

**American Rescue Plan Act
Elementary and Secondary School Relief Fund (ESSER III)
Safe Return to In-Person Instruction
Local Educational Agency Plan Template**

Background on ESSER

The American Rescue Plan Act (ARP) signed into law on March 11, 2021, provided nearly \$122 billion for the Elementary and Secondary School Relief Fund (ESSER). ARP ESSER, also known as ESSER III, funds are provided to State educational agencies in the same proportion as each State received under Title I-A of the Elementary and Secondary Education Act (ESEA) in fiscal year (FY) 2020. The U.S. Department of Education (ED) published Interim Final Requirements (IFR) on April 22, 2021 requiring Local Educational Agencies (LEAs) receiving ESSER III funds to submit an LEA Plan for the Safe Return to In-Person Instruction and Continuity of Services. If an LEA had already developed a plan for safe return to in-person instruction and continuity of services prior to the enactment of ARP that meets the statutory requirements of section 2001(i) but did not address all of the requirements in the IFR, the LEA must revise and post its plan no later than six months after receiving its ESSER III funds. This applies even if an LEA has been operating full-time in-person instruction but does not apply to fully virtual schools and LEAs.

The IFR and ARP statute, along with other helpful resources, are located here:

- April 2021 IFR: <https://www.govinfo.gov/content/pkg/FR-2021-04-22/pdf/2021-08359.pdf>
- ARP Act text: <https://www.congress.gov/117/bills/hr1319/BILLS-117hr1319enr.pdf>
- Centers for Disease Control and Prevention (CDC) COVID-19 School Operation Guidance: https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/operation-strategy.html#anchor_1616080023247
- ED COVID-19 Handbook Volume I: <https://www2.ed.gov/documents/coronavirus/reopening.pdf>
- ED COVID-19 Handbook Volume II: <https://www2.ed.gov/documents/coronavirus/reopening-2.pdf>
- ESEA Evidence-Based Guidance: <https://eese.ed.gov/files/2020/07/guidanceeusesinvestment.pdf>
- ED FAQs for ESSER and Governor's Emergency Education Relief (GEER): https://eese.ed.gov/files/2021/05/ESSER.GEER_FAQs_5.26.21_745AM_FINAL_b0cd6833f6f46e03ba2d97d30aff953260028045f9ef3b18ea602db4b32b1d99.pdf

Purpose of the Template

The IFR issued by ED outlines several requirements for all LEAs that receive ESSER III funds, including that LEAs have in place a plan for ensuring safety during in-person instruction (either in-progress or planned) as well as ensuring continuity of services should the LEA or one or more of its schools be required to close temporarily for COVID-19-related public health reasons in the future. LEAs who had a plan in place by March 11, 2021, which incorporated opportunity for public comment and was posted publicly have six months from the date their ESSER III Assurances were completed to update and revise the plans to meet those requirements. Examples of previous plans that may be allowable would be a completed Cal/OSHA or Assembly Bill 86 plan, as long as it meets the requirements previously stated. LEAs which did not have a statutorily compliant plan in place as of March 11, 2021, must create and post this plan within 30 days of completing their ESSER III Assurances. If you have questions as to which category applies to your LEA, please contact EmergencyServices@cde.ca.gov. Plans are required for all LEAs, regardless of operating status, unless an LEA is fully virtual with no physical location. All plans must be reviewed, and, as appropriate, revised, at least every six months to incorporate new or revised CDC guidance and other changed factors.

This template has been created to assist LEAs in the creation of these plans and to ensure all required elements are met. The following requirements and assurances pertain to both the statutory requirements and the IFR published by ED. LEAs may provide any additional information they believe are helpful in assessing their plan. If you have any questions, please contact EmergencyServices@cde.ca.gov.

LEA Plan for Safe Return to In-Person Instruction and Continuity of Services

LEA Name: Delano Union School District

Option for ensuring safe in-person instruction and continuity of services:

has developed a plan will amend its plan

1. Please choose one:

The LEA had a plan, as of March 11, 2021, that is already compliant with the ARP statute and will review and, as appropriate, revise it every six months to take into consideration the additional requirements of the IFR; or

NOTE: If your LEA already has a compliant plan as of March 11, 2021, and has assured such by checking the box above, then you may skip questions 2-4 and complete the Assurance and Contact sections.

The LEA has amended/created a plan compliant with the IFR using this template and has posted/will post it within 30 days of completing the ESSER III Assurances.

NOTE: If checking the box above that you are using this template to meet the 30 day plan requirements, you must respond to each question in the template.

Please note whether the LEA has a compliant plan and include a link to the plan, or acknowledge that the LEA is submitting a new plan and will post it within 30 days of receiving funds.

Delano Union School District has a compliant plan that is posted at <https://www.duesd.org/domain/510>. DUSD revised the plan effective in October 2022.

2. The LEA will maintain the health and safety of students, educators, and other school and LEA staff, and the extent to which it has adopted policies, and a description of any such policies, on each of the CDC's safety recommendations, including: universal and correct wearing of masks; modifying facilities to allow for physical distancing; handwashing and respiratory etiquette; cleaning and maintaining healthy facilities, including improving ventilation; contact tracing in combination with isolation and quarantine, in collaboration with the State, local, territorial, or Tribal health departments; diagnostic and screening testing; efforts to provide vaccinations to school communities; appropriate accommodations for children with disabilities with respect to health and safety policies; and coordination with State and local health officials.

Describe how the LEA will maintain, or continue to maintain, health and safety policies and procedures. Include a description of any adopted policies and procedures regarding the CDC's safety recommendations (or available LEA website links to such policies). Include descriptions of appropriate accommodations adopted and coordination efforts conducted with outside State and local health officials. Please include or describe current public health conditions, applicable State and local rules and restrictions, and other contemporaneous information that informs your decision-making process.

As required by Cal-OSHA, Delano Union School District has adopted a COVID-19 Prevention Plan ("CPP") based on the revised template issued by Cal-OSHA in September 2022. This CPP is attached and hereby incorporated into this ESSER III Safe Return to In-Person Instruction and Continuity of Services Plan.

On 6-30-22, the California Department of Public Health ("CDPH") updated the K-12 Guidelines. On 8-11-22, the Centers for Disease Control and Prevention ("CDC") updated the Guidance for COVID-19 Prevention in K-12 Schools. Delano Union School District will continue to adhere to CDC and CDPH guidance and guidelines, and shall continue to establish and enforce local policies, regulations, and procedures accordingly.

3. The LEA will ensure continuity of services, including but not limited to services to address students' academic needs and students' and staff social, emotional, mental health and other needs, which may include student health and food services.

Describe how the LEA will ensure continuity of services in case isolation, quarantine, or future school closures are required, including how the LEA will meet the needs of students with disabilities and English learners.

In the event that future school closures are required, Delano Union School District will implement distance learning for all impacted students, consistent with board policies, administrative regulations, and negotiated agreements, in order to maintain continuity of services for all students. DUSD conducted distance learning from March 2020 to June 2021, and the resources, equipment, and training exist to implement distance learning on short notice for impacted school sites. During the period of closure, students with disabilities and English learners will receive in-person instruction at alternative locations through a cohort model, to the extent this can be accomplished consistent with the health and safety needs of students and staff.

4. The LEA sought public comments in the development of its plan and took those comments into account in the development of its plan.

Describe the LEA's policy or practice that provided the public with an opportunity to provide comments and feedback and the collection process. Describe how any feedback was incorporated into the development of the plan.

Plan draft posted on District website on September 18, 2022. Public Hearing notice published in Bakersfield Californian on September 19, notifying parents of opportunity to access plan and provide input. The adoption of this plan was included as an agenda item for the regular meeting of the Board of Trustees on October 3, 2022; the public had an opportunity to address the plan during public comments. Constituent elements of the plan, including the COVID-19 Prevention Plan and the policies, regulations, and agreements incorporated therein, were developed/adopted with direct participation from employee representatives and/or with opportunities for public comment at regularly scheduled board meetings. The District Employee Safety Committee includes representatives from both the certificated and classified bargaining units, and is responsible for developing and maintaining the Illness and Injury Prevention Plan, COVID-19 Prevention Plan, and Respiratory Prevention Plan (reviewed and adopted by the Board of Trustees, with opportunities for public comment).

In addition, the LEA provides the following assurances:

The LEA has made (in the case of statutorily compliant plans) or will make (in the case of new plans) its plan publicly available no later than 30 days after receiving its ARP ESSER allocation.

- o Please insert link to the plan:

<https://www.duesd.org/domain/510>

The LEA sought public comment in the development of its plan and took those public comments into account in the development of its plan.

The LEA will periodically review and, as appropriate revise its plan, at least every six months.

The LEA will seek public comment in determining whether to revise its plan and, if it determines revisions are necessary, on the revisions it makes to the plan.

If the LEA revises its plan, it will ensure its revised plan addresses each of the aspects of safety currently recommended by the Centers for Disease Control (CDC), or if the CDC has revised its guidance, the updated safety recommendations at the time the LEA is revising its plan.

The LEA has created its plan in an understandable and uniform format.

The LEA's plan is, to the extent practicable, written in a language that parents can understand, or if not practicable, orally translated.

The LEA will, upon request by a parent who is an individual with a disability, provide the plan in an alternative format accessible to that parent.

The following person or persons is/are the appropriate contact person for any questions or concerns about the aforementioned plan.

Please list name(s), title(s), address, county, and contact information for the person or persons responsible for developing, submitting, and amending the LEA plan.

James Hay, Director of Safety and Security
Delano Union School District
1405 12th Avenue
Delano, CA 93215
661-721-5000

COVID-19 Prevention Program (CPP) for Delano Union School District

This CPP is designed to control employees' exposures to the SARS-CoV-2 virus (severe acute respiratory syndrome coronavirus 2) that causes COVID-19 (Coronavirus Disease 2019) that may occur in our workplace.

Date: [September 13, 2022](#)

Authority and Responsibility

[James Hay, Director of Safety and Security](#) has overall authority and responsibility for implementing the provisions of this CPP in our workplace. In addition, all managers and supervisors are responsible for implementing and maintaining the CPP in their assigned work areas and for ensuring employees receive answers to questions about the program in a language they understand.

All employees are responsible for using safe work practices, following all directives, policies and procedures, and assisting in maintaining a safe work environment.

Identification and Evaluation of COVID-19 Hazards

We implement the following in our workplace:

- Conduct workplace-specific evaluations using the **Appendix A: Identification of COVID-19 Hazards** form.
- Document the vaccination status of our employees by using **Appendix E: Documentation of Employee COVID-19 Vaccination Status**, which is maintained as a confidential medical record.
- Evaluate employees' potential workplace exposures to all persons at, or who may enter, our workplace.
- Develop and implement COVID-19 policies and procedures to respond effectively and immediately to individuals at the workplace who are a COVID-19 case to prevent or reduce the risk of transmission in the workplace

[The District monitors and implements all directives and guidance received from the California Department of Public Health and from Cal-OSHA, including but not limited to:](#)

[Cal-OSHA Emergency Temporary Standards, May 2022](#)
[CDPH Guidance for K-12 Schools In California, June 2022](#)

[The documents listed above are hereby incorporated into this DUSD COVID-19 Prevention Program by reference.](#)

- Review applicable orders and general and industry-specific guidance from the State of California, Cal/OSHA, and the local health department related to COVID-19 hazards and prevention including:
 - Cal/OSHA-CDPH Interim Guidance for Ventilation, Filtration, and Air Quality in Indoor Environment.
 - CDPH Face Covering Requirements.
 - CDPH Isolation and Quarantine Guidance.
 - Applicable CDPH Employees & Workplaces Guidance.
- Evaluate existing COVID-19 prevention controls in our workplace and the need for different or additional controls, including maximizing the effectiveness of ventilation and air filtration.
- Conduct periodic inspections using the **Appendix B: COVID-19 Inspections** form as needed to identify and evaluate unhealthy conditions, work practices, and work procedures related to COVID-19 and to ensure compliance with our COVID-19 policies and procedures.

The District proactively mitigates against the risks of COVID-19, including but not limited to mitigation efforts associated with facilities, equipment, sanitation, and personal protective equipment. The District supervises staff and conducts regular inspections to ensure compliance with District directives, expectations, and guidelines.

Employee participation

Employees and their authorized employees' representatives are encouraged to participate in the identification and evaluation of COVID-19 hazards by:

Delano Union School District, Delano Union Elementary School Teachers Association ("DUESTA"), and California School Employees Association Chapter 175 ("CSEA") are engaged in frequent and ongoing consultation in connection with the broad range of COVID-19 issues. DUSD has entered into negotiated agreements with both DUESTA and CSEA in connection with COVID-19 response; these agreements are posted on the Human Resources website, and are incorporated into the DUSD Illness and Injury Prevention Program. Both DUESTA and CSEA are represented on the District Employee Safety Committee, which is responsible for maintaining the DUSD Illness and Injury Prevention Program and the DUSD Respiratory Protection Plan.

Board Policy 0470 – COVID-19 Mitigation Plan states:

"The Board prohibits discrimination based on actual or perceived medical condition or disability status (Government Code 11135). Individual students and staff shall not be identified as being COVID-positive, nor shall students be shamed, treated differently, or denied access to a free and appropriate public education because of their COVID-19 status or medical condition. Staff shall not disclose confidential or privileged information, including the medical history or health information of students and staff (Education Code 49450). The Superintendent or designee shall investigate any reports of harassment, intimidation, and bullying targeted at any student based on COVID status, exposure, or high-risk status."

Employee screening

We screen our employees and respond to those with COVID-19 symptoms by:

Employees shall be directed to engage in self-screening on a regular and ongoing basis, and shall report any COVID-19 related symptoms to their supervisor. In District guidelines, employees have been instructed as follows:

"Every employee is responsible to self-monitor and report to their supervisor if they are symptomatic (fever or chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, or diarrhea) or exposed (sick family member at home with COVID-19, have had contact with someone with lab confirmed COVID-19, or visited a place where COVID-19 is spreading). Human resources will follow up on employees who are symptomatic for COVID-19 and follow the recommended CDC and/or CDPH guidelines."

Employees shall participate in regularly scheduled COVID-19 testing at each District office, site, department, and facility during regular working hours at no cost to the employees. Employees shall be notified of such testing by the DUSD Director of Health Services. Employees shall participate in such testing at their respective work sites. When COVID-19 testing is done indoors, face coverings shall be used during screening by both screeners and employees who are not fully vaccinated.

Correction of COVID-19 Hazards

Unsafe or unhealthy work conditions, practices or procedures are documented on the **Appendix B: COVID-19 Inspections** form, and corrected in a timely manner based on the severity of the hazards, as follows:

All physical locations in the District are under the supervision of District/site administration, managers, and supervisors. These persons are directly responsible for maintaining safe working conditions in their respective areas. Working conditions are under direct observation on an ongoing basis, and formal inspections are ordered as needed, which may involve staff from SISC Risk Management. The District requires all employees to report any unsafe or unhealthy working conditions.

The District Norms state, in pertinent part:

“We will take responsibility for maintaining a safe and security working environment. We will perform our duties in a manner that contributes to the security of all students and all employees; we will be on the lookout for any potential safety/security issue, and we will report any safety/security-related concerns immediately and directly to the administrator or supervisor responsible for security in that specific location.”

For any report of unsafe or unhealthy working conditions, the District will take immediate action to assess the severity of the hazard and to determine the necessary corrective measures and corresponding timelines, in order to achieve full compliance with CDPH and Cal-OSHA requirements and guidelines, with the provisions of negotiated agreements, and with any other applicable standards. SISC Property and Liability and/or SISC Risk Management shall be consulted if/when additional expertise and guidance is needed. District administrators and managers with responsibility for assessing and correcting unsafe or unhealthy conditions include: Director of Health Services; Director of Maintenance, Operations, and Transportation; Director of Safety and Security. Other District administrators and supervisors will contribute to assessment and mitigation efforts as necessary and appropriate, and in connection with their respective areas of responsibility. Employees may be assigned to duties in other locations until such time as working conditions have been appropriately and successfully assessed and mitigated. The Director of Health Services; Director of Maintenance, Operations, and Transportation, and/or the Director of Safety and Security shall document the assessment and mitigation efforts.

Mitigation and Control of COVID-19 Hazards

Face Coverings

We provide clean, undamaged face coverings and ensure they are properly worn by employees when required by orders from the California Department of Public Health (CDPH).

DUSD provides clean, undamaged face coverings to all employees at no cost. DUSD maintains a “masking highly recommended policy for District staff.

DUSD maintains signage at all public entrances in order to communicate applicable face covering requirements to non-employees, including parents/guardians, community members, vendors, and others.

Board Policy 0470 – COVID-19 Mitigation Plan states:

“The Board encourages students, staff, and visitors to wear PPE while on school campuses or school buses, especially in high-traffic areas and/or when social distancing is not possible. If the use of PPE in schools is required by state or local health officials, the district shall provide PPE to students and staff who do not bring their own personal PPE. Students and staff shall be provided instruction in the proper use, removal, disposal, and cleaning of PPE.”

Employees required to wear face coverings in our workplace may remove them under the following conditions:

- When an employee is alone in a room or a vehicle.
- While eating or drinking at the workplace, provided employees are at least six feet apart and outside air supply to the area, if indoors, has been maximized to the extent feasible.

- When employees are required to wear respirators in accordance with our respirator program that meets section 5144 requirements.
- Employees who cannot wear face coverings due to a medical or mental health condition or disability, or who are hearing-impaired or communicating with a hearing-impaired person. Such employees will wear an effective, non-restrictive alternative, such as a face shield with a drape on the bottom, if their condition permits it. If their condition does not permit it, then the employee will be tested at least weekly for COVID-19.
- Specific tasks that cannot feasibly be performed with a face covering. This exception is limited to the time in which such tasks are being performed.

Any employee not wearing a required face covering will be tested at least weekly for COVID-19.

We will not prevent any employee from wearing a face covering when it is not required unless it would create a safety hazard, such as interfering with the safe operation of equipment.

Face coverings will also be provided to any employee that requests one, regardless of their vaccination status.

Engineering controls

For indoor locations, using Appendix B, we identify and evaluate how to maximize, to the extent feasible, ventilation with outdoor air using the highest filtration efficiency compatible with our existing ventilation system, and whether the use of portable or mounted High Efficiency Particulate Air (HEPA) filtration units, or other air cleaning systems, would reduce the risk of transmission by:

During the period from 2014 to 2021, the District replaced a number of aging HVAC units in order to improve energy efficiency. Since March 2020, the District has installed Minimum Efficiency Reporting Value (MERV) 13 filters in all HVAC units, and installed Global Plasma Solutions GPS-FC-48-AC and GPS-IMOD ionization units in all HVAC units.

Board Policy 0470 – COVID-19 Mitigation Plan states:

“The Superintendent or designee shall ensure that ventilation systems are operating properly and that air flow and ventilation within district facilities is increased, to the extent possible, by opening windows and doors and using fans and air conditioning.”

The District will continue to monitor EPA, CDC, and CDPH guidance in relation to ventilation, filtration, and air quality in indoor environments, with the goal of maximizing, to the extent feasible, the amount of outside air, and increasing filtration efficiency to the highest level compatible with the existing ventilation system.

Hand sanitizing

To implement effective hand sanitizing procedures, we:

Hand sanitizer dispensing units are provided for individual workstations and in common areas, including building entrances and break rooms. The Custodial supervisor is responsible for maintaining inventory, distribution, and availability. Staff may request supplies from the warehouse via the School Dude work order system.

All staff members have access to handwashing facilities. Restrooms with handwashing capacity are located throughout the District in all buildings and facilities, and all employees have ready and unrestricted access to restrooms at any time during their regular working hours, and access is not limited to break times and/or lunch times. The hand sanitizer used by the District meets the standards of the CDC and CDPH; the District does not utilize hand sanitizers that contain methanol (i.e., methyl alcohol). District guidelines encourage employees to wash their hands for at least 20 seconds each time, and signage has been placed throughout the District to reinforce this expectation.

Personal protective equipment (PPE) used to control employees' exposure to COVID-19

We evaluate the need for PPE (such as gloves, goggles, and face shields) as required by section 3380, and provide and ensure use of such PPE as needed.

Upon request, we provide respirators for voluntary use to all employees who are working indoors or in vehicles with more than one person.

Employees who request the use of a respirator shall participate in a medical examination and fit test consistent with the District Respiratory Protection Plan, attached and hereby incorporated into this Plan. Employees are expected to utilize respirators in a manner consistent with the Respiratory Protection Plan, with use to be monitored by the respective supervisors, with the support of the Director of Health Services.

We provide and ensure use of respirators in compliance with section 5144 when deemed necessary by Cal/OSHA.

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

Testing of employees

We make COVID-19 testing available at no cost, during paid time, to all employees:

- Who had close contact in the workplace; or
- Who have COVID-19 symptoms, and
- During outbreaks and major outbreaks (see below for further details).

Investigating and Responding to COVID-19 Cases

We have developed effective procedures to investigate COVID-19 cases that include seeking information from our employees regarding COVID-19 cases, close contacts, test results, and onset of symptoms. This is accomplished by using the **Appendix C: Investigating COVID-19 Cases** form.

We also ensure the following is implemented:

Employees that had a close contact shall be offered COVID-19 testing at no cost during their working hours, excluding: Employees who were fully vaccinated before the close contact and do not have symptoms; COVID-19 cases who were allowed to return to work per our return-to-work criteria and have remained free of symptoms for 90 days after the initial onset of symptoms, or for cases who never developed symptoms, for 90 days after the first positive test.

The information on benefits described in Training and Instruction, and Exclusion of COVID-19 Cases below, will be provided to employees by the Assistant Superintendent of Human Resources.

The Assistant Superintendent of Human Resources shall provide written notice within one day of District knowledge of a COVID-19 case that staff at the worksite may have been exposed to COVID-19. This notice will be provided to all employees (and their authorized representative), independent contractors and other employers at the worksite during the high-risk exposure period. These notifications must meet the requirements of T8CCR section 3205(c)(3)(B) and Labor Code section 6409.6(a)(4); (a)(2); and (c), and in a form readily understandable by employees and can be anticipated to be received by the employee.

Board Policy 0470 – COVID-19 Mitigation Plan states:

"The district shall monitor student and staff absences and data provided by local health officials to determine if there is a risk of resurgence of COVID-19 and a need to reclose school campuses for the protection of

students, staff, and the community. The Superintendent or designee shall develop plans and procedures for alternative methods of operations to the extent possible in the event that reclosure becomes necessary."

"If any person diagnosed with COVID-19 is known to have been in district building(s), the Superintendent or designee shall immediately notify local health officials to determine a course of action. The building should be closed until cleaning and disinfecting of the building can be completed and the district can consult with local health officials to determine, based on up-to-date information about the specific cases in the community, whether an extended closure is needed to stop or slow further spread of COVID-19."

"If local health officials report that there has been no community transmission of COVID-19, or minimal to moderate transmission in the community, school campuses may not necessarily be closed, but the district shall continue to take all preventative measures described in this policy."

"If local health officials report substantial community transmission of COVID-19, campus closures of more than two weeks may be necessary, and the Superintendent or designee shall cancel group activities and events during that period. Campuses shall not reopen until recommended by local health officials."

Administrative Regulation 4157 – Employee Safety states:

"If the district receives notice of potential exposure to COVID-19, the Superintendent or designee shall, within one business day of the notice, take all of the following actions (Labor Code 6409.6):

"Provide a written notice to all employees, and the employers of subcontracted employees, who were on the premises at the same worksite as the qualifying individual within the infectious period that they may have been exposed to COVID-19. The notice shall be provided in a manner normally used to communicate employment-related information, which may include, but is not limited to, personal service, email, or text message if it can reasonably be anticipated to be received by the employee within one business day of sending."

"Provide a written notice to the exclusive representative, if any, of employees who were on the premises within the infectious period."

"Provide all employees who may have been exposed and the exclusive representative, if any, with information regarding:

"COVID-19-related benefits to which the employee may be entitled under applicable federal, state, or local laws, including, but not limited to: workers' compensation; Available leave options for exposed employees; Antiretaliation and antidiscrimination protections of the employee."

"Notify all employees, and the employers of subcontracted employees and the exclusive representative, if any, of the disinfection and safety plan that the district plans to complete in accordance with Centers for Disease Control and Prevention guidelines."

"The above notifications shall be maintained for a period of at least three years (Labor Code 6409.6)."

"If the district is notified of the number of cases that meet the definition of a COVID-19 outbreak, as defined by the California Department of Public Health, within 48 hours, the Superintendent or designee shall, within 48 hours of the notice, notify the local public health agency of the names, number, occupation, and worksite of employees who meet the definition of a qualifying individual. The Superintendent or designee shall continue to give notice to the local health department of any subsequent laboratory-confirmed cases of COVID-19 at the worksite (Labor Code 6409.6)."

"In the event that Cal/OSHA prohibits entry into any district workplace or performance of a district operation or process based on a determination that the workplace exposes employees to the risk of COVID-19 infection and constitutes an imminent hazard to employees, the district shall post a notice thereof provided by Cal/OSHA in a conspicuous place at the work site. This notice shall not be removed except by an authorized

representative of Cal/OSHA and only when the place of employment, operation, or process is made safe and the required safeguards or safety appliances or devices are provided (Labor Code 6325)."

System for Communicating

Our goal is to ensure that we have effective two-way communication with our employees, in a form they can readily understand, and that it includes the following information:

- Who employees should report COVID-19 symptoms, possible close contacts and hazards to, and how.

DUSD employees shall report any COVID-19 symptoms and possible hazards to their supervisor, the Director of Health Services, and/or the Director of Safety and Security.

- That employees can report symptoms, possible close contacts and hazards without fear of reprisal.
- How employees with medical or other conditions that put them at increased risk of severe COVID-19 illness can request accommodations.

DUSD employees shall report any COVID-19 symptoms and possible hazards to their supervisor, the Director of Health Services, and/or the Director of Safety and Security.

Access to COVID-19 testing when testing is required.

Employees shall participate in regularly scheduled COVID-19 testing at each District office, site, department, and facility during regular working hours at no cost to the employees. Employees shall be notified of such testing by the DUSD Director of Health Services. Employees shall participate in such testing at their respective work sites. When COVID-19 testing is done indoors, face coverings shall be used during screening by both screeners and employees who are not fully vaccinated.

In the event DUSD is required to provide testing because of a workplace exposure or outbreak, the Director of Health Services will communicate the plan for providing testing and inform affected employees of the reason for the testing and the possible consequences of a positive test.

- The COVID-19 hazards employees (including other employers and individuals in contact with our workplace) may be exposed to, what is being done to control those hazards, and our COVID-19 policies and procedures.

This information is contained in the COVID-19 Prevention Plan, which is incorporated into the DUSD Illness and Injury Prevention Plan. Both of these plans, as well as the relevant information, recommendations, and guidance from CDPH and Cal-OSHA, are posted on the DUSD website.

The Assistant Superintendent of Human Resources and the Director of Health Services, or their respective designees, shall be responsible for communicating with affected employees, and shall take action to ensure appropriate confidentiality, consistent with normal Health Services and Human Resources standards and applicable legal requirements relating to medical records, and consistent with CDPH and Cal-OSHA recommendations and guidelines, and with negotiated agreements.

Training and Instruction

We provide effective employee training and instruction that includes:

- Our COVID-19 policies and procedures to protect employees from COVID-19 hazards, and how to participate in the identification and evaluation of COVID-19 hazards.
- Information regarding COVID-19-related benefits (including mandated sick and vaccination leave) to which the employee may be entitled under applicable federal, state, or local laws.
- The fact that:
 - COVID-19 is an infectious disease that can be spread through the air.

- COVID-19 may be transmitted when a person touches a contaminated object and then touches their eyes, nose, or mouth.
- An infectious person may have no symptoms.
- The fact that particles containing the virus can travel more than six feet, especially indoors, so physical distancing, face coverings, increased ventilation indoors, and respiratory protection decrease the spread of COVID-19 and are most effective when used in combination.
- The right of employees to request a respirator for voluntary use, as required by section 3205, without fear of retaliation, and our policies for providing the respirators. Employees voluntarily using respirators will be provided with effective training and instruction according to section 5144(c)(2) requirements, including:
 - How to properly wear them; and
 - How to perform a seal check according to the manufacturer's instructions each time a respirator is worn, and the fact that facial hair can interfere with a seal.
- The importance of frequent hand washing with soap and water for at least 20 seconds and using hand sanitizer when employees do not have immediate access to a sink or hand washing facility, and that hand sanitizer does not work if the hands are soiled.
- Proper use of face coverings and the fact that face coverings are not respiratory protective equipment. Since COVID-19 is an airborne disease, N95s and more protective respirators protect the users from airborne disease, while face coverings primarily protect people around the user.
- The conditions where face coverings must be worn at the workplace.
- That employees can request face coverings and can wear them at work regardless of vaccination status and without fear of retaliation.
- COVID-19 symptoms, and the importance of obtaining a COVID-19 test and not coming to work if the employee has COVID-19 symptoms.
- Information on our COVID-19 policies and how to access COVID-19 testing and vaccination, and the fact that vaccination is effective at preventing COVID-19, protecting against both transmission and serious illness or death.

The District shall provide appropriate training and instruction to all employees in connection with COVID-19 policies and procedures and related risk management. Such training shall be provided by District/site administration, supervisors, and managers, including but not limited to: Director of Health Services; Director of Maintenance, Operations, and Transportation; Director of Safety and Security; and/or their respective designees. Training shall address District-wide directives, requirements, and guidelines, based on CDPH and Cal-OSHA requirements and guidelines, as well as position-specific and classification-specific instructions.

Appendix D: COVID-19 Training Roster will be used to document this training.

Exclusion of COVID-19 Cases and Employees who had a Close Contact

Where we have a COVID-19 case or close contact in our workplace, we limit transmission by:

- Ensuring that COVID-19 cases are excluded from the workplace until the return-to-work requirements in section 3205(c)(10) are met.
- Reviewing current CDPH guidance for persons who had close contacts, including any guidance regarding quarantine or other measures to reduce transmission.
- Developing, implementing, and maintaining effective policies to prevent transmission of COVID-19 by persons who had close contacts.
- For employees excluded from work, continuing, and maintaining employees' earnings, wages, seniority, and all other employees' rights and benefits. This will be accomplished by

[Administrative Regulation 4157.1 – Work-Related Injuries](#) states:

"Until January 1, 2023, an employee is presumed to be entitled to workers' compensation benefits for

illness or death resulting from COVID-19 if the diagnosis was made within 14 days after the employee performed labor or services at the place of employment and if the employee contracted COVID-19 during an outbreak at the employee's specific place of employment (Labor Code 3212.86, 3212.88)."

"For this purpose, an outbreak means that, within 14 calendar days, one of the following occurs at a specific place of employment: (Labor Code 3212.88)"

"If a specific place of employment has 100 employees or fewer, four employees test positive for COVID-19."

"If a specific place of employment has more than 100 employees, four percent of the number of employees who reported to the specific place of employment test positive for COVID-19."

"A specific place of employment is ordered to close by a local public health department, the California Department of Public Health, Cal/OSHA, or the Superintendent due to a risk of infection with COVID-19."

"The Superintendent or designee may rebut a presumption that COVID-19 was contracted during the course and scope of employment by offering evidence to the Workers' Compensation Appeals Board, such as the measures that were in place at the employee's specific place of employment to reduce potential transmission of COVID-19 and evidence of an employee's nonoccupational risk of contracting COVID-19 (Labor Code 3212.86, 3212.88)."

Providing employees at the time of exclusion with information on available benefits.

The District Human Resources Office is responsible for providing employees with information relating to any applicable leave provisions, including sick leave benefits, payments from public sources, or other means of maintaining earnings, rights, and benefits, where permitted by law and when not covered by workers compensation. As noted above, employee leave provisions are incorporated into the collective bargaining agreements and other negotiated agreements, which are posted on the District website for employee review.

Reporting, Recordkeeping, and Access

It is our policy to:

- Report information about COVID-19 cases and outbreaks at our workplace to the local health department whenever required by law, and provide any related information requested by the local health department.
- Maintain records of the steps taken to implement our written COVID-19 Prevention Program in accordance with section 3203(b).
- Make our written COVID-19 Prevention Program available at the workplace to employees, authorized employee representatives, and to representatives of Cal/OSHA immediately upon request.
- Use the **Appendix C: Investigating COVID-19 Cases** form to keep a record of and track all COVID-19 cases.

The Assistant Superintendent for Human Resources and the Director of Health Services maintain other needed records, including but not limited to case records, exposure records, and vaccination records.

Return-to-Work Criteria

We will meet the following return to work criteria for COVID-19 cases and employees excluded from work:

- **COVID-19 cases, regardless of vaccination status or previous infection and who do not develop symptoms or symptoms are resolving**, cannot return to work until we can demonstrate that all of the following criteria have been met:

- At least five days have passed from the date that COVID-19 symptoms began or, if the person does not develop COVID-19 symptoms, from the date of first positive COVID-19 test;
- At least 24 hours have passed since a fever of 100.4 degrees Fahrenheit or higher has resolved without the use of fever reducing medications; and
- A negative COVID-19 test from a specimen collected on the fifth day or later is obtained; or, if unable to test or the employer chooses not to require a test, 10 days have passed from the date that COVID-19 symptoms began or, if the person does not develop COVID-19 symptoms, from the date of first positive COVID-19 test.
- **COVID-19 cases, regardless of vaccination status or previous infection, whose COVID19 symptoms are not resolving, may not return to work until:**
 - At least 24 hours have passed since a fever of 100.4 degrees Fahrenheit or higher has resolved without the use of fever-reducing medication; and
 - 10 days have passed from when the symptoms began.
- COVID-19 tests may be self-administered and self-read only if the following independent verification of the results can be provided:

Review of test or time-stamped photograph of test results by a Health Services staff member.

- Regardless of vaccination status, previous infection, or lack of COVID-19 symptoms, a COVID-19 case shall wear a face covering in the workplace until 10 days have passed since the date that COVID-19 symptoms began or, if the person did not have COVID-19 symptoms, from the date of their first positive COVID-19 test.
- The return to work requirements for COVID-19 cases who do or do not develop symptoms apply regardless of whether an employee has previously been excluded or other precautions were taken in response to an employee's close contact or membership in an exposed group.
- If an order to isolate, quarantine, or exclude an employee is issued by a local or state health official, the employee will not return to work until the period of isolation or quarantine is completed or the order is lifted.

**COVID-19 PREVENTION PROGRAM APPROVAL AND AUTHORIZATION
DELANO UNION SCHOOL DISTRICT**

(Signature on original document)



James Hay, Director of Safety and Security

September 13, 2022

9-16-22

Date