

Orange County Sanitation District

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September 16, 2020

The Honorable Gavin Newsom
Governor, State of California
State Capitol, First Floor
Sacramento, CA 95814

RE: Veto Request for AB 685 (Reyes) – COVID-19 Exposure Notification

Dear Governor Newsom,

On behalf of the Orange County Sanitation District, I am writing to express opposition to AB 685, which would require both public and private employers to take multiple actions within 24 hours after they are made aware of employees that may have been exposed to COVID-19.

This bill attempts to create a process for notifying employees and the State after an employee has been exposed to COVID-19. However, the bill lacks specificity and clear definitions while creating an unworkable standard for employers. While well-intentioned, this bill would also likely not result in improving workplace safety, disregards the statewide requirements already in place for employers, and fines employers an onerous \$10,000 if they do not comply. The bill would require employers not only to post notices for those who may have been exposed to COVID-19 (both in and out of the workplace), but would require employers to verbally notify all employees, notify the employee's union, the Division of Occupational Safety and Health, and the California Department of Public Health.

This bill has several issues, including the requirement of employers to notify employees and the State without clearly defining a connection to the workplace. Without clearer definitions, employers could be held liable for its employees' actions outside of the workplace. The bill also does not clearly define "exposure" for employees, which may or may not include those who have tested positive or have symptoms of COVID-19. This lack of clarity will create confusion and expose employers to a myriad of lawsuits that could result in additional financial burdens for cities that are providing essential public services, including responding to the COVID-19 pandemic.

The bill contains language that would require employers to comply with these provisions if the employer "should have known" of the employees' exposure to COVID-19. This language is ambiguous and essentially places employers in the position of having to determine whether an employee has COVID-19. Further, this bill raises privacy concerns that may violate HIPAA if



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employers are required to publish the worksite, number of employees impacted, and their occupation. That information, particularly the occupation, can be enough to identify the exact individual, even if a name is not provided, violating their rights under privacy.

In conclusion, this bill would create more issues than solutions, and it is for these reasons that the Orange County Sanitation District requests that you veto AB 685.

Sincerely,

A handwritten signature in black ink that reads 'David John Shawver'. The signature is written in a cursive style with a large, looping 'D' at the beginning.

David John Shawver
Board Chairman

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