

WHAT EMPLOYERS NEED TO KNOW ABOUT CALIFORNIA'S UPDATED COVID-19 'CLOSE CONTACT' DEFINITION

Insights
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Employers may be able to revise their COVID-19 protocols now that the California Department of Public Health (CDPH) has updated the definition of "close contact" for isolation and quarantine purposes. Over the summer, the CDPH changed the "close contact" definition to mean someone "sharing the same indoor airspace" with a person who is infected with COVID-19 for a cumulative total of 15 minutes or more over a 24-hour period. The most recent update, which took effect on October 14, now applies an updated "close contact" definition for some California employers depending on the size of the workplace. What do you need to know about the changes and how they impact your COVID-19 policies and procedures?

What's New?

The definition of "close contact" is important to employers when determining who may need to be excluded from the workplace following an exposure to COVID-19. "Close contact" now means the following:

- For indoor spaces of 400,000 or fewer cubic feet per floor — such as a home, clinic waiting room, or airplane — a close contact is defined as sharing the same indoor airspace for a cumulative total of 15 minutes or more over a 24-hour period (for example, three separate 5-minute exposures for a total of 15 minutes) while a person is infected (confirmed by a COVID-19 test or clinical diagnosis).

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- For large indoor spaces greater than 400,000 cubic feet per floor (such as open-floor-plan offices, warehouses, large retail stores, manufacturing plants, or food processing facilities), a close contact is defined as being within six feet of the infected person for a cumulative total of 15 minutes or more over a 24-hour period during the infected person's infectious period.

Though the update provides the measurement in cubic feet, most employers will have a better sense of the square footage of their space. By way of example, 400,000 cubic feet is about 44,444 square feet if the height of the ceiling is nine feet tall. We recommend computing the calculations of your space in cubic feet if you are not sure where your office space fits within this new definition of "close contact."

Smaller spaces that are separated by floor-to-ceiling walls — such as offices, suites, rooms, waiting areas, bathrooms, and break or eating areas — must be considered distinct indoor airspaces, according to the order.

Why Make the Change?

The CPDH cited two key reasons for updating its definition of "close contact":

1. In indoor environments, exposure to SARS-CoV-2 aerosols can occur in two ways: 1) directly, through face-to-face interactions with a person with COVID-19; and 2) indirectly, by inhaling aerosols that have spread out from the person with COVID-19 and accumulated in the air in a space. Both types of exposures to SARS-CoV-2 aerosols can lead to infection and COVID-19.
2. The risk of infection from direct face-to-face interactions depends on the distance from the infected person, with the highest risk being within six feet. The risk of infection from exposure to aerosols that have accumulated in the air, however, depends on the size (volume) of the room and the levels of ventilation and air filtration as key factors.

What Does this Mean for Employers?

The update may change the process for identifying close contacts in your workplace, which impacts testing, masking, and outbreak procedures under Cal/OSHA's Emergency Temporary Standard (ETS). For employers with a workspace



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of 400,000 cubic feet or less, everyone in that space is considered a close contact if a person with COVID-19 spends 15 minutes there. Alternatively, for employers with workplaces larger than 400,000 cubic feet, the old six feet/15-minute standard can be used to identify close contacts.

Additionally, you should note that California recently extended two COVID-19 laws for another year and extended COVID-19 supplemental paid sick leave until the end of this year. Furthermore, the Cal/OSHA Standards Board is set to vote later this fall on a “permanent” COVID-19 standard that will replace the current ETS and will likely be in effect for two years. You can read more about these developments [here](#).

What Should Employers Do?

In light of the CDPH’s announcement, you should review your workplace policies and compute indoor space measurements to determine whether this new standard (workspaces of 400,000 cubic feet or less) applies to your operations.

We will continue to monitor these developments, so make sure you are subscribed to [Fisher Phillips’ Insight system](#) to keep up with the most up-to-date information. Please contact your Fisher Phillips attorney, the authors of this Insight, or [any attorney in our California offices](#) should you have any questions.