



California Relaxes COVID-19 Isolation and Testing Requirements: 5 Points for Employers

Insights

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California may be one of the last states standing with a workplace COVID-19 prevention rule in place — but Cal/OSHA just relaxed its related isolation and testing requirements for employers in light of recent public health guidance. Specifically, the January 9 updates impact Cal/OSHA's COVID-19 Prevention Non-Emergency Regulations and the requirements related to isolating COVID-19 cases and testing of close contacts. What do employers need to know to comply? Here are five points to keep in mind.

1. Definition of “Infectious Period” Changed

First, the new guidance changes the definition of “infectious period.” Now, the infectious period for a COVID-19 case with symptoms starts at the onset of symptoms. COVID-19 cases with symptoms may return to work if 24 hours have passed with no fever and symptoms are mild or improving.

But for non-symptomatic COVID-19 cases, there is no infectious period for the purpose of exclusion or isolation. If symptoms develop, the above criteria for symptomatic cases apply. This marks a significant departure from the previous definition, which defined the infectious period as extending from two days prior to symptom onset until 10 days after the first appearance of symptoms, provided 24 hours have passed with no fever and symptoms have improved.

2. Reduced Isolation for COVID-19 Cases

The biggest change announced by Cal/OSHA and the California Department of Public Health (CDPH) is that COVID-19 cases without symptoms no longer need to isolate for five days. Instead, they must simply wear a mask for 10 days and avoid contact with people at higher risk for severe COVID-19 for 10 days. COVID-19 cases with symptoms should be excluded for 24 hours and may return when 24 hours have passed with no fever and symptoms are mild and improving.

3. New Testing Rules for Close Contacts

Another important change relates to COVID-19 testing. The CDPH no longer recommends testing for all close contacts, and instead recommends testing *only* when a close contact (1) has new COVID-19 symptoms, (2) is at higher risk of severe disease, or (3) has contact with people who are at higher risk of severe disease. However, employers are still required to make COVID-19 testing available at

risk of severe disease. However, employers are still required to make COVID-19 testing available at no cost during paid time for employees experiencing a close contact, except those who are asymptomatic and recently recovered from COVID-19.

4. Testing Still Required During Outbreaks

While the testing requirements have relaxed, employers are still required to test all close contacts during an outbreak, and everyone in the exposed group during a major outbreak. During an outbreak, employees who have symptoms but refuse to test must be excluded for at least 24 hours from when their symptoms start and must be excluded from work until their symptoms are mild and improving and they have been fever free for at least 24 hours without the use of fever-reducing medications.

5. What Hasn't Changed?

You should keep in mind that employers still have the following continued obligations in the Golden State:

Draft Prevention Policies: Employers are still required to address COVID-19 as a workplace hazard. Employers should check to ensure that their COVID-19 prevention programs do not include outdated language regarding isolation and exclusion requirements.

Provide Notice: While some notice requirements expired on January 1, employers are still required to notify employees and independent contractors who had a close contact, as well as any employer with an employee who had a close contact with a COVID-19 case within one business day. This notice to employees should include information regarding COVID-19 related benefits to which the employee may be entitled under applicable federal, state, or local laws. For example, employees who test positive, are unable to work because of COVID-19, and believe they contracted COVID-19 at work should be provided information regarding how to file a workers' compensation claim and/or a disability insurance claim.

Exclude COVID-19 Cases: Employers must exclude COVID-19 cases during the infectious period. But as noted above, the definition of infectious period has changed. Now, COVID-19 cases with symptoms should be excluded for 24 hours and may return when 24 hours have passed with no fever and symptoms are mild and improving. COVID-19 cases without symptoms no longer need to isolate.

Provide Face Coverings: Employers must continue to provide face coverings and ensure they are worn when required by CDPH. For example, symptomatic COVID-19 cases that return to work are required to wear a face covering until 10 days have passed since COVID-19 symptoms began. For asymptomatic COVID-19 cases, face coverings are required until 10 days have passed from the date of their first positive COVID-19 test.

Conclusion

We are continuing to monitor evolving COVID-19 requirements and will provide updates as warranted. Make sure you are subscribed to [Fisher Phillips' Insight System](#) to get the most up-to-date information. If you have further questions on how to comply, contact your Fisher Phillips attorney, the authors of this Insight, or any attorney in any one of [our six California offices](#).

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