFCRA leave and/or Labor Code section 248.1 leave is extended), 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, Kirby School policy, or collective bargaining agreement that provides employees with greater protections or benefits.

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

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

This includes any benefits available under workers' compensation law, the FFCRA, Labor Code sections 248.1 and 248.5, Labor Code sections 3212.86 through 3212.88, Kirby School's own leave policies, and leave guaranteed by contract.

### **K. RETURN TO WORK CRITERIA**

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

Kirby School policy requires that COVID-19 cases with COVID-19 symptoms remain at their home or place of residence and not report to any Kirby School 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 14 days have passed since COVID-19 symptoms first appeared.

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



Kirby School policy requires that COVID-19 cases who tested positive but never developed COVID-19 symptoms not report to any Kirby School worksite or facility until a minimum of 14 days have passed since the date of specimen collection of their first positive COVID-19 test.

### **3. 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, Kirby School does not require employees to submit to a COVID-19 test, or produce a negative COVID-19 test result, in order to return to work.

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

If an employee is subject to an isolation or quarantine order issued by a state or local health official, Kirby School policy requires that the employee not report to any Kirby School 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 14 days from the time the order to isolate was effective, or 14 days from the time the order to quarantine was effective.

### **5. 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 an employee would create undue risk to a community's health and safety.

In such cases, Kirby School will develop, implement, and maintain effective control measures to prevent transmission in the workplace including providing isolation for the employee at Kirby School worksites or facilities and, if isolation is not possible, the use of respiratory protection in the workplace.