



SCAG Protocols for Maintaining a Safe and Healthy Workplace Related to COVID-19

POLICY STATEMENT

In response to the COVID-19 worldwide Pandemic, SCAG has implemented the following policies and protocols to assure safe and healthy working conditions for all SCAG employees through adherence to social distancing and cleaning and disinfecting principles and best practices. Ensuring healthy and safe working conditions at SCAG worksites is a business necessity for SCAG.

PURPOSE

These policies provide a framework for complying with Federal, State and Local public health guidelines to ensure a safe and healthy workplace.

APPLICATION

This policy will apply with equal force to all SCAG employees in preventing the transmission of the virus that causes COVID-19 in the workplace as reasonably related to all SCAG jobs.

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Darin Chidsey, Chief Operating Officer

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APPROVAL: Chief Operating Officer, Darin Chidsey

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SECTION ONE: SCAG-WIDE POLICIES AND PROTOCOLS

SCAG has adopted the following policies. Copies of the policies may be found on SCAGHub (SCAG Intranet) and the agency web page.

A. Policies

Standalone FFCRA Leaves and Compensation Policy**

Cleaning and Disinfecting Policy

Social Distancing and Individual Responsibility Policy

COVID-19 Testing Policy

Temperature and Other COVID-19 Symptom Screening Policy

CMIA-Compliant Non-Disclosure Policy

Accommodations Policy for Employees at High-Risk of Severe Illness Should They Test Positive for COVID-19

B. Guidelines and Other Documents

Checklist for Identifying and Designating Essential Employees and Determining Work Schedules

Guidance for Frontline Managers and Supervisors Implementing COVID-19 Policies and Practices

Guidelines for Employees on COVID-19 and the “New Normal”

Employee Social Distancing and Workplace Safety Responsibilities – Do’s and Don’ts of Compliance

CMIA Medical Release Form

Temperature Testing and Symptom Screen Form

SECTION TWO: FACILITY/WORKSITE-SPECIFIC MEASURES

SCAG Los Angeles Office, 900 Wilshire Blvd. Floors 17 and 16, Los Angeles, CA 90017

The Los Angeles Office maintains several communal areas, which are utilized by SCAG employees. These communal areas are listed below. Access to such areas at any one time may be limited to the number of individuals identified in the chart below in order to maintain proper social distancing.

Communal Area	Maximum number of people permitted in the area at a given time
17 th Floor, 17B13, Reception Area	10 5 standing, 5 seated including Receptionist and Security Guard
17 th Floor, 17B07, Regional Council Room	68 Dais (36), Audience (32)
17 th Floor, 17B21, Policy Room B	36 Dais (18), Audience (18)
17 th Floor, 17B16, Policy A	34 Dais (16), Audience (18)
17 th Floor, 17K13, Innovation Conference Room	8
17 th Floor, 17I14, President's Conference Room	2
17 th Floor, 17I12, Officer's Conference Room	2
17 th Floor, 17F23, Executive Lunch Room	8
17 th Floor, Executive Conference Room	4
17 th Floor, 17F01, Board Lounge	8
17 th Floor, 17K11, Phone Room	1
17 th Floor, 17L11, The Other Phone Room	1
17 th Floor, 17H03, AV Control Room	2
17 th Floor, 17F03, Mother's Room	1
16 th Floor, 16F24, Teamwork Conference Room	4

16 th Floor, 16I15, Catalyst Conference Room	4
16 th Floor, 16I11, Collaboration Conference Room	4
16 th Floor, 16F01, Leadership Conference Room	6
16 th Floor, 16D03, Corner Conference Room	2
16 th Floor, 16K13, Impact Café	7
16 th Floor, 16E04, Changing Room	1
16 th Floor, 16E05, Wellness Room – Closed until further notice	0

A. Public Notice

Signage is posted at each public entrance of the facility/worksites to inform all employees and members of the public that they must not enter the facility/worksites if they have a cough, fever, shortness of breath, difficulty breathing, chills, repeated shaking with chills, muscle pain, headache, sore throat, new loss of taste or smell, or other symptoms consistent with COVID-19 identified by the Centers for Disease Control (“CDC”). Signage states that, while in the facility/worksites, individuals must maintain a minimum six-foot distance from one another.

A copy of SCAG’s Social Distancing and Individual Responsibility Policy is posted at each public entrance to the facility/worksites and/or made available on SCAG’s website.

B. Employee Health and Safety

SCAG directed everyone who can continue to telework to do so until further notice. To reduce in-person head counts on any given workday, the Executive Director has required remote work as appropriate for any given employee or class of employees. The Executive Director has also authorized the Executive Management to implement flexible or staggered work schedules (e.g., staggered start times or days at the worksites) as needed. SCAG has canceled non-essential travel.

SCAG has directed all employees not to come to work if they are sick, including, but not limited to, exhibiting any symptoms of COVID-19 (*e.g.*, cough, fever, shortness of breath, chills, repeated shaking with chills, muscle pain, headache, sore throat, new loss of taste or smell, or other symptoms consistent with COVID-19 identified by the CDC). This may include recommending employees take their temperature themselves before the beginning of each workday.

SCAG is requiring self-certification of symptom checks before allowing employees to enter facility/worksite pursuant to guidance provided by the CDC, the Department of Fair Employment and Housing (“DFEH”) and the Equal Employment Opportunity Commission (“EEOC”). Symptom checks may include temperature checks. Prior to being authorized to enter the office the employee will be emailed a questionnaire to complete certifying the absence of symptoms and certifying and acknowledging required protocols. The information will be used to authorize or deny access.

SCAG has identified local health department contacts with whom it will communicate regarding information about COVID-19 outbreaks at SCAG. SCAG will assist local health departments in facilitating contact tracing for employees who test positive for COVID-19. The local health department contacts are listed in the Safety and Risk Management Committee Sharepoint folder. Human Resources is responsible for notifying the appropriate health department contacts.

SCAG is requiring all employees to use a cloth face covering at work when interacting with the public and other employees, and SCAG is providing such face coverings at no cost to any employees who do not bring their own. A mask must be made with at least two layers of breathable fabric, fully cover the nose and mouth, must be secure underneath the chin and fit snugly (but comfortably) against the side of the face, and be secured with ear loops or ties.

SCAG has directed all employees that a cloth face covering must be worn at all times, except if an employee is in their own office alone and their door remains closed, if they are taking a drink they may slip off mask to drink then put it back on, if they are eating they

may remove their mask while eating and while maintaining 6 feet of distance from all other persons.

SCAG has directed all employees who wear cloth face coverings to wash such face coverings after each shift.

SCAG has notified all vendors that they will not be permitted to enter or remain in the facility/worksite unless they wear cloth face coverings. SCAG provided such notice by posting guidance on its website and/or posting signage at each public entrance of the facility/worksite and requiring SCAG employee who authorizes access to the vendor or accompanies the vendor to provide notice to the vendor of the requirement.

SCAG has organized staggered shifts or arranged desks or individual workstations in such a manner so that employees are separated by at least six feet.

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

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

SCAG has removed, to the extent practicable, soft and porous materials in communal work areas (*e.g.*, fabric couches and chairs, area rugs), or otherwise covered them in cleanable plastic tarp.

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

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

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

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

Disinfectant and related supplies are available to all employees at the following location(s). Hand sanitizer that contains at least 60% ethanol or 70% isopropanol is available as follows:

16th Floor:

1. Hand Sanitizer Stand – Elevator Lobby
2. Hand Sanitizers Bottles w/pumps, Clorox Wipes, and Anti-viral Kleenex – At every desk, in all conference rooms and lunchroom.
3. Face Masks and Gloves – Two cloth masks provided to each employee. Extra surgical masks available in Reprographics Supply Room

17th Floor:

1. Hand Sanitizer Stands – Elevator Lobby, outside Boardroom, Policy A and Policy B
2. Hand Sanitizers Bottles w/pumps, Clorox Wipes, and Anti-viral Kleenex – At every desk, in all conference rooms, lunchroom, reception Area, RC Lounge, and Mother’s Room
3. Face Masks and Gloves – Two cloth masks provided to each employee. Extra surgical masks in the IT Department Supply Drawer

Soap and water are available to all employees at the following location(s):

In all restrooms and lunchrooms on the 17th and 16th floors, and the executive lounge and mother's room. SCAG has suspended the use of shared food and beverages (e.g. bringing in lunch for meetings that is shared "buffet style.") The agency has also limited the use of food and beverage equipment (which is shared by employees) including coffee brewers, ice maker and vending machine and provided sanitizers adjacent to the shared equipment with reminders on disinfecting protocols. SCAG has instructed staff to replace in-person meetings with other means of communication, including but not limited to telephone calls, e-mails, or videoconferences. SCAG has directed employees that non-essential meetings should be canceled or postponed.

SCAG has confirmed with WGC that they have increased the frequency of air filter replacement and HVAC system cleaning.

SCAG will provide training to all employees and officials regarding the measures it is taking and is requiring individuals to take to maintain a safe and healthy working environment in accordance with State guidelines.

Copies of this Protocol have been distributed to all employees in the following manner(s):

Email, all staff meetings, trainings held via zoom, training materials will reside on SCAGHub.

Job classifications or facilities to which specific measures may not apply and reason for such exemption(s):

____NONE_____

C. Measures Designed to Keep People At Least Six Feet Apart and Prevent Unnecessary Contact

The Wilshire Grand Center has placed signage outside the facility/worksite that instructs people to remain at least six feet apart, including when waiting to enter the facility/worksite.

SCAG has placed tape or other markings at least six feet apart in public areas inside the facility/worksite where people frequently line up with signs directing members of the public to use the markings to maintain the requisite distance.

SCAG has instructed all employees to maintain at least a six-foot distance from members of the public and from each other, except employees whose job duties require them to come into closer contact with others or as otherwise necessary.

D. Measures to Prevent Crowds from Gathering

SCAG is keeping all of its facilities closed to the public until December 31, 2020.

SCAG is streaming public meetings, including providing opportunities for public comment.

Public meetings information is available on SCAG's website.

You may contact the following person with any questions or comments about this Protocol:

Contact Name: Debbie Dillon

Job Title: CSO

Phone Number: 213-236-1870

Email Address: dillon@scag.ca.gov

CHECKLIST FOR IDENTIFYING AND DESIGNATING CRITICAL INFRASTRUCTURE WORKERS (“ESSENTIAL EMPLOYEES”), NOTIFYING THEM OF SUCH DESIGNATION, AND DETERMINING WORK SCHEDULE

On March 19, 2020, Governor Gavin Newsom issued [Executive Order N-33-20](#)¹, ordering “all individuals living in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors, as outlined at <https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19>.” Accordingly, an employee designated as a critical infrastructure worker is exempt from Executive Order N-33-20’s requirement to stay at home or at the employee’s place of residence. These employees will be referred to as “Essential Employees.”

A public agency’s assessment of which employees are Essential Employees is necessary to the agency’s continued provision of essential services to the public. Public agencies may require Essential Employees to report to their agency worksites and perform their job duties consistent with the terms and conditions of their job classification.² This assessment is also necessary to determine which services are non-essential, and which employees a public agency may direct to remain at home in observance of the stay-at-home order or other orders affecting the ability of non-essential employees to perform work at their worksites.

Subsequent to the issuance of Executive Order N-33-20, the Department of Homeland Security (“DHS”) Cybersecurity & Infrastructure Security Agency (“CISA”) and the California State Public Health Officer provided guidance to help employers identify Essential Employees. When determining whether to designate an employee as an Essential Employee or a Non-Essential Employee, the public agency should consult these resources:

- ❖ CISA Advisory Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response (Apr. 17, 2020)
<https://www.cisa.gov/sites/default/files/publications/Version 3.0 CISA Guidance on Essential Critical Infrastructure Workers 4.pdf>
- ❖ California Department of Public Health Essential Critical Infrastructure Workers guidance (Apr. 28, 2020)
<https://covid19.ca.gov/img/EssentialCriticalInfrastructureWorkers.pdf>

While the guidance from these authorities is advisory and not a directive, they are legitimate governmental sources upon which public agencies may rely to support their designations and may serve to justify an agency’s action if later challenged.

Public agencies should also consult with their county public health department to determine whether there are any local orders that would restrict public employees from performing services deemed essential by either the federal or state governments. While stay-at-home orders will likely be modified in the coming months, certain requirements

¹ Executive Order N-33-20 (Mar. 19, 2020), *available at* <https://covid19.ca.gov/img/Executive-Order-N-33-20.pdf>.

² An employee designated as an Essential Employee is different from an employee designated as a disaster service worker. While an employee designated as a disaster service worker may be asked to perform work outside of the normal scope of their job duties, an employee designated as an Essential Employee should only be asked to perform duties consistent with the terms and conditions of their job classification, unless asked to perform out-of-class work.

and restrictions will likely be maintained in some form beyond their current expiration dates, and public agencies should continue to observe such requirements and restrictions.

This Checklist is intended to provide a framework to assist public agencies in determining which employees are Essential Employees. This Checklist is intended to supplement, not supplant, local, state, and federal guidance on this subject.

1. Determine which of the following essential critical infrastructure sectors SCAG is situated in or supports, either directly or indirectly:
 - Transportation Systems³
2. For each federal critical infrastructure sector identified in No. 1 above, consult with the appropriate SCAG department or division heads and identify all SCAG functions that are necessary to provide continued service or support to that sector. These are “essential functions.” Please note that while a department or division may engage in essential functions, not all services performed or offered by the department or division will necessarily be “essential functions.”
3. For each essential function identified in No. 2 above, consult with SCAG department or division heads responsible for such essential function and list the services that the applicable department or division provides that are necessary for SCAG to continue providing that function. These are “essential services.”
4. For each essential service identified in No. 3 above, consult with SCAG department or division heads responsible for the provision of such essential service and list the job classifications that provide services that are necessary for SCAG to continue providing that service. These are “essential classifications.”
5. For each essential classification identified in No. 4 above, consult with department or division heads and line managers and supervisors and identify the number of employees within the essential classification whose continued service is necessary in order for SCAG to continue providing the essential service identified in No. 4 above.
6. Once the number of employees who are necessary to perform the essential service is established, determine which employees to designate as Essential Employees.
 - Establish and document legitimate, non-discriminatory selection criteria
 - Document rationale for specific Essential Employee designations
7. Notify the Essential Employees in writing that SCAG has designated them as such. SCAG may also notify Non-Essential Employees of their designation as non-essential.

³ The California State Public Health Officer refers to the Transportation Systems sector as the Transportation and Logistics Sector.

8. Determine appropriate work schedules for Essential Employees, considering:
- Whether the Essential Employees can perform some or all their duties remotely
 - Whether the Essential Employees can engage in job sharing or work staggered schedules to promote social distancing
 - Whether any non-essential duties that require in person performance can be delayed until resumption of normal operations
9. For Essential Employees performing work at a SCAG facility/worksite, follow all applicable local, state, and federal requirements and guidance concerning the health and safety of employees.
- Consult local orders and guidance, such as those from the county public health department
 - Consult state guidance, such as guidance from the California Division of Occupational Safety and Health⁴
 - Consult federal guidance, such as guidance from the Occupational Safety and Health Administration (“OSHA”)⁵ and the Centers for Disease Control (“CDC”)⁶

⁴ See <https://www.dir.ca.gov/dosh/coronavirus/Health-Care-General-Industry.html>.

⁵ See <https://www.osha.gov/SLTC/covid-19/>.

⁶ See <https://www.cdc.gov/coronavirus/2019-ncov/community/critical-workers/implementing-safety-practices.html>.

POLICY AND PROTOCOLS FOR SOCIAL DISTANCING AND INDIVIDUAL RESPONSIBILITY IN THE WORKPLACE

I. Preamble

The purpose of the California Occupational Safety and Health Act of 1973 is to assure safe and healthy working conditions for all workers. (Labor Code § 6300, et seq.)

The Centers for Disease Control and Prevention (“CDC”) recommends social distancing, also referred to as physical distancing, to reduce the spread of SARS-CoV-2, the virus that causes COVID-19 (hereinafter “the virus that causes COVID-19”). The virus that causes COVID-19 spreads primarily when people come into close contact (within about 6 feet) with each other for a prolonged period (approximately 10 minutes or more). Such spread happens when an infected person coughs, sneezes, or talks, and respiratory droplets from their mouth or nose are launched into the air and land in the mouths or noses of people nearby. The droplets can also be inhaled into the lungs. Studies indicate that people who are infected but do not have symptoms likely also play a role in the spread of the virus that causes COVID-19.

SCAG therefore implements this Policy and Protocol for Social Distancing and Individual Responsibility in the Workplace for the protection of all employees, their families, and the public we serve.

II. Statement of Policy

The purpose of this policy is ensuring the health and safety of working conditions for all SCAG employees through adherence to social distancing and cleaning and disinfecting principles and best practices. Ensuring healthy and safe working conditions at SCAG worksites is a business necessity for SCAG.

III. Compliance

SCAG will fully and faithfully comply with any and all applicable laws, including, but not limited to, the Americans with Disabilities Act (“ADA”), the Rehabilitation Act of 1973, the Fair Employment and Housing Act (“FEHA”), and the California Confidentiality of Medical Information Act (“CMIA”) in the administration of this policy and associated protocol.

IV. Policy

Scope of Coverage:

This policy will apply with equal force to all SCAG employees in preventing the transmission of the virus that causes COVID-19 in the workplace as reasonably related to all SCAG jobs.

Effective Date:

This policy shall be effective immediately upon adoption and shall remain in effect until the Executive Director or his/her designee advises employees that the policy is no longer operative due to the end of the present public health emergency.

Reduction of In-Person Employee Headcount at Any Given Time:

To reduce the spread of the virus that causes COVID-19, the Executive Director will allow, encourage, or require remote work as appropriate for any given employee or class of employees. Employees may be required, for example, to work remotely one day and report to the workplace the next while SCAG will try to give more notice and will attempt to make reasonable accommodations should the employee request them. The Executive Director has further authorized implementing flexible, or staggered work hours, including staggered breaks, as needed.

Minimum Spacing of Six Feet:

Employees and members of the public entering and using SCAG facilities must maintain a minimum physical distance of six feet between themselves and any other person at all times. While on duty at any SCAG facility, employees must also minimize exposure to and contact with others.

To the extent that existing arrangements of workstations or furniture, including in break rooms or lunchrooms, do not provide for adequate spacing, they must be rearranged to provide for such spacing. If furniture cannot be rearranged to allow for adequate spacing, seats or desks that would encroach on the six-foot distance must be clearly marked as prohibited for use.

SCAG may designate one-way hallways, where appropriate, and mark such one-way hallways with clear signage.

SCAG may designate separate routes for entry and exit into office spaces to help maintain social distancing and lessen the instances of people closely passing each other.

If a workspace is open to the public, social distancing guidelines apply to visiting members of the public as well.

Entry to any SCAG facility must be limited to a number of people that can easily maintain, at all times, a minimum six-foot physical distance from others, except as necessary to complete the business for which the person is at the facility.

Waiting areas must be rearranged to discourage members of the public from waiting or sitting within 6 feet of one another.

Signs must be posted outside all elevators, stating the maximum number of occupants on the elevator so that physical distancing can be maintained, and stating that occupants must wear face coverings in the elevator.

Where employees and members of the public form lines for services, such as at a public counter, appropriate markings must be placed at 6-foot intervals to indicate where employees and/or members of the public should stand while waiting in order to provide adequate spacing. Persons who are family members or household contacts, may stand or move together, but must be separated from others by a physical distance of at least six feet.

Employees are prohibited from engaging in handshakes, hugs, or any other unnecessary physical contact with any person at all times while on SCAG premises or otherwise while on duty outside of their home (telework) workspace.

Physically Distanced Meetings Only When Necessary:

Where feasible, in-person meetings must be replaced with other means of communication, including but not limited to telephone calls, e-mails, or videoconferences. Non-essential meetings should be canceled or postponed. Staff meetings normally held in meeting rooms should take place outside when physical distancing is not practicable in the usual space.

If an in-person meeting is held, it must take place in a conference room or other space that allows the participants sufficient space to maintain the minimum spacing of six feet. After a conference room is used for a meeting, the conference room must be cleaned and disinfected in accordance with SCAG's Cleaning and Disinfecting Policy before it can be used again. This includes, but it is not limited to, requiring that all employees who attended the in-person meeting clean and disinfect the space they occupied during the meeting (*e.g.*, their chair, area of the conference table at which they sat) using SCAG-provided sanitizing supplies, as described below.

Social Visits to be Avoided:

Employees should refrain from unnecessary social visits to other employees' workstations.

Employees should refrain from congregating in confined spaces, such as lunch or break rooms.

If socializing cannot be avoided, employees must observe the requirement that they maintain a minimum physical distance of six feet between themselves and any other person at all times at any SCAG facility. When and where such social visits do occur, employees must maintain the minimum spacing of six feet at all times. Employees may socialize with visitors who are not on official business outside the workplace (*e.g.*, an employee may go to lunch with their spouse off-site.)

Wearing of Facial Coverings:

Members of the public or vendors who enter a SCAG facility must wear a face covering during their time in the facility.

Employees working at a SCAG worksite must use cloth face coverings when working in open or shared workspaces.

A “cloth face covering” is a material that covers the nose and mouth. Acceptable cloth face covering options include but must be free of inappropriate imagery for the workplace.

- SCAG issued cloth masks
- Homemade face covering similar to SCAG issued cloth masks

A cloth face covering that no longer covers the nose or mouth; has stretched out or damaged ties or straps; cannot remain securely attached to a person’s face; has holes or tears in the fabric; and/or obstructs an employee’s vision do not comply with this policy. An employee or member of the public must immediately replace their face covering under these circumstances or leave the facility.

Use of a surgical mask or N95 respirator is not required, but employees who choose to do so are in compliance with this policy as long as the surgical mask or N95 respirator is in good condition and can remain securely attached to the employee’s face.

Hand Washing:

Employees are expected to wash their hands (for a minimum of 20 seconds), or use hand sanitizer when a sink is not available, every 60 minutes, and after any of the following activities: using the restroom, sneezing, touching the face, blowing the nose, cleaning, sweeping, mopping, smoking, eating, drinking, entering or leaving the facility, going on break, and before and after their work shift.

Provision and Use of Sanitizing Supplies:

Hand sanitizer (at least 60% ethanol or 70% isopropanol), soap and water, or effective disinfectant must be made available near the entrance of any SCAG facility and in other appropriate areas for use by the public and employees, and in locations where there is high-frequency employee interaction with members of the public (*e.g.*, cashiers.) Effective disinfectants, such as disposable wipes, should be provided so that commonly used surfaces (*e.g.*, doorknobs, keyboards, remote controls, desks, staplers, copiers, other work tools and equipment) can be wiped down by employees before each use. Tissues and no-touch disposal receptacles must be placed at locations where they can be easily accessed by employees and members of the public.

It is each employee's responsibility to use these wipes and other supplies to sanitize every surface they touch after each use, except those in an employee's own private office space, including but not limited to doorknobs, tables, desk and counter tops, chairs, copiers, printers, books/binders, refrigerators, microwaves, coffee makers, file cabinets and shelves, shared computers, phones, tools, and other equipment. It is further each employee's responsibility to similarly sanitize their own office at the end of their work day or before that space is shared or used by any other person (e.g., an employee must wipe down all surfaces in his or her office before allowing another person to enter for a meeting).

Any items handled by public visitors to any SCAG facility, including, but not limited to, visitor badges, clipboards, or pens, must be taken out of circulation after each use and not be used again until wiped down with effective disinfectants in accordance with this policy.

Modification to Rideshare Policies:

Financial incentives to carpool and any applicable prizes are temporarily suspended. Subsidization of public transportation fare will remain in effect. Employees who take public transportation are encouraged to practice social distancing to the maximum extent possible while doing so.

Remote Public Access to Meetings:

Members of the public wishing to attend open session meetings of the Regional Council or any other SCAG public meetings may do so remotely. Information regarding how to attend remotely will be posted on SCAG website.

Attendance in person will not be permitted while this policy is in effect.

Required Posting and Distribution:

Signs must be placed at conspicuous places at all public entrances that instruct members of the public not to enter if they are experiencing symptoms associated with COVID-19 (e.g., cough, shortness of breath or difficulty breathing, and/or more of the following: fever, chills, repeated shaking with chills, muscle pain, headache, sore throat, new loss of taste or smell, or any other symptom associated with COVID-19 identified by the CDC). The signs must also instruct persons who are not experiencing these symptoms and who can enter the facility that they are to wear face coverings and maintain six feet of distance between themselves and others while inside.

A copy of this document, POLICY AND PROTOCOLS FOR SOCIAL DISTANCING AND INDIVIDUAL RESPONSIBILITY IN THE WORKPLACE, must be provided to each SCAG employee working at any SCAG facility and posted at or near the entrance of each SCAG facility. The location at which the POLICY AND PROTOCOLS FOR SOCIAL DISTANCING AND INDIVIDUAL RESPONSIBILITY IN THE WORKPLACE must be easily viewable by the public and employees.

POLICY AND PROTOCOLS FOR TEMPERATURE TESTING AND SCREENING FOR SYMPTOMS ASSOCIATED WITH COVID-19

I. Preamble

The purpose of the California Occupational Safety and Health Act of 1973 is to assure safe and healthy working conditions for all workers. (Labor Code § 6300, et seq.)

The Centers for Disease Control and Prevention (“CDC”) currently identifies the following symptoms as being associated with COVID-19:

- Fever, defined as 100.4 degrees Fahrenheit or higher
- Cough
- Shortness of breath or difficulty breathing
- Chills
- Repeated shaking with chills
- Muscle pain
- Headache
- Sore throat
- New loss of taste or smell

Further, the CDC has identified the following gastrointestinal symptoms, which are less common, but still associated with COVID-19:

- Nausea
- Vomiting
- Diarrhea

Each of these symptoms is hereinafter referred to as a “symptom associated with COVID-19.”

The CDC and the California Department of Public Health recommends that employers, including public entities, implement measures designed to prevent or reduce the transmission of the virus that causes COVID-19 between and among employees and at the workplace. One method for doing so is to require that employees submit to temperature testing and certify the absence of symptoms associated with COVID-19 prior to being allowed to enter any SCAG facility or worksite.

II. Statement of Policy

The purpose of this policy is to prevent any individual who presents a fever or certifies that they have presented a symptom associated with COVID-19 from entering a SCAG facility or worksite in order to ensure the safety and health of SCAG workplaces.

III. Authority

Pursuant to Labor Code section 6300, et seq., and consistent with guidance provided by the Equal Employment and Opportunity Commission (“EEOC”) and the Department of Fair Employment and Housing (“DFEH”), SCAG is authorized to adopt this temperature testing and COVID-19 screening policy in order to ensure that individuals who present symptoms associated with COVID-19 do not enter SCAG facilities or worksites and to provide a healthy and safe workplace for SCAG employees who use such facilities and worksites.

IV. Compliance

SCAG intends to fully and faithfully comply with any and all applicable laws, including, but not limited to, the Americans with Disabilities Act (“ADA”) and the Rehabilitation Act of 1973, and the Fair Employment and Housing Act (“FEHA”) in the administration of this policy and associated protocol.

V. Policy

Scope of Coverage:

This policy and its requirements apply with equal force and effect to all SCAG employees in order to enter a SCAG facility or worksite. No employee will be exempted from the requirements set forth in this policy.

Unless otherwise stated, this policy and its protocols will also apply to members of the public and visitors to SCAG facility or worksite.

Effective Dates:

This Policy shall be effective immediately upon adoption and shall remain in effect until the Executive Director or his/her designee advises employees that the Policy is no longer operative due to the end of the present public health emergency.

Notice to Employees:

SCAG will provide notice of this mandatory policy and its protocols to all SCAG employees. SCAG will provide employees a copy of this policy for employees to read and review. Employees who

do not receive or review such notice and the attached policy will not be excused from the policy's requirements.

Expectations of SCAG Employees with Respect to the Presentation of Symptoms Associated with COVID-19:

SCAG expects and requires that all employees who present a symptom associated with COVID-19 to immediately inform either their immediate supervisor or SCAG's Department of Human Resources.

No employee who presents a symptom associated with COVID-19 prior to the start of the workday may report to work other than their telework site. Employees who develop symptoms after beginning their workday (other than their telework site) and after informing their immediate supervisor or SCAG's Department of Human Resources will be directed to leave work (other than their telework site).

Any employee who fails to inform their supervisor or the Department of Human Resources that they present a symptom associated with COVID-19 or who attempts to or does report to work (other than their telework site) despite the presentation of such a symptom or symptoms may face disciplinary action by SCAG, up to and including termination.

Posting of Signage Notifying Employees and Members of the Public:

At each SCAG facility and worksite, SCAG will post signage informing employees and members of the public of SCAG's policy requiring temperature testing and symptom screening prior to being allowed to enter SCAG facilities and worksites.

The signage will direct employees and members of public on how to certify they've tested their own temperature and certified they are free of symptoms

The signage will provide that, at the designated location, there is a copy of SCAG's policy for review.

Procedure for Temperature Testing and Symptom Screening:

In accordance with the above referenced federal and state public health guidance, and in order to help prevent or reduce the transmission of the virus that causes COVID-19 between and among employees, SCAG will implement the following protocols.

Submission to Temperature Testing and Symptom Screening as a Precondition to Entrance to any SCAG Facility or Worksite:

Prior to being allowed to enter and as a precondition to such entrance to any SCAG facility or worksite, SCAG employees and members of the public shall be required to certify that they have taken their temperature and certify the absence of any presentation of symptoms associated with COVID-19.

SCAG will treat an employee refusing to submit to either certification of temperature testing or symptom screening prior to or during their scheduled workday as an unexcused absence.

Protocol for Temperature Testing and Symptom Screening:

Prior to authorizing entry to an employee, SCAG will email the employee who is requesting access or scheduled to work on site information requesting that they complete a certification attesting to a temperature test and certify the absence of any presentation of symptoms associated with COVID-19.prior to receiving authorization to access SCAG facility or worksite.

If an employee or member of the public has a temperature that is 100.4 degrees Fahrenheit or higher, or certifies they have any presentation of symptoms associated with COVID-19. SCAG will deny that individual access to SCAG facility or worksite.

This policy shall supplement any of the other policies, protocols or guidelines that SCAG has adopted in order to prevent or reduce the likelihood of transmission of the virus that causes COVID-19 among and between employees.

POLICY AND PROTOCOLS FOR THE USE AND DISCLOSURE OF CONFIDENTIAL SCAG MEDICAL INFORMATION RELATED TO COVID-19

I. Preamble

SCAG implemented COVID-19 temperature testing and COVID-19 symptom screening policy and/or an accommodation policy for high-risk employees in order to ensure the health and safety of SCAG employees in accordance with the California Occupational Safety and Health Act of 1973 and its purpose to assure safe and healthy working conditions for all workers. (Labor Code § 6300, et seq.)

SCAG's COVID-19 temperature testing and COVID-19 symptom screening policy and/or an accommodation policy for high-risk employees authorize[s] SCAG to collect certain confidential medical information ("Medical Information") about SCAG employees.

II. Definitions

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

"Individually Identifiable" means that the Medical Information includes or contains any element of personal identifying information sufficient to allow identification of the individual, such as the patient's name, address, electronic mail address, telephone number, or social security number, or other information that, alone or in combination with other publicly available information, reveals the individual's identity.

II. Statement of Policy

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

III. **Authority**

SCAG is authorized to conduct the COVID-19 temperature testing and COVID-19 symptom screening policy and/or an accommodation policy for high-risk employees under the authority provided for under those policies.

IV. **Compliance**

SCAG will fully and faithfully comply with the CMIA and ADA in the implementation and administration of this policy as well as the associated COVID-19 temperature testing and COVID-19 symptom screening policy and/or an accommodation policy for high-risk employees.

V. **Policy**

Scope of Coverage:

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

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

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

Effective Dates:

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

Notice of Privacy Practices:

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

Employee Authorization to Disclose Medical Information:

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

Should an employee wish to provide SCAG authority to make additional disclosures of Medical Information related to COVID-19, the employee or their legal representative may authorize such disclosure using the Authorization for Disclosure and Use of Medical Information (“Authorization”), and completing each of the required fields provided therein.

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

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

Permissible Uses and Disclosures of Medical Information:

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

- If compelled by judicial or administrative process or by any other specific provision of law;
- That part of the information which is relevant in a lawsuit, arbitration, grievance, or other claim or challenge to which SCAG and employee are parties and in which the patient has placed in issue his or her medical history, mental or physical condition, or treatment may be used or disclosed in connection with that proceeding;
- For the purpose of administering and maintaining employee benefit plans, including health care plans and plans providing short-term and long-term disability income,

workers' compensation and for determining eligibility for paid and unpaid leave from work for medical reasons;

- To a provider of health care or other health care professional or facility to aid the diagnosis or treatment of the employee, where the employee or other person authorized by law to permit disclosure of Medical Information on the employee's behalf, is unable to authorize the disclosure.

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

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

Disclosures of Medical Information to the Employee:

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

Reasonable Safeguards for Medical Information:

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

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

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

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

4. Dispose of unnecessary paper products that have protected health information in a shredder.

Limiting the Disclosures of Medical Information:

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

Policy on Requests to Review and/or Amend Employee Authorization for Disclosure of Medical Information:

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

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

Policy on Requests to Restrict Use and Disclosure of Medical Information:

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

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

POLICY AND PROTOCOLS FOR THE ACCOMMODATION OF EMPLOYEES WHO ARE AT HIGH-RISK OF SEVERE ILLNESS FROM COVID-19

I. Preamble

Federal and State equal employment and opportunity laws, including the American with Disabilities Act (“ADA”) and the Rehabilitation Act, Title VII of the Civil Rights Act, the Fair Employment and Housing Act (“FEHA”), and the Age Discrimination in Employment Act (“ADEA”) impose certain obligations on SCAG in terms of the provision of reasonable accommodations.

Absent an undue hardship to SCAG or a direct threat to the health and safety of SCAG employees, SCAG may provide certain employment-related accommodations to employees who, because they are age 65 or older or have an underlying medical condition, are at higher risk of severe illness if they contract the virus that causes COVID-19, in order to reduce the risk of such employees contracting the virus.

II. Statement of Policy

This discretionary policy provides to qualified employees the right to request that SCAG provide certain additional accommodations that, while not otherwise required by law, may reduce the risk of such employees contracting the virus that causes COVID-19.

III. Compliance

SCAG intends to fully and faithfully comply with any and all applicable laws, including, but not limited to, the ADA, Rehabilitation Act, the FEHA and the ADEA in the administration of this policy and associated protocol.

IV. Policy

Scope of Coverage:

This policy applies to and covers all SCAG employees who can demonstrate that they are at higher risk of severe illness if they contract the virus that causes COVID-19 because they are age 65 or older or have one or more of the underlying medical conditions enumerated below.

Based on the available information at the time that this policy was adopted, the Centers for Disease Control and Prevention (“CDC”) identifies the following individuals, of all ages, as those who **are** at increased risk of severe illness if the individual contracted the virus that causes COVID-19:

- People who have chronic kidney disease;

- People who have chronic obstructive pulmonary disease (“COPD”);
- People who are immunocompromised from a solid organ transplant;
- People who are obese, with a body mass index (“BMI”) of 30 or higher;
- People with serious heart conditions, such as heart failure, coronary artery disease, or cardiomyopathies;
- People with sickle cell disease; and
- People with type 2 diabetes mellitus.

Based on the available information at the time that this policy was adopted, the Centers for Disease Control and Prevention (“CDC”) identifies the following individuals, of all ages, as those who **might be** at increased risk of severe illness if the individual contracted the virus that causes COVID-19:

- People with moderate-to severe asthma;
- People who have cerebrovascular disease;
- People who have cystic fibrosis;
- People who have hypertension or high blood pressure;
- People who are immunocompromised from blood or bone marrow transplant, immune deficiencies, HIV, use of corticosteroids and other immune weakening medications;
- People with neurologic conditions, such as dementia;
- People with liver disease;
- People who are pregnant;
- People with pulmonary fibrosis;
- People who smoke;
- People with Thalassemia; and
- People with type 1 diabetes mellitus.

SCAG expressly reserves the right to modify the above enumerated conditions based on new information or guidance provided by the CDC on their website at <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-higher-risk.html>, or elsewhere, in addition to guidance from other public health authorities.

Effective Dates:

This Policy shall be effective immediately upon adoption and shall remain in effect until the Executive Director or his/her designee advises employees that the Policy is no longer operative due to the end of the present public health emergency.

Notice to Human Resources:

If an employee is age 65 or older, has any of the recognized underlying medical conditions enumerated herein, or another condition that the employee believes places them at higher risk for severe illness if they contract the virus that causes COVID-19, the employee may inquire with SCAG’s Human Resources Department regarding a potential workplace accommodation.

SCAG Policy Against Retaliation:

SCAG will not terminate, suspend, discipline, or take any other adverse employment action against an employee exercising their privileges under this Policy.

Process for Accommodation Request:

While the request for accommodation under this policy is separate and distinct from a request for a reasonable accommodation under the ADA, an employee who desires an accommodation under this policy must make such a request in accordance with SCAG's Reasonable Accommodation Policy- Personnel Rule 12.3 which is located in [Personnel Rule 12](#).

Following receipt of the request, SCAG's Human Resources Department will require a note from the employee's health care provider(s) certifying that the employee has a qualified underlying medical condition that exposes the employee to a higher risk of severe illness if they contract the virus that causes COVID-19. Furthermore, SCAG's Human Resources Department may require additional information, including, but not limited to, documentation from the employee's health care provider to determine whether the employee's underlying condition necessitates an additional accommodation when the employee returns to the workplace.

Determinations regarding accommodations under this policy will be made on a case-by-case basis by SCAG's Human Resources Director or their designee. Accommodations may include, but are not limited to, the following:

- Alternative work assignments or locations;
- Telework;
- Reassignment;
- Increased social distancing measures; and/or Leave.

SCAG's Human Resources Department will work in good faith with the employee to fully consider all potential accommodations.

No Right to Appeal Accommodation Determinations:

Determinations made by SCAG's Human Resources Department are final and are not subject to appeal by the employee or the employee's employee organization.

POLICY FOR THE ACCOMMODATION OF EMPLOYEES WHO RESIDE WITH INDIVIDUALS AT HIGH-RISK OF SEVERE ILLNESS FROM COVID-19

I. Preamble

The Southern California Association of Governments (“SCAG”) may provide certain employment-related reasonable accommodations to employees who reside with individuals whose age or underlying medical condition places them at higher risk of severe illness if they contract the virus that causes COVID-19 unless an accommodation presents a hardship to or a direct threat to the health and safety of SCAG employees.

II. Purpose of Policy

The purpose of this Policy is to reduce the risk of employees contracting the virus, and infecting individuals they reside with. This Policy provides qualified employees the right to request that SCAG provide certain reasonable accommodations that, while not required by law, may reduce that risk.

III. Policy

Section 1. Scope of Coverage:

This Policy applies to and covers SCAG employees who can demonstrate that they reside with an individual at higher risk of severe illness if they contract the virus that causes COVID-19 because of his or her age or because he or she has one or more of the underlying medical conditions enumerated below.

Based on the available information at the time SCAG adopted this Policy, the Centers for Disease Control and Prevention (“CDC”) identifies the following individuals as those who **are** at higher risk of severe illness if the individual contracted the virus that causes COVID-19:

- People who have chronic kidney disease;
- People who have chronic obstructive pulmonary disease (“COPD”);
- People who are immunocompromised from a solid organ transplant;
- People who are obese, with a body mass index (“BMI”) of 30 or higher;
- People with serious heart conditions, such as heart failure, coronary artery disease, or cardiomyopathies;
- People with sickle cell disease; and
- People with type 2 diabetes mellitus.

Based on the available information at the time that this policy was adopted, the Centers for Disease Control and Prevention (“CDC”) identifies the following individuals, of all ages, as those who **might be** at increased risk of severe illness if the individual contracted the virus that causes COVID-19:

- People with moderate-to severe asthma;
- People who have cerebrovascular disease;
- People who have cystic fibrosis;
- People who have hypertension or high blood pressure;
- People who are immunocompromised from blood or bone marrow transplant, immune deficiencies, HIV, use of corticosteroids and other immune weakening medications;
- People with neurologic conditions, such as dementia;

- People with liver disease;
- People who are pregnant;
- People with pulmonary fibrosis;
- People who smoke;
- People with Thalassemia; and
- People with type 1 diabetes mellitus.

SCAG expressly reserves the right to modify the above enumerated conditions based on new information or guidance provided by the CDC or other public health authorities.

Section 2. Effective Dates

This Policy shall be effective immediately upon adoption and shall remain in effect until the Chief Executive Officer, or designee advises employees that the Policy is no longer operative.

Section 3. SCAG Policy against Retaliation

SCAG will not terminate, suspend, discipline, or take any other adverse employment action against an employee exercising privileges under this Policy. Retaliation does not include any adverse action taken as a result of an employee’s dishonesty or other failure to abide by the terms of this Policy.

Section 4. Process for Accommodation Request

An employee may inquire with Human Resources regarding a potential workplace accommodation if the employee resides with someone whose age or underlying medical condition places the individual at increased risk of severe illness if the individual contracted the virus that causes COVID-19 as described in this Policy.

An employee who desires a reasonable accommodation under this Policy must make a request to Human Resources in the same manner as they would according to SCAG’s Reasonable Accommodation Policy (Personnel Rule 12.3) [Personnel Rule 12](#).

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

Human Resources will make determinations regarding reasonable accommodations under this Policy on a case-by-case basis depending on factors including, but not limited to:

- 1.The operational needs of the employee’s department and SCAG;
- 2.The potential for disruption to SCAG’s functions;
- 3.The portability of the employee’s work;

4. Other considerations deemed necessary and appropriate by SCAG.

Reasonable accommodations may include, but are not limited to, the following:

- Alternative work assignments or locations;
- Telework;
- Reassignment;
- Increased social distancing measures; and
- Leave.

Section 5. No Right to Appeal Accommodation Determinations

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

ADMINISTRATIVE POLICY AND PROTOCOLS FOR EMPLOYEE LEAVE AND COMPENSATION UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT

I. Preamble

The purpose of the Families First Coronavirus Response Act (“FFCRA”) is to provide employees with paid sick leave and expanded family and medical leave for reasons related to COVID-19. (Public Law No. 116-127.)

Subsequent to the enactment of the FFCRA, the Department of Labor (“DOL”) promulgated temporary regulations to implement expanded family and medical leave under Title I of the Family and Medical Leave Act (“FMLA”) and emergency paid sick leave to assist working families facing public health emergencies. The DOL also published a correction in the Federal Register to make certain technical corrections to the regulatory text. The DOL has also provided informal guidance concerning the implementation of the emergency paid sick leave and expanded family and medical leave provisions.

This policy is intended to provide employees of the Southern California Association of Governments (SCAG) with the emergency paid sick leave and expanded family and medical leave to which they are entitled under FFCRA and any additional benefits SCAG is providing to its employees in excess of FFCRA requirements.

II. Statement of Policy

SCAG will provide eligible employees with leave pursuant to the Emergency Paid Sick Leave Act (“EPSLA”) (*i.e.*, Emergency Paid Sick Leave) and Emergency Family and Medical Leave Expansion Act (“EMFLEA”) (*i.e.*, Emergency Family and Medical Leave) as required under the Families First Coronavirus Response Act (“FFCRA” or the “Act”). The following provisions set forth certain rights and obligations with respect to said leave.

III. Compliance

SCAG will fully and faithfully comply with the requirements set forth in the FFCRA and the regulations promulgated by the DOL in its administration of this policy.

IV. Policy

Section 1. Effective Dates

The Administrative Policy and Protocols for Employee Leave and Compensation Under the FFCRA shall expire on December 31, 2020 or when the EPSLA or EMFLEA provisions of the FFCRA are no longer effective under the law, whichever is later.

Section 2. Definitions

- A. “Child Care Provider” means a provider who receives compensation for providing child care services on a regular basis. The term includes a center-based child care provider, a group home child care provider, a family child care provider, or other provider of child care services for compensation that is licensed, regulated, or registered under State law; and satisfies the State and local requirements. However, under the FFCRA, the eligible child care provider *need not be compensated or licensed* if he or she is a family member or friend, such as a neighbor, who regularly cares for the Employee’s child.
- B. “Emergency Family and Medical Leave” means leave provided under the EMFLEA (Sec. 3101, et seq. of the FFCRA).
- C. “Emergency Paid Sick Leave” means leave provided under the EPSLA (Sec. 5101, et seq. of the FFCRA).
- D. “Emergency responder” means the following for the purposes of employees who may be exempted from Emergency Paid Sick Leave and Emergency Family and Medical Leave: (1) Anyone necessary for the provision of transport, care, healthcare, comfort and nutrition of such patients, or others needed for the response to COVID-19; or (2) Anyone who serves in the military or national guard, or as a law enforcement officer, correctional institution personnel, fire fighter, emergency medical services personnel, physician, nurse, public health personnel, emergency medical technician, paramedic, emergency management personnel, 911 operator, child welfare worker and service provider, public works personnel, and persons with skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency, as well as individuals who work for such facilities employing these individuals and whose work is necessary to maintain the operation of the facility.
- E. “Health care provider” means the following for the purposes of employees who may be exempted from Emergency Paid Sick Leave and Emergency Family and Medical Leave: (1) Anyone employed at any doctor’s office, hospital, health care center, clinic, post-secondary educational institution offering health care instruction, medical school, local health department or agency, nursing facility, retirement facility, nursing home, home health care provider, any facility that performs laboratory or medical testing, pharmacy, or any similar institution, employer, or entity; or (2) Any individual employed by an entity that contracts with any of these institutions described above to provide services or to maintain the operation of the facility where that individual’s services support the operation of the facility. This also includes anyone employed by any entity that provides medical services, produces medical products, or is otherwise involved in the making of COVID-19 related medical equipment, tests, drugs, vaccines, diagnostic vehicles, or treatments.
- F. “Individual” for the purpose of Section 3.D. above means an employee’s immediate family member, a person who regularly resides in the employee’s home, or a similar person with whom the employee has a relationship that creates an expectation that the employee would care for the person if he or she were quarantined or self-quarantined.

“Individual” does not include persons with whom the Employee has no personal relationship.

- G. “Son or Daughter” means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis*, who is under 18 years of age; or 18 years of age or older who is incapable of self-care because of a mental or physical disability. (29 U.S.C. 2611; 29 CFR 826.10(a).)
- H. “Subject to a Quarantine or Isolation Order” means a quarantine or isolation order and includes quarantine, isolation, containment, shelter-in-place, or stay-at-home orders issued by any Federal, State, or local government authority that cause the employee to be unable to work even though his or her Employer has work that the employee could perform but for the order. This also includes when a Federal, State, or local government authority has advised categories of citizens (*e.g.*, of certain age ranges or of certain medical conditions) to shelter in place, stay at home, isolate, or quarantine, causing those categories of employees to be unable to work even though their employers have work for them.

Section 3. Emergency Paid Sick Leave

Qualifying Reasons for Emergency Paid Sick Leave:

Emergency Paid Sick Leave is only permitted for the following reasons:

- A. The employee is Subject to a Quarantine or Isolation Order related to COVID-19.
- B. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
- C. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
- D. The employee is caring for an individual who is Subject to a Quarantine or Isolation Order or who has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
- E. The employee is caring for the employee’s son or daughter if the child’s school or place of care has been closed, or the child’s childcare provider is unavailable, due to COVID-19 precautions.
- F. The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

Employees Eligible for Emergency Paid Sick Leave:

- A. Subject to Sections B and C, below, all SCAG employees are potentially eligible for Emergency Paid Sick Leave.
- B. Employees are not eligible for Emergency Paid Sick Leave if SCAG determines that the employee's duties and services are not needed during all or part of the period of requested Emergency Paid Sick Leave (for example, because SCAG has temporarily stopped providing the services that the employee would otherwise provide). In this circumstance, SCAG may deem that the employee is not working due to lack of work.

Amount of Emergency Paid Sick Leave:

- Leave taken as Emergency Paid Sick Leave is in addition to any other statutory or contractual leave to which the employee is entitled.
- Full time employees working 40 hours per week may take up to 80 hours of Emergency Paid Sick Leave.
- Part time employees may take up to the average number of hours that they work over a two-week period as determined by reviewing the six-month period prior to the usage of leave. If the employee has been employed by SCAG for fewer than six months, SCAG will calculate the leave entitlement based on the entire period the employee has been employed.
- Employees hired on or after April 1, 2020 who took the full 80 hours of Emergency Paid Sick Leave when employed by another employer are not entitled to take any additional Emergency Paid Sick Leave with SCAG. An employee who has taken some, but not all, of the Emergency Paid Sick Leave to which they are entitled when they were employed by another employer, is entitled only to the remaining portion of such leave from SCAG.
- An employee who is laid off or otherwise terminated on or after March 1, 2020 and who is rehired on or before December 31, 2020 will be eligible for unused Emergency Paid Sick Leave for the qualifying reasons set forth in Section 3.

Employee Benefits While on Emergency Paid Sick Leave:

The EPSLA caps the benefit amount based on the reason for the leave as follows:

- A. Employees are entitled to Emergency Paid Sick Leave at their regular rate of pay, subject to a cap of \$511 per day and \$5,110 in the aggregate, if they are unable to work or telework for one of the following reasons:
 - 1. The employee is Subject to a Quarantine or Isolation Order related to COVID-19;

2. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19; or,
 3. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
- B. Employees are entitled to Emergency Paid Sick Leave at two-thirds (2/3) of their regular rate of pay, subject to a cap of \$200 per day and \$2,000 in the aggregate, if they are unable to work or telework for one of the following reasons:
1. The employee is caring for an individual who is Subject to a Quarantine or Isolation Order related to COVID-19 or who has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
 2. The employee is caring for the employee's son or daughter if the child's school or place of care has been closed, or the child's childcare provider is unavailable, due to COVID-19 precautions; or
 3. The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

SCAG values its employees and understands the challenge this pandemic has presented to many of our SCAG families. **Although the law as described above places a cap on the pay rate, SCAG will pay eligible employees their regular rate of pay for 80 hours (or for the prorated number of hours, whichever is lower, for part time employees using the methodology described in this Policy) should they need to use this leave for any qualifying reason specified above in Section 3.**

Intermittent Leave

Generally, an employee must use the permitted days of Emergency Paid Sick Leave consecutively until the employee no longer has a qualifying reason to take the leave.

An employee may use Emergency Paid Sick Leave on an intermittent basis if:

- (1) The employee is not working *and* qualifies for use of Emergency Paid Sick Leave; or
- (2) The employee is teleworking; or
- (3) The employee is reporting to the worksite *and* has requested Emergency Paid Sick Leave to care for their son or daughter if the child's school or place of care has been closed, or the child's child-care provider is unavailable, due to COVID-19 precautions.

Restoration to Prior Position:

An employee who uses Emergency Paid Sick Leave is entitled to reinstatement to their prior or an equivalent position, unless the employee's employment would have ended regardless of whether he or she took leave.

Emergency Paid Sick Leave is Protected Leave:

Emergency Paid Sick Leave is considered protected leave when used for the reasons specified in Section 3. SCAG shall not discharge, discipline, or in any other manner discriminate against an employee who takes Emergency Paid Sick Leave.

Emergency Paid Sick Leave Request:

SCAG does not require that the employee provide notice of the need to use Emergency Paid Sick Leave until after the first workday of usage of such leave. However, an employee may provide notice of the need to use Emergency Paid Sick Leave prior to the usage of such leave, and SCAG requests that employees do so when practicable.

After the first workday for which an employee takes Emergency Paid Sick Leave, the employee must provide reasonable notice for the usage of such as soon as is practicable thereafter.

An employee may provide notice of the need to use Emergency Paid Sick Leave orally or in writing, and may provide such notice through the employee's spokesperson (e.g., spouse, adult family member, or other responsible party) if the employee is unable to provide such notice personally.

If an employee fails to provide proper notice, SCAG will give the employee notice of the failure and provide the employee with an opportunity to provide the required documentation, described below, prior to denying the employee's request for leave.

Certification of Emergency Paid Sick Leave:

An employee who seeks Emergency Paid Sick Leave must provide the following information, orally or in writing, prior to the commencement of the leave or as soon thereafter as practicable:

- (1) Employee's name;
- (2) Date(s) for which leave is requested;
- (3) Qualifying reason for the leave; and
- (4) Oral or written statement that the Employee is unable to work because of the qualified reason for leave.

In addition, the employee must provide the following documentation in support of his/her request for Emergency Paid Sick Leave:

- (1) To take Emergency Paid Sick Leave because the employee is Subject to a Quarantine or Isolation Order related to COVID-19, the employee must provide the name of the government entity that issued the quarantine or isolation order.
- (2) To take Emergency Paid Sick Leave because the employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19, the employee must provide the name of the health care provider who advised the employee to self-quarantine due to concerns related to COVID-19.
- (3) To take Emergency Paid Sick Leave because the employee is caring for an individual who is Subject to a Quarantine or Isolation Order related to COVID-19 or who has been advised by a health care provider to self-quarantine due to concerns related to COVID-19, the employee must provide either: (1) The name of the government entity that issued the Quarantine or Isolation Order to which the individual being cared for is subject; or (2) The name of the health care provider who advised the individual being cared for to self-quarantine due to concerns related to COVID-19.
- (4) To take Emergency Paid Sick Leave because the employee is caring for the employee's son or daughter if the child's school or place of care has been closed, or the child's child care provider is unavailable, due to COVID-19 precautions, the employee must provide: (1) The name of the son or daughter being cared for; (2) The name of the School, Place of Care, or Child Care Provider that has closed or become unavailable; and (3) A representation that no other suitable person will be caring for the Son or Daughter during the period for which the employee takes Emergency Paid Sick Leave.

Emergency Paid Sick Leave Carry-Over:

Unused Emergency Paid Sick Leave will carryover for any employee who after termination, resignation, retirement, or other separation from employment is rehired prior to December 31, 2020. However, under no circumstances will unused Emergency Paid Sick Leave carry over after December 31, 2020 or when the EPSLA provisions of the FFCRA are no longer effective under the law, whichever is later.

No Emergency Paid Sick Leave Cash-Out or Conversion to Service Credits:

Unused Emergency Paid Sick Leave may not be cashed out upon termination, resignation, retirement, or other separation from employment.

Unused Emergency Paid Sick Leave may not be converted to retirement service credits.

Section 4. Emergency Family and Medical Leave

Reasons for Emergency Family and Medical Leave:

Emergency Family and Medical Leave is only permitted for the leave due to an inability to work (or telework) because the employee needs to provide care for the employee's son or daughter under the Emergency Family and Medical Leave Expansion Act. (FMLA Sec. 110 (a)(2)(A).)

Employees Eligible for Emergency Family and Medical Leave:

- A. Employees are entitled to up to 12 weeks of job-protected Emergency Family and Medical Leave if the employee satisfies the following requirements:
 - 1. The employee has worked for SCAG for at least 30 calendar days;
 - 2. The employee is unable to work (or telework) due to a need to care for the employee's son or daughter whose school or place of care has been closed, or whose child care provider is unavailable due to a COVID-19 emergency declared by either a Federal, State, or local authority;
 - 3. The employee has not used all available FMLA leave. Emergency Family and Medical Leave is a form of FMLA leave, and is not in addition to any other FMLA leave;
 - 4. There is no other suitable person (such as a co-parent, co-guardian, or usual childcare provider) available to care for the employee's son or daughter during the period for which the employee takes Emergency Family and Medical Leave; and
 - 5. SCAG did not exempt the employee as either a "Health care provider" or "Emergency responder."

- B. Employees are not eligible for Emergency Family and Medical Leave if SCAG determines that the employee's duties and services are not needed during the period of requested Emergency Family and Medical Leave (for example, because SCAG has ceased offering the services that would otherwise be provided by the employee). In this instance, SCAG may deem that the employee is not working due to lack of work.

- C. An employee who is laid off or otherwise terminated on or after March 1, 2020 and who is rehired on or before December 31, 2020 will be eligible for unused Emergency Family and Medical Leave provided that the employee had been on SCAG's payroll for 30 or more of the 60 calendar days prior to the date the employee was laid off or otherwise terminated.

Amount of Emergency Family and Medical Leave:

An eligible employee is entitled to a maximum of twelve workweeks of Emergency Family and Medical Leave during the period in which the leave may be taken (between April 1, 2020 to

December 31, 2020) even if the twelve workweeks spans two twelve-month leave periods under the FMLA.

Employee Benefits While on Emergency Family and Medical Leave; Supplementation of Paid Accrued Leaves:

A. First Ten Days of Emergency Family and Medical Leave

The first ten (10) days of Emergency Family and Medical Leave are unpaid.

During this period, the employee may elect to use Emergency Paid Sick Leave, as described above, if the employee has not exhausted such leave through use at SCAG or prior employer. If the employee has exhausted the Emergency Paid Sick Leave, an employee may use their earned and accrued leaves to supplement the unpaid Emergency Family and Medical Leave in order to achieve up to 100% of the pay they would normally receive in a given week for working their regularly scheduled hours. Use of such accrued and unused leave will run concurrently with use of Emergency Family and Medical Leave.

B. Emergency Family and Medical Leave After the First Ten Days

After the tenth day, and for the remaining up to ten (10) weeks of Emergency Family and Medical Leave, an employee is entitled to compensation for such leave at two-thirds (2/3) of the employee's regular rate of pay, subject to a cap of \$200 per day and \$10,000 total.

During this period, employees may supplement the Emergency Family and Medical Leave (paid up to the specified limitations under the FFCRA) with their earned or accrued leave provided by SCAG in order to achieve 100% of the pay the employee would normally receive in a given week for working their regularly scheduled hours. **SCAG, though not required to do so by law, will provide eligible employees with an additional 40 hours of paid emergency leave to supplement the provisions under the law. The 40 hours should be used to supplement EFMLEA prior to using accrued leaves (PFH, Vacation, or Sick).**

Intermittent Leave:

An employee may use Emergency Family and Medical Leave on an intermittent basis.

Employee Notice of Emergency Family and Medical Leave:

Where the need to use Emergency Family and Medical Leave is foreseeable, the employee shall provide SCAG with such notice as soon as practicable.

SCAG may not require that the employee provide notice of the need to use Emergency Family and Medical Leave until after the first workday of the usage of such leave. However, SCAG requests that the employee provide notice earlier if it is practicable for the employee to do so.

After the first workday for which an employee takes Emergency Family and Medical Leave, the employee must provide reasonable notice for the usage of such as soon as is practicable thereafter.

An employee may provide notice of the need to use Emergency Family and Medical Leave orally or in writing, and may provide such notice through the employee's spokesperson (e.g., spouse, adult family member, or other responsible party) if the employee is unable to provide such notice personally.

If an employee fails to provide proper notice, SCAG will give the employee notice of the failure and provide the employee an opportunity to provide the required documentation, described below, prior to denying the request for leave.

Certification of Emergency Family and Medical Leave:

An employee who seeks Emergency Family and Medical Leave must provide the following information prior to taking leave or as soon thereafter as practicable:

- (1) Employee's name;
- (2) Date(s) for which leave is requested;
- (3) Qualifying reason for the leave;
- (4) Oral or written statement that the employee is unable to work because of the qualified reason for leave;
- (5) The name of the son or daughter being cared for;
- (6) The name of the school, place of care, or childcare provider that has closed or become unavailable; and
- (7) A representation that no other suitable person (such as a co-parent, co-guardian, or usual childcare provider) will be caring for the son or daughter during the period for which the Employee takes Emergency Family and Medical Leave.

Reinstatement Upon Return:

An employee who uses Emergency Family and Medical Leave is entitled to reinstatement to their prior or an equivalent position, unless the employee's employment would have ended regardless of whether he or she took leave.

Section 5. Public Health Emergency Leave

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

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

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

Eligibility:

All regular and limited term employees may be eligible.

Benefits:

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

TEMPERATURE TEST AND SYMPTOM SCREENING FORM

Note to Employee Self-Certifying: Return this form promptly to **SCAG's** Human Resources Department at humanresources@scag.ca.gov no later than one hour prior to arriving at a SCAG facility to receive pre-authorization to enter SCAG Facility. Time spent testing and requesting authorization shall be considered work time.

Pursuant to SCAG's Administrative Policy and Protocol for Temperature Testing and Screening for Symptoms Associated with COVID-19, SCAG will use this form to have employees record the results of their self-conducted temperature tests and symptom screenings. This form need only be used where such tests and screenings are required to enter a SCAG facility.

TEMPERATURE TEST AND SYMPTOM SCREENING FORM

Return this form electronically to Debbie Dillon, Chief Strategy Officer at dillon@scag.ca.gov approximately ONE hour prior to reporting to the SCAG Los Angeles Office.

Name of Employee Tested and Screened
("Employee")

Date

Temperature Test:

I certify that I took my own temperature with a thermometer within an hour prior to reporting to SCAG's Los Angeles Office and confirm that I do NOT have a fever, which is defined as a temperature of 100.4 degrees Fahrenheit or higher.

Symptom Screening:

I certify that I do NOT present any of the following symptoms, which the CDC associates with COVID-19.

- Cough
- Shortness of breath or difficulty breathing
- Chills
- Repeated shaking with chills
- Muscle pain
- Headache

- Sore throat
- New loss of taste or smell
- Nausea
- Vomiting
- Diarrhea

Exposure Screening:

I certify that I have not:

- Received a positive Covid-19 test result in the 14 calendar days pre-ceding my visit to SCAG’s facilities.
- Been knowingly exposed to anyone presenting the above COVID-19 symptoms or who has tested positive for COVID-19 in the 14 calendar days pre-ceding my visit to SCAG’s facilities.

Name of Employee

Date

SCAG
Facility or Worksite

Los Angeles Office
Entrance

AUTHORIZATION FOR DISCLOSURE AND USE OF MEDICAL INFORMATION

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

Pursuant to California's Confidentiality of Medical Information Act, I, _____ [Name of Employee], authorize [Name of Health Care Provider, Laboratory, etc.] to disclose the medical information described in this authorization to representatives from the Human Resources Department of SCAG. I also authorize the same representatives from SCAG to use the medical information for the purposes described in this authorization.

This authorization is limited to the following types of information:

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

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

Managing, controlling and responding to COVID-19 infections among SCAG personnel, medical accommodation request, or a workers' compensation claim.

Expiration Date: [Name of Health Care Provider, Laboratory, etc.] is no longer authorized to disclose medical information described in this authorization after [INSERT DATE].

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

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

Employee's Name (PLEASE PRINT) _____ _____
Signature Date

NOTICE OF SCAG PRIVACY PRACTICES FOR MEDICAL INFORMATION RELATED TO COVID-19

THIS NOTICE DESCRIBES HOW SCAG MAY USE YOUR MEDICAL INFORMATION, THE CONDITIONS UNDER WHICH SCAG MAY DISCLOSE SUCH INFORMATION AND HOW YOU MAY ACCESS THIS INFORMATION.

PLEASE REVIEW THIS NOTICE CAREFULLY.

I. Preamble

The Notice of SCAG Privacy Practices for Medical Information Related to COVID-19 (the "Notice") below is intended to provide SCAG employees important information concerning the use and disclosure of Medical Information collected by SCAG in relation to its COVID-19 temperature testing and COVID-19 symptom screening policy and/or an accommodation policy for high-risk employees, as well as other important information concerning the rights of employees.

SCAG encourages program employees to carefully review the Notice and familiarize themselves with the rights provided under SCAG policies, procedures, and protocol.

The obligations and rights described in the Notice shall take effect upon SCAG's adoption of the related "Policy and Protocols for the Use and Disclosure of Confidential SCAG Medical Information Related to COVID-19" ("Policy and Protocols").

SCAG is available to answer questions that employees may have about the Notice. Employees with questions should contact Human Resources at humanresources@scag.ca.gov

II. Definitions

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

"Individually Identifiable" means that the Medical Information includes or contains any element of personal identifying information sufficient to allow identification of the individual, such as the patient's name, address, electronic mail address, telephone number, or social security number, or other information that, alone or in combination with other publicly available information, reveals the individual's identity.

III. Scope of Coverage

This Notice covers the Medical Information of all SCAG employees and applicants that SCAG acquires or obtains, and which relates to COVID-19. Such Medical Information may include, but is not limited to:

- Symptoms associated with COVID-19,

- Positive COVID-19 test results; and
- Other health or medical conditions that would place the employee at high-risk for a serious illness if the employee contracted COVID-19.

III. Employee Rights Regarding Medical Information:

SCAG employees possess certain rights under applicable state law, including, but not limited to the following:

1. The right to request restrictions on disclosure of Medical Information by SCAG;
2. The right to inspect and copy the Medical Information maintained by SCAG;
3. The right to request a true copy of an employee's authorization for the disclosure of Medical Information.
4. The right to cancel or modify an employee authorization for the disclosure of Medical Information.

Additional details concerning individual employee's rights are discussed in the Policy and Protocols.

IV. SCAG's Duties Concerning Medical Information:

Federal law and state law impose certain duties upon SCAG, which SCAG will fully and faithfully discharge in a manner consistent with such requirements. These duties include, but are not limited to, the following:

1. Maintaining the privacy of employees' Medical Information;
2. Maintain Medical Information in a file separate from personnel records; and
3. Communicate any limitations in an employee's authorization regarding the use of the Medical Information to the person or entity to which it discloses the Medical Information

SCAG reserves the right to change the terms of this Notice and the changes will apply to the Medical Information that SCAG maintains about you. If and when SCAG revises this Notice, it will provide employees the revised Notice by email, U.S. mail, or another means of delivery sufficient to ensure notice to the employees.

V. Permissible Uses and Disclosures of Medical Information Without Written Authorization:

Generally, SCAG may not disclose Medical Information without prior written authorization from an employee.

However, it shall not be a violation of the Policy and Protocols for SCAG to use and disclose an employee's confidential medical information for certain reasons recognized by law, including, but not limited to:

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

The uses and disclosures of an employee's confidential information described above do **not** require the employee's authorization.

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

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

VI. Employee Complaints Regarding Privacy of Medical Information:

Employees are entitled to complain to SCAG if they believe their privacy rights have been violated by an impermissible disclosure of Medical Information. Should an employee believe that SCAG violated their privacy rights, the participant may file a complaint with the Human Resources Department humanresources@scag.ca.gov

Should an employee file such a complaint or seek other redress, SCAG will not retaliate against that participant.

VII. Acknowledgment of Receipt

Employees shall acknowledge receipt of SCAG's Notice of Privacy Practices.

Name (Printed): _____

Signature: _____

Date: _____