

I hereby certify that the following agenda was posted at least 72 hours prior to the time of the meeting so noticed below at 24251 Los Alisos Boulevard, Lake Forest, California.



A handwritten signature in black ink, appearing to read "Dennis P. Cafferty", with a long horizontal line extending to the right.

DENNIS P. CAFFERTY, Secretary of the El Toro Water District and the Board of Directors thereof

## AGENDA

### EL TORO WATER DISTRICT

#### SPECIAL MEETING OF THE BOARD OF DIRECTORS

JANUARY 14, 2021

7:30 a.m.

This Meeting is being conducted in accordance with Governor Newsom's Executive Order N-29-20 (Paragraph 3) and the conditions specified therein which waive certain provisions of the Brown Act.

In an effort to protect public health and prevent the spread of COVID-19 (Coronavirus), and in accordance with the Governor's Executive Order N-29-20, **there will be no public location for attending in person.**

The Order allows all Board Members to participate telephonically in the Meeting from remote locations. As such, Directors Gaskins, Freshley, Havens, Monin and Vergara will be participating telephonically.

Members of the public who wish to comment on any item within the jurisdiction of the District or on any item on the agenda, may observe and address the Meeting by joining at this link: <https://us02web.zoom.us/j/89526287152> (Meeting ID: 895 2628 7152). Members of the public who wish only to listen to the telephonic meeting may dial in at the following numbers (669) 900-6833 or (346) 248-7799 with the same Meeting ID noted above. Please be advised the Meeting is being recorded.

**CALL TO ORDER** – President Gaskins

**PLEDGE OF ALLEGIANCE** – Director Vergara

## **ORAL COMMUNICATIONS/PUBLIC COMMENTS**

Members of the public may address the Board at this time or they may reserve this opportunity with regard to an item on the agenda until said item is discussed by the Board. Comments on other items will be heard at the times set aside for “COMMENTS REGARDING NON-AGENDA ENGINEERING COMMITTEE ITEMS” or for “COMMENTS REGARDING NON-AGENDA FIC ITEMS.” The public may identify themselves when called on and limit their comments to three minutes.

## **ITEMS RECEIVED TOO LATE TO BE AGENDIZED**

Determine need and take action to agendize item(s) which arose subsequent to the posting of the Agenda. (ROLL CALL VOTE: Adoption of this recommendation requires a two-thirds vote of the Board members present, or, if less than two-thirds of the Board members are present, a unanimous vote of those members present.)

1. **MWDOC/MET Director Seat** (Reference Material Included)

Candidates for the MWDOC/Met Director seat will have an opportunity to address the Board regarding their candidacy and qualifications.

2. **COVID-19 Prevention Program** (Reference Material Included)

Staff will review and comment on procedures and policies developed to mitigate the impact and spread of the COVID-19 virus in the ETWD workplace.

**Recommended Action:**

Staff recommends that the Board of Directors approve the El Toro Water District COVID-19 Prevention Program.

3. **CASA Winter Conference** (Reference Material Included)

**Recommended Action:**

Consider approving the Directors to attend the virtual CASA Winter Conference January 27-28, 2021.

4. **WaterReuse Symposium 2021** (Reference Material Included)

**Recommended Action:**

Consider approving the Directors to attend the virtual 2021 WaterReuse Symposium March 15-25, 2021.

## ATTORNEY REPORT

### CLOSED SESSION

At this time the Board will go into Closed Session pursuant to Government Code Section 54956.9 (d) (1) to consult with legal counsel and staff on a matter of pending litigation. [Class Action] *Kessner et al. v. City of Santa Clara, et al. (Santa Clara County Superior Court - Case No. 20 CV 364054)*.

### REGULAR SESSION

#### REPORT ON CLOSED SESSION (Legal Counsel)

Mr. Granito will provide an oral report on the Closed Session.

### ADJOURNMENT

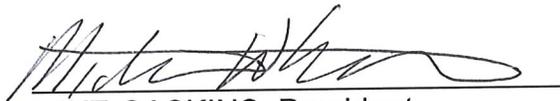
*The agenda material for this meeting is available to the public on the District's website at <https://etwd.com/>. If any additional material related to an open session agenda item is distributed to all or a majority of the board of directors after this agenda is posted, such material will be made available for immediate public inspection on the District's website.*

CALL OF SPECIAL MEETING  
OF THE EL TORO WATER DISTRICT  
BOARD OF DIRECTORS

The undersigned, MIKE GASKINS, President of the El Toro Water District, hereby calls a Special Meeting of the Board of Directors of said District to be held January 14, 2021 at 7:30 a.m. by Zoom webinar.

The business to be transacted or discussed at the meeting is set forth in the attached agenda which is incorporated herein by this reference and made a part of this Call of Special Meeting.

Dated: January 11, 2021

A handwritten signature in black ink, appearing to read "Mike Gaskins", is written over a horizontal line.

MIKE GASKINS, President  
EL TORO WATER DISTRICT  
and the Board of Directors thereof

NOTICE OF SPECIAL BOARD MEETING OF  
THE EL TORO WATER DISTRICT  
BOARD OF DIRECTORS  
Thursday, January 14, 2021  
7:30 a.m.

To the Directors of the EL TORO WATER DISTRICT.

Notice is hereby given that a Special Meeting of said Committee is being conducted in accordance with Governor Newsom's Executive Order N-29-20 (Paragraph 3) and the conditions specified therein which waive certain provisions of the Brown Act.

In an effort to protect public health and prevent the spread of COVID-19 (Coronavirus), and in accordance with the Governor's Executive Order N-29-20, **there will be no public location for attending in person.**

The Order allows all Board Members to participate telephonically in the Meeting from remote locations. As such all Directors, Management Staff, and public will be participating telephonically.

Members of the public who wish to comment on any item within the jurisdiction of the District or on any item on the agenda, may observe and address the Meeting by joining at this link: <https://us02web.zoom.us/j/89526287152>. (Meeting ID: 895 2628 7152). Members of the public who wish only to listen to the telephonic meeting may dial in at the following numbers (669) 900-6833 or (346) 248-7799 with the same Meeting ID noted above.

DATED: January 12, 2021

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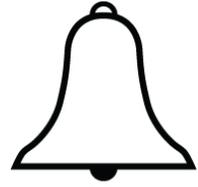
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DENNIS P. CAFFERTY  
General Manager/Secretary  
of the El Toro Water District and of  
the Board of Directors thereof

BOARD OF DIRECTORS

CHARLES T. GIBSON  
JUSTIN McCUSKER  
SAUNDRA F. JACOBS  
FRANK URY  
BETTY H. OLSON, PH.D

DANIEL R. FERONS  
GENERAL MANAGER



## Santa Margarita Water District

January 7, 2020

The Honorable Mike Gaskins  
President, El Toro Water District  
24251 Los Alisos Blvd.  
Lake Forest, CA 92630

Subject: Support for Appointment to Represent MWDOC at Metropolitan Water District of Southern California in the South County Seat.

Dear President Gaskins:

I am requesting your support and that of El Toro Water District for my candidacy to represent MWDOC at the Metropolitan Water District of Southern California (MET) in the South County Seat. I have a strong background in addressing critical issues by building local, regional, and statewide coalitions. My practical experience as well as my Doctorate in Public Policy gives me a skill set that will serve to further the interests of MWDOC and the local water agencies interests at MET.

As a MET Director, I will bring the following skills and experience:

- **Experience as a Santa Margarita Water District Director.** I have a keen understanding of the MET impact on rates, reliability, and water quality to local and regional retail agencies. I will bring that knowledge to the discussions and debates on a current MET issues and priorities, including a new rate structure (addressing fixed costs and stranded assets) along with discussions on resiliency of supply with salinity impacts from the Colorado River and the shortage of blend water from Northern California.
- **Experience as the Chief of Staff to the Chair of the Orange County Board of Supervisors.** The County of Orange has more than 18,000 employees, 24 departments and, during my service, had a budget in excess of \$7 billion.
  - I had significant and critical responsibility for policy creation, oversight, and implementation of programs. This skill set is critical for working with Metropolitan's 26 member agencies in developing consensus for water supply and financing, as well as working with the Orange County delegation and the 28 retail agencies in MWDOC.
  - This role also provided me with direct experience in building effective coalitions and brokering consensus on high-profile public policy issues such as governmental oversight, funding, and delivery of major infrastructure projects.

- That experience also includes labor negotiations, pension benefits, state and federal appropriations for water quality and flood control as well as management of the County’s vast public resources including harbors, beaches, parks, and open space.
  - I have broad knowledge and understanding as to effective ways to bring positive change to a massive government agency.
- **Effective Advocate for State and Federal Appropriations.** As Manager of Legislative Affairs for County of Orange in the Office of the CEO, I managed the state and federal advocacy efforts for America’s 6<sup>th</sup> largest County and its 24 departments.
  - In this critical post I brought back millions in local tax dollars from Sacramento and Washington to benefit Orange County residents in the form of water quality, watershed, and flood control projects.
  - I was instrumental in working with the County Flood Control District and the California Department of Water Resources to secure funding from the 2006 Bond Package for water quality and flood protection.
  - As Metropolitan and its member agencies work to sustain water resiliency, my experience and the lessons learned will help MWDOC’s delegation work with both other member agencies and Metropolitan to position itself to obtain both state and federal project and financial support.
- **Orange County Parks Commission Board Member.** The OC Parks Commission manages more than 60,000 acres of parkland, open space and shoreline.,
  - In my 10 years on the Commission, I have worked closely with a wide variety of environmental groups and programs and helped craft award-winning parks enjoyed by millions.
  - This highlights my ability to work in diverse groups and fields, a key requirement for a Metropolitan Board Director.
- **Private Sector Business and Industry Experience.** My current responsibilities as a Senior Executive with C.J. Segerstrom & Sons encompass a wide range of business issues including local water and wastewater, agricultural issues, statewide issues working with the Governor’s office, national and international business matters, and the Federal Government.
  - I routinely collaborate with the local elected bodies, state legislature, and appointed boards along with a multitude of coalitions to support our various initiatives.
  - I will bring that knowledge and focus to serve MWDOC at MET and work to build relations across the regions and among the member agencies to support our collective goals and objectives.
- **Agricultural Experience.** The Segerstrom Family began as a farming family and that legacy continues today.
  - I have experience in water issues and impacts to agriculture through our farming efforts in Orange County.

- I have used the information and knowledge gained while at SMWD as it applies to irrigation and recycled water use.
  - It has also afforded the opportunity work with local water agencies and to keep abreast of OCWD and basin issues.
  - I will bring that experience to MWDOC and MET as the region works with statewide agricultural interests on water resiliency.
- **High Level Professional Network Across all Southern California, Sacramento, and Washington, D.C.** After over two decades in business, government, education, and public service I can pick up the phone and work directly with key decision-makers and influencers from across the entire MET service area, Sacramento, and Washington, D.C. My network, including MET and MWDOC Directors, provides me the ability to effectively understand the issues and build coalitions to support South County, MWDOC and MET issues.
  - **More Than Two Decades Serving South Orange County Residents & Businesses.** My professional and personal background covers a broad swath of South Orange County and has afforded me a solid foundation in the issues critical to South County.
    - My service to the County (and specifically South Orange County) expands far beyond water policy. It is this far reaching and diverse experience that ties me to the fabric of South Orange County’s unique culture.
    - Whether in business, government, education, or sports and recreation, I have served and participated in South County’s development and growth over the last 20+ years.
    - Beyond my service as an elected SMWD board member, I have served as South County’s Parks Commissioner, Chief of Staff to the 5<sup>th</sup> District Supervisor, and Senior District Representative for a State Senator representing all South Orange County.
    - I am a Professor at Saddleback College and a Trustee for the Orange County Parks Foundation.
    - On the business side, I have served on the Executive Board for the South Orange County Economic Coalition and on the Boards of Directors for the San Clemente, Dana Point, and San Juan Capistrano Chambers of Commerce.

My wife and I have raised our family, lived, and owned homes in the South County cities of Dana Point, Aliso Viejo, Mission Viejo, and now Rancho Santa Margarita (for the last 13 years). My wife is a public-school teacher in South County and we both have coached in multiple youth sports leagues.

In conclusion, over the last several years we have seen a transition at MET where the Board is involved in a host of things beyond traditional water development. MET is now facing social and environmental justice issues, a future of reduced water sales, increasing infrastructure and other fixed costs, and a broad customer base that is interested in and actively seeking supply alternatives.

I believe my unique skills and experience will enable me to help MWDOC thrive in this environment and continue to lead. I am committed to devoting the time required to be successful

MET South County Seat  
Director McCusker Candidacy  
January 7, 2020  
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in this role, including working with South County Agencies, regional caucuses and MET member agencies. I am prepared to step down from my seat on the SMWD board as required. I deeply appreciate your consideration to support my candidacy.

If you have any questions or comments, please feel free to reach out to me at [justinm@smwd.com](mailto:justinm@smwd.com).

Sincerely,

A handwritten signature in cursive script that reads "Justin J. McCusker".

Justin J. McCusker  
Director

CC: ETWD Board of Directors  
Dennis Cafferty, General Manager

**SOUTH COAST  
WATER DISTRICT**  
*Partnering With The Community*



**Board of Directors**      December 3, 2020

Dennis Erdman  
*President*

Rick Erkeneff  
*Vice President*

Bill Green  
*Director*

Doug Erdman  
*Director*

Wayne Rayfield  
*Director*

Don Chadd  
Chairman of the South Orange County Agencies Group  
Trabuco Canyon Water District  
32003 Dove Canyon Drive  
Trabuco Canyon, CA 92679

Dear Chairman Chadd:

On behalf of the Board of Directors of South Coast Water District, I am pleased to convey that our Board President, Dennis Erdman would like to announce his candidacy as the south Orange County MWDOC representative on the Metropolitan Water District of Southern California (MET) Board of Directors.

President Erdman is extremely well-qualified in water, wastewater, and recycled water issues. He has 28 years of experience as a General Manager at various special districts, including 11 years each at Mammoth Community Water District and Crescenta Valley Water District and six years at Capistrano Beach Sanitary District and Capistrano Beach County Water District. He previously worked for Southern California Edison for 10 years and is a registered professional civil engineer.

More specifically, President Erdman has significant experience in south Orange County, having resided in Dana Point since 1971. He has served on our Board of Directors since 2016 after serving previously on the Board of Directors at Capistrano Bay Parks & Recreation District from 1980-1988. Dennis was also a Director at Tri Cities Municipal Water District for 16 years, with responsibility for the management and oversight of the Joint Regional Water Supply System (JWRSS) delivering MET water from the Irvine area to the north side of Camp Pendleton, a 35-mile large water transmission & storage system similar to MWD facilities. Finally, he is the current Chairman of the South Orange County Wastewater Authority (SOCWA) Board of Directors.

Dennis Erdman brings to bear long-standing and deeply rooted relationships throughout Los Angeles, Orange, and San Diego Counties. He has been extremely active with and supportive of a wide variety of south Orange County nonprofits and causes over the past five decades. He is highly regarded for his commitment to his service and for thoroughly reviewing and analyzing agenda materials. Now retired, Dennis has the time to fully commit to the duties and responsibilities that are required of a potential MET Director.

**Mailing Address:** P.O. Box 30205, Laguna Niguel, CA 92607-0205

**Street Address:** 31592 West Street, Laguna Beach, CA 92651

**Phone:** (949) 499-4555    **Fax:** (949) 499-4256

President Erdman looks forward to the opportunity to present his qualifications to the South Orange County Agencies Group Selection Committee. Thank you very much for your time and thoughtful consideration of Dennis Erdman and best regards.

Sincerely,



Rick Shintaku  
General Manager

cc: Mike Safranski, Board President, Trabuco Canyon Water District  
Fernando Paludi, General Manager, Trabuco Canyon Water District

Dave Rebensdorf, Utilities Directors, City of San Clemente

Ben Siegel, City Manager, City of San Juan Capistrano

Mark Monin, Board President, El Toro Water District  
Dennis Cafferty, General Manager, El Toro Water District

Susan Thomas, Board President, Emerald Bay Service District  
Michael Dunbar, General Manager, Emerald Bay Service District

Doug Reinhart, Board Vice President, Irvine Ranch Water District  
Paul Cook, General Manager, Irvine Ranch Water District

Bob Whalen, Mayor, City of Laguna Beach  
Mark Lewis, Commission Chair, Laguna Beach County Water District

Sat Tamaribuchi, Board President, Municipal Water District of Orange County  
Linda Ackerman, Director, Municipal Water District of Orange County/MET  
Larry Dick, Director, Municipal Water District of Orange County  
Bob McVicker, Director, Municipal Water District of Orange County  
Al Nederhood, Incoming Director, Municipal Water District of Orange County  
Karl Seckel, Incoming Director, Municipal Water District of Orange County  
Jeff Thomas, Director, Municipal Water District of Orange County  
Megan Yoo Schneider, Director, Municipal Water District of Orange County

Dr. Betty Olson, Board President, Santa Margarita Water District  
Dan Ferons, General Manager, Santa Margarita Water District

Brian Probolsky, Board President, Moulton Niguel Water District  
Joone Lopez, General Manager, Moulton Niguel Water District



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December 11, 2020

Mr. Don Chadd  
Chairman, South Orange County Agencies Group  
Trabuco Canyon Water District  
32003 Dove Canyon Drive  
Trabuco Canyon, CA 92679

**Subject: Expression of Interest to Serve as South Orange County MWDOC Representative on the Board of Directors of the Metropolitan Water District of Southern California (Metropolitan)**

Dear Chairman Chadd:

The purpose of this letter is to convey my interest in being considered by the South Orange County Agencies group and the Municipal Water District of Orange County (MWDOC) for the currently open position representing MWDOC on Metropolitan Board of Directors.

As background, I am a life-long resident of Orange County and have residences in the City of San Clemente and the City of Orange. In September 2020, I tendered my retirement from service as general manager of the Eastern Municipal Water District (Eastern) and am currently completing my transition from this role. Eastern is a regional retail and wholesale Metropolitan member agency that provides water, wastewater and recycled water services to 830,000 residents in western Riverside County. Prior to joining Eastern in 2011, I served for 12 years as the general manager of Irvine Ranch Water District (IRWD). I have over 30 years of experience in the water industry and am a registered professional engineer.

I also have the privilege of serving on the board of the WaterReuse Association as its immediate past President, am on national Water Research Foundation board, and chair the Riverside County Water Task Force. I have been fortunate to have had numerous opportunities to contribute to the water community in Orange County, southern California and state-wide, and have been recognized by the Association of California Water Agencies in 2014 with its Excellence in Water Leadership Award and in 2020 with its Water Emissary Award.

With respect to Metropolitan, I have extensive contemporary and long-term experience spanning over two decades, including roles as general manager of both wholesale and retail Metropolitan member agencies. This has allowed me to develop an intricate understanding of Metropolitan and establish relationships with Metropolitan representatives and executive leadership of Metropolitan's most influential member agencies.

Mr. Don Chadd  
Chairman, South Orange County Agencies Group  
December 11, 2020  
Page 2

The experience and knowledge of Metropolitan that I would bring if selected as your Board representative include the following:

- A thorough understanding of Metropolitan's organization, operations, rate structure, budget and capital program and a close working relationship with Metropolitan's executive management and staff.
- Historic involvement and agency leadership in critical Metropolitan policies and initiatives including but not limited to Metropolitan's current rate structure, the development of multiple Integrated Resources Plans, Local Resources Program refinements, the Delta Conveyance Project, the Regional Recycled Water Program and Metropolitan's Water Supply and Drought Management Plan.
- Active engagement and a detailed knowledge of current priority activities and critical policy, planning and financial initiatives being reviewed and considered by Metropolitan's Board. In my current role at EMWD, I personally review and conduct analysis of all items before the Metropolitan Board for consideration, interface with other Metropolitan member agencies, provide recommendations to our Metropolitan Board representative and monitor Metropolitan Board and Committee meetings.
- An understanding of Metropolitan's role and relationships with state and federal agencies and its legislative and policy priorities.
- Personal and professional relationships with 21 of Metropolitan's existing board members and the executive leadership of Metropolitan's most influential member agencies in Orange, Los Angeles, San Bernardino, San Diego and Ventura Counties.
- A thorough understanding of the political dynamic at Metropolitan and the interplay and interests driving Metropolitan's member agencies and their representatives on the Metropolitan Board.

Having been part of the south Orange County water community through my service at IRWD and other professional experiences, I have a clear understanding of the unique water supply and system reliability challenges of the region and the importance of Metropolitan relative to other areas of the County. Stable and reliable imported supplies from Metropolitan complemented with local resource program support and pricing policies that are equitable and provide financial stability are critically important.

If chosen to serve as your Metropolitan representative, I believe my background, experience and ability to commit the time necessary will immediately allow me to be an effective representative during a critically important time in Metropolitan's history. I also pledge to be accessible,

Mr. Don Chadd  
Chairman, South Orange County Agencies Group  
December 11, 2020  
Page 3

responsive and work tirelessly with and on behalf of the South Orange County Agencies to support the region's interests and priorities at Metropolitan.

Thank you in advance for your consideration and please feel free to have any members of the South Orange County Agencies Group contact me on my cell phone at 951-287-4872 or by email at [piones6744@aol.com](mailto:piones6744@aol.com).

Best regards,



Paul D. Jones II, P.E.

- c: Mike Safranski, Board President, Trabuco Canyon Water District  
Fernando Paludi, General Manager, Trabuco Canyon Water District
- Dave Rebensdorf, Utilities Director, City of San Clemente
- Ben Siegel, City Manager, City of San Juan Capistrano
- Mark Monin, Board President, El Toro Water District  
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Mark Lewis, Commission Chair, Laguna Beach County Water District  
Keith VanDerMaaten, General Manager, Laguna Beach County Water District
- Sat Tamaribuchi, Board President, Municipal Water District of Orange County  
Linda Ackerman, Director, Municipal Water District of Orange County/MET  
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Dan Ferons, General Manager, Santa Margarita Water District
- Brian Probolsky, Board President, Moulton Niguel Water District  
Joone Lopez, General Manager, Moulton Niguel Water District



## STAFF REPORT

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**To: Board of Directors** **Meeting Date: January 14, 2021**  
**From: Judy Cimorell, Manager Human Resources**  
**Subject: El Toro Water District COVID-19 Prevention Program**

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The Occupational Safety and Health Standards Board adopted an emergency temporary regulation, known as General Industry Safety Orders §3205, requiring that employers adopt and implement a COVID-19 Prevention Plan (CPP).

Under the regulation, employers must develop, implement and maintain a written COVID-19 Prevention Program. The Plan must identify, evaluate, and correct COVID-19 hazards in the workplace.

Additionally, employers must investigate and “respond effectively” to COVID-19 cases. COVID-19 cases in the workplace must also be reported to local health authorities. For employees who are infected with COVID-19, the regulation has specific return-to-work criteria.

The emergency standard requires employers to implement physical distancing, mask-wearing, and sanitation of facilities.

The rule includes requirements for multiple COVID-19 infections and outbreaks in the workplace.

The District has had written protocols and procedures in place since April 1, 2020 for maintaining a safe and healthy workplace. This CCP Plan supplements those protocols and procedures to comply with the regulatory requirements provided in Title 8 Section 3205 of the California Code of Regulations and OSHA.

**Recommended Action:** Staff recommends that the Board of Directors approve the El Toro Water District COVID-19 Prevention Program.



## El Toro Water District COVID-19 Prevention Program (CPP)

This CPP is designed to control exposures to the SARS-CoV-2 virus that may occur in the workplace.

**DATE:** January 1, 2021

### PURPOSE

The purpose of the El Toro Water District's (District) COVID-19 Prevention Program (CPP) is to provide employees a healthy and safe workplace as required under the California Occupation Safety and Health Act (Labor Code §§ 6300, et seq.) and associated regulations (8 C.C.R. § 3205).

Nothing in this CPP precludes the District from complying with federal, state, or local laws or guidance that recommends or requires measures that are more prescriptive and/or restrictive than are provided herein.

### AUTHORITY AND RESPONSIBILITY

The General Manager has overall authority and responsibility for implementing the provisions of this CPP in the 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.

### SCOPE

This CPP applies to all District employees, including those who are vaccinated, except for District employees who are teleworking full-time and not coming into a District worksite or facility.

### DEFINITIONS

For the purposes of the CPP, the following definitions shall apply:

**“COVID-19”** means coronavirus disease, an infectious disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

**“COVID-19 case”** means a person who either:

- (1) Has a positive “COVID-19 test” as defined in this section;
- (2) is subject to COVID-19-related order to isolate issued by a local or state health official; or
- (3) Has died due to COVID-19, in the determination of a local health department or per inclusion in the COVID-19 statistics of a county.

A person is no longer a “COVID-19 case” when a licensed health care professional determines that the person does not have COVID-19, in accordance with recommendations made by the California Department of Public Health (CDPH) or the local health department pursuant to authority granted under the Health and Safety Code or title 17, California Code of Regulations to CDPH or the local health department.

**“Close contact COVID-19 exposure”** means being with six (6) feet of a COVID-19 case for a cumulative total of 15 minutes or greater in any 24-hour period within or overlapping with the “high-risk exposure period” as defined herein. This definition applies regardless of the use of face coverings.

**“COVID-19 hazard”** means exposure to potentially infectious material that may contain SARS-CoV-2, the virus that causes COVID-19. Potentially infectious materials include airborne droplets, small particle aerosols, and airborne droplet nuclei, which most commonly result from a person or persons exhaling, talking or vocalizing, coughing, sneezing, or procedures performed on persons which may aerosolize saliva or respiratory tract fluids, among other things. This also includes objects or surfaces that may be contaminated with SARS-CoV-2.

**“COVID-19 symptoms”** means one or more of the following:

- (1) fever of 100.4 degrees Fahrenheit or higher;
- (2) chills;
- (3) cough;
- (4) shortness of breath or difficulty breathing;
- (5) fatigue;
- (6) muscle or body aches;
- (7) headache;
- (8) new loss of taste or smell;
- (9) sore throat;
- (10) congestion or runny nose;
- (11) nausea or vomiting; or
- (12) diarrhea,

unless a licensed health care professional determines the person’s symptoms were caused by a known condition other than COVID-19.

**“COVID-19 test”** means a viral test for SARS-CoV-2 that is both:

- (1) Approved by the United States Food and Drug Administration (FDA) or has an Emergency Use Authorization from the FDA to diagnose current infection with the SARS-CoV-2 virus; and
- (2) Administered in accordance with the FDA approval or the FDA Emergency Use Authorization as applicable.

**“Exposed workplace”** means any work location, working area, or common area at work used or accessed by a COVID-19 case during the high-risk period, including bathrooms, walkways, hallways, aisles, break or eating areas, and waiting areas. The exposed workplace does not include buildings or facilities not entered by a COVID-19 case. Effective January 1, 2021, the “exposed workplace” also includes but is not limited to the “worksite” of the COVID-19 case as defined by Labor Code section 6409.6(d)(5).

**“Face covering”** means a tightly woven fabric or non-woven material with no visible holes or openings, which covers the nose and mouth.

**“High-risk exposure period”** means the following time period: (1) For persons who develop COVID-19 symptoms: from two (2) days before they first develop symptoms until ten (10) days after symptoms first appeared, and 24 hours have passed with no fever, without the use of fever-reducing medications, and symptoms have improved; or (2) For persons who test positive who never develop COVID-19 symptoms: from two (2) days before until ten (10) days after the specimen for their first positive test for COVID-19 was collected.

## **PROGRAM**

### **1. System for Communicating with District Employees**

#### **a. Reporting COVID-19 Symptoms, Possible COVID-19 Close Contact Exposures, and Possible COVID-19 Hazards at the District’s Worksites and Facilities**

The District requires that District employees immediately report to their manager or supervisor or to the Department of Human Resources any of the following:

- (1) the employee’s presentation of COVID-19 symptoms;
- (2) the employee’s possible COVID-19 close contact exposures;
- (3) possible COVID-19 hazards at District worksites or facilities.

The District will not discriminate or retaliate against any employee who makes such a report.

#### **b. Accommodations Process for District Employees with Medical or Other Conditions that put them at Increased Risk of Severe COVID-19 Illness**

The District provides for an accommodation process for employees who have a medical or other condition identified by the Centers for Disease Control and Prevention (“CDC”) or the employees’ health care provider as placing or potentially placing the employees at increased risk of severe COVID-19 illness.

The CDC identifies the following medical conditions and other conditions as placing or potentially placing individuals at an increased risk of severe COVID-19 illness

The CDC guidance provides that adults of any age with the following conditions will be at increased risk of severe illness from the virus that causes COVID-19:

- Cancer
- Chronic kidney disease
- COPD (chronic obstructive pulmonary disease)
- Heart conditions, such as heart failure, coronary artery disease, or cardiomyopathies
- Immunocompromised state (weakened immune system) from solid organ transplant
- Obesity (body mass index [BMI] of 30 kg/m<sup>2</sup> or higher but < 40 kg/m<sup>2</sup>) Severe Obesity (BMI ≥ 40 kg/m<sup>2</sup>)

- Pregnancy
- Sickle cell disease
- Smoking
- Type 2 diabetes mellitus

The CDC guidance also provides that adults of any age with the following conditions might be at an increased risk for severe illness from the virus that causes COVID-19:

- Asthma (moderate-to-severe)
- Cerebrovascular disease (affects blood vessels and blood supply to the brain)
- Cystic fibrosis
- Hypertension or high blood pressure
- Immunocompromised state (weakened immune system) from blood or bone marrow transplant, immune deficiencies, HIV, use of corticosteroids, or use of other immune weakening medicines
- Neurologic conditions, such as dementia
- Liver disease
- Overweight (BMI > 25 kg/m<sup>2</sup>, but < 30 kg/m<sup>2</sup>)
- Pulmonary fibrosis (having damaged or scarred lung tissues)
- Thalassemia (a type of blood disorder)
- Type 1 diabetes mellitus

The District will periodically review the following web address in order to account for any additional medical conditions and other conditions that the CDC has identified as placing or potentially placing individuals at an increased risk of severe COVID-19:

<https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html>

District employees are encouraged to review the list of medical conditions and other condition provided above in order to determine whether they have such a condition.

To request an accommodation under the District policy, employees may make a request with their manager or supervisor or the Department of Human Resources.

### c. COVID-19 Testing

The District possesses authority to require that employees who report to work at District worksites or facilities be tested for COVID-19.

Where the District requires that employees be tested, the District will inform employees for the reason that testing is required.

The District will also inform District employees of the possible consequences of a positive COVID-19 test, which may include, but is not limited to, a requirement that employees not report to the District during the high-risk exposure period and satisfying the minimum criteria to return to work.

Where the District requires testing, the District has adopted procedures that ensure the confidentiality of employees and comply with the Confidentiality of Medical Information Act (“CMIA”). Specifically, the District **will keep** confidential all personal identifying information of COVID-19 cases or persons with COVID-19 symptoms unless expressly authorized by the employee to disclose such information or as other permitted or required under the law.

#### **d. COVID-19 Hazards**

The District will notify employees and subcontracted employees of any potential COVID-19 exposure at a District worksite or facility where a COVID-19 case and the District employees were present on the same day. The District will notify employees of such potential exposures within one (1) business day, in a way that does not reveal any personal identifying information of the COVID-19 case.

The District will also notify employees of cleaning and disinfecting measures the District is undertaking in order to ensure the health and safety of the District worksite or facility where the potential exposure occurred.

## **2. IDENTIFICATION AND EVALUATION OF COVID-19 HAZARDS AT THE DISTRICT'S WORKSITES AND FACILITIES**

### **a. Screening District Employees for COVID-19 Symptoms**

The District possesses authority to require that employee self-screen for COVID-19 symptoms.

District protocols provide that District employees will self-screen for COVID-19 symptoms prior to reporting to any District worksite or facility.

### **b. Responding to District Employees with COVID-19 Symptoms**

Should a District employee present COVID-19 symptoms during a self-screen, either at the District or at employees home, the District requires the employee to remain at or return to their home or place of residence and not report to work until such time as the employee satisfies the minimum criteria to return to work.

The District will advise employees of any leaves to which they may be entitled during this self-quarantine period.

Further, the District has adopted policies and procedures that ensure the confidentiality of employees and comply with the CMIA, and will not disclose to other employees the fact that the employees presented COVID-19 symptoms

### **c. District's Response to COVID-19 Cases**

In the event that District employees test positive for COVID-19 or are diagnosed with COVID-19 by a health care provider, the District requires the employees to remain at or return to their home or place of residence and not report to work until such time as they satisfy the minimum criteria to return to work.

The District will advise employees of any leaves to which they may be entitled during this self-isolation period.

The District will comply with all reporting and recording obligations as required under the law, including, but not limited to, reporting the COVID-19 case to the following individuals and institutions as required based on the individual circumstances:

- (1) the local health department (Orange County Health Care Agency);
- (2) Cal/OSHA;
- (3) employees who were present at a District worksite or facility when the COVID-19 case was present;

- (4) the employers of subcontracted employees who were present at the District worksite or facility; and
- (5) the District's workers' compensation plan administrator (JPIA).

If possible, the District will interview the COVID-19 cases in order to ascertain the nature and circumstances of any contact that the employees may have had with other employees during the high-risk exposure period. If the District determines that there were any close contact COVID-19 exposures, the District will instruct those employees to remain at their home or place of residence and not report to work until such time as the employees satisfy the minimum criteria to return to work.

The District has adopted policies and procedures that ensure the confidentiality of employees and comply with the CMIA. Specifically, the District will not disclose to other employees, except for those who need to know, the fact that the employees tested positive for or were diagnosed with COVID-19. Further, the District will keep confidential all personal identifying information of COVID-19 cases or persons unless expressly authorized by the employees to disclose such information or as other permitted or required under the law.

#### **d. Workplace Specific Identification of COVID-19 Hazards**

The District conducted a workplace-specific assessment of all interactions, areas, activities, processes, equipment, and materials that could potentially expose employees to COVID-19 hazards.

As part of this process, the District identified places and times when employees and individuals congregate or come in contact with one another, regardless of whether employees are performing an assigned work task or not, including, for example, during meetings or trainings, in and around entrances, bathrooms, hallways, aisles, walkways, break or eating areas, cool-down areas, and waiting areas.

As part of this process, the District identified potential workplace exposure to all persons at District worksites and facilities, including employees, employees of other entities, members of the public, customers or clients, and independent contractors. The District considered how employees and other persons enter, leave, and travel through District worksites and facilities, in addition to addressing employees' fixed workspaces or workstations.

As part of this process, the District treated all persons, regardless of symptoms or negative COVID-19 test results, as potentially infectious

#### **e. Maximization of Outdoor Air and Filtration**

For indoor District worksites and facilities, the District evaluated how to maximize the quantity of outdoor air and whether it is possible to increase filtration efficiency to the highest level compatible with the worksites and facilities' existing ventilation systems.

#### **f. District Compliance with Applicable State and Local health Orders**

The District monitors applicable orders and guidance from the State of California and the local health department related to COVID-19 hazards and prevention, including information of general application and information specific to the District's location and operations.

The District fully and faithfully complies with all applicable orders and guidance from the State of California and the local health department.

### **g. Evaluation of Existing COVID-19 Prevention Controls and Adoption of Additional Controls**

Periodically, the District will evaluate existing COVID-19 prevention controls at the workplace and assess whether there is a need for different and/or additional controls.

This includes evaluation of controls related to the correction of COVID-19 hazards, physical distancing, face coverings, engineering controls, administrative controls, and personal protective equipment (PPE).

### **h. Periodic Inspections**

The District will conduct periodic inspections of District worksites and facilities as needed to identify unhealthy conditions, work practices, and work procedures related to COVID-19 and to ensure compliance with the District's COVID-19 policies and procedures.

## **3. INVESTIGATING AND RESPONDING TO COVID-19 CASES IN DISTRICT WORKSITES AND FACILITIES**

### **a. Procedure to Investigate COVID-19 Cases**

The District has a procedure for investigating COVID-19 cases in the workplace. As provided below, the procedure provides for the following:

- (1) the verification of COVID-19 case status;
- (2) receiving information regarding COVID-19 test results;
- (3) receiving information regarding the presentation of COVID-19 symptoms; and
- (4) identifying and recording all COVID-19 cases

### **b. Response to COVID-19 Cases**

As provided above in Section 1.C., in the event that District employees test positive for COVID-19 or are diagnosed with COVID-19 by a health care provider, the District will require the employees to remain at or return to their home or place of residence and not report to work until such time as the employees satisfy the minimum criteria to return to work.

#### **(i) Contact Tracing**

If possible, the District will interview the COVID-19 cases (employees) in order to ascertain the following information:

- (1) the date on which the COVID-19 cases tested positive, if asymptomatic, or the date on which the employees first presented COVID-19 symptoms, if symptomatic;
- (2) the COVID-19 cases recent work history, including the day and time they were last present at a District worksite or facility; and
- (3) the nature and circumstances of the COVID-19 cases' contact with other employees during the high-risk exposure period, including whether there were any close contact COVID-19 exposures.

If the District determines that there were any close contact COVID-19 exposures, the District will instruct those employees to remain at their home or place of residence and not report to work until such time as the employees satisfy the minimum criteria to return to work.

**(ii) Reporting the Potential Exposure to Other Employees**

The District will comply with all reporting and recording obligations as required under the law, including, but not limited to, reporting the COVID-19 case to the following individuals and institutions as required based on the individual circumstances:

(1) employees who were present at a District worksite or facility when the COVID-19 case was present; and

(2) subcontracted employees who were present at the District worksite or facility.

**(iii) Free COVID-19 Testing for Close Contact Exposures**

The District will provide COVID-19 testing at no cost to employees during their working hours to all employees who had potential close contact COVID-19 exposure at a District worksite or facility.

**(iv) Leave and Compensation Benefits for Close Contact Exposures**

The District will provide employees that have had close contact exposure with information regarding COVID-19 laws. This includes any benefits available under workers' compensation law, the federal Families First Coronavirus Response Act (FFCRA), Labor Code sections 248.1 and 248.5, Labor Code sections 3212.86 through 3212.88, local governmental requirements, the District's own leave policies.

The District will continue to provide and will maintain these employees' earnings, seniority, and all other employee rights and benefits, including the employees' right to their former job status, as if the employees had not been removed from their jobs.

The District may require that these employees use employer-provided employee sick leave benefits for this purpose and consider benefit payments from public sources in determining how to maintain earnings, rights and benefits, where permitted by law and when not covered by workers' compensation or emergency administrative leave.

**(v) Investigating to Determine Whether Workplace Conditions Contributed to COVID-19 Exposure**

The District will conduct an investigation in order to determine whether any workplace conditions could have contributed to the risk of COVID-19 exposure and what could be done to reduce exposure to COVID-19 hazards.

**c. Confidential Medical Information**

The District will protect the confidentiality of the COVID-19 cases, and will not disclose to other employees the fact that the employees tested positive for or were diagnosed with COVID-19.

The District will keep confidential all personal identifying information of COVID-19 cases unless expressly authorized by the employees to disclose such information or as other permitted or required under the law.

## **4. CORRECTION OF COVID-19 HAZARD AT DISTRICT WORKSITES AND FACILITIES**

The District has implemented effective protocols and/or procedures for correcting unsafe or unhealthy conditions, work practices, policies and procedures in a timely manner based on the severity of the hazard.

This includes, but is not limited to, implementing controls and/or policies and procedures in response to the evaluations conducted related to the identification and evaluation of COVID-19 hazards and investigating and responding to COVID-19 cases in the workplace. This also includes implementing controls related to physical distancing, face coverings, engineering controls, administrative controls, and personal protective equipment (PPE).

## **5. TRAINING AND INSTRUCTION OF DISTRICT EMPLOYEES**

### **a. COVID-19 Symptoms**

The District provided employees training and instruction on the COVID-19 symptoms, including advising employees of COVID-19 symptoms, which include the following:

- (1) fever of 100.4 degrees Fahrenheit or higher or chills;
- (2) cough;
- (3) shortness of breath or difficulty breathing;
- (4) fatigue;
- (5) muscle or body aches;
- (6) headache;
- (7) new loss of taste or smell;
- (8) sore throat;
- (9) congestion or runny nose;
- (10) nausea or vomiting; or
- (11) diarrhea,

unless a licensed health care professional determines the person's symptoms were caused by a known condition other than COVID-19.

The District monitors and adheres to guidance by the CDC concerning COVID-19 symptoms, including guidance provided at the following web address:

<https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>

The District will advise employees in the event that the CDC makes any changes to its guidance concerning such symptoms.

The District provided employees instruction on the importance of not coming to work and obtaining a COVID-19 test if the employees have COVID-19 symptoms.

### **b. District's COVID-19 Policies, Procedures, and Protocols**

The District provides regular updates to employees on the District's policies, procedures and protocols to prevent COVID-19 hazards at District worksites and facilities and to protect District employees.

### **c. COVID-19 Related Benefits**

The District advised employees of the leaves to which the employees may be entitled under applicable federal, state, or local laws. This includes any benefits available under workers' compensation law, the FFCRA, Labor Code sections 248.1 and 248.5, Labor Code sections 3212.86 through 3212.88, other applicable local governmental requirements, and the District's own leave policies and ETWD Protocols for Maintaining a Safe and Healthy Workplace in light of COVID-19.

Further, when employees require leave or are directed not to report to work by the District, the District will advise the employees of the leaves to which the employees may be entitled for that specific reason.

### **d. Spread and Transmission of the Virus that Causes COVID-19**

The District advised employees of the that COVID-19 is an infectious disease that can be spread through the air when an infectious person talks or vocalizes, sneezes, coughs, or exhales; that COVID-19 may be transmitted when a person touches a contaminated object and then touches their eyes, nose, or mouth, although that is less common; and that an infectious person may have no symptoms.

The District further advised District employees of the fact that particles containing the virus can travel more than six (6) feet, especially indoors, so physical distancing must be combined with other controls, including face coverings and hand hygiene, including hand washing, in order to be effective.

### **e. Methods and Importance of Physical Distancing, Face Coverings, and hand Hygiene**

The District advised employees of the methods and importance of physical distancing, face coverings, and hand hygiene, including hand washing. Specifically, the District trained and instructed District employees on 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. Further, the District trained and instructed District employees on the proper use of face coverings and the fact that face coverings are not respiratory protective equipment.

## **6. PHYSICAL DISTANCING**

The District requires that all employees be separated from other persons by at least six (6) feet, except where the District can demonstrate that six (6) feet of separation is not possible and where there is momentary exposure while persons are in movement.

The District has adopted several methods by which it increases physical distancing including, but not limited to, the following:

- (1) providing District employees the opportunity to telework or engage in other remote work arrangements;
- (2) reducing the number of persons in an area at one time, including visitors;
- (3) posting visual cues such as signs and floor markings to indicate where employees and others should be located or their direction and path of travel;

(4) adopting staggered arrival, departure, work, and break times; and

(5) adjusting work processes or procedures, to allow greater distance between employees.

When it is not possible for District employees to maintain a distance of at least six (6) feet, the District **requires** individuals to be as far apart as possible and to wear face coverings.

## **7. FACE COVERINGS**

### **a. Face Covering Requirements**

The District provides face coverings to employees and requires that such face coverings are worn by employees and individuals at District worksites and facilities.

District policy adheres to orders and guidance provided by the CDPH and the local health department, including as provided at the following web address:

<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/guidance-for-face-coverings.aspx>

The District's policy on the use of face coverings ensures that they are worn over the nose and mouth when indoors, when outdoors and less than six (6) feet away from another person, and where required by orders from the CDPH or local health department.

The District's policy requires that face coverings are clean and undamaged. The District's protocol allows face shields to be used to supplement, and not supplant face coverings.

The District's policy provides for the following exceptions to the face coverings requirement:

- (1) When an employee is alone in a room.
- (2) While eating and drinking at the workplace, provided employees are at least six (6) feet apart and outside air supply to the area, if indoors, has been maximized to the extent possible.
- (3) Employees wearing respiratory protection in accordance with section 5144 or other title 8 safety orders (8 C.C.R. 5144 is available at the following web address: <https://www.dir.ca.gov/title8/5144.html>).
- (4) 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.
- (5) Specific tasks which cannot feasibly be performed with a face covering. This exception is limited to the time period in which such tasks are actually being performed, and the unmasked employee shall be at least six (6) feet away from all other persons unless unmasked employees are tested at least twice weekly for COVID-19.

### **b. Required Use of Effective Non-Restrictive Alternative for Employees Exempted from Face Covering Requirements**

The District's policy requires that employees who are exempted from wearing face coverings due to a medical condition, mental health condition, or disability wear an effective non-restrictive alternative, such as a face shield with a drape on the bottom, if their condition or disability permits it.

**c. Physical Distancing Required If Employee Is Not Wearing Face Covering or Non-Restrictive Alternative**

The District's policy requires that any employees not wearing a face covering, face shield with a drape or other effective alternative, or respiratory protection, for any reason, shall be at least six (6) feet apart from all other persons unless the unmasked employees are tested at least twice (2x) weekly for COVID-19.

However, the District does not use COVID-19 testing as an alternative to face coverings when face coverings are otherwise required by this section.

**d. Prohibition on Preventing Employees from Wearing Face Covering**

The District does not prevent any employee from wearing a face covering when wearing a face covering is not required by this section, unless not wearing a face covering would create a safety hazard, such as interfering with the safe operation of equipment.

**e. Communication to Non-Employees Regarding Face Covering Requirement**

The District posts signage to inform non-employees that the District requires the use of face coverings at District worksites and facilities.

**f. Policies to Reduce COVID-19 Hazards Originating from Persons Not Wearing Face Coverings**

The District has developed COVID-19 policies and procedures to minimize employees' exposure to COVID-19 hazards originating from any person not wearing a face covering, including a member of the public.

These policies include requiring that employees and non-employees wear face coverings at District worksites and facilities, that District employees wear face coverings at other times, maintain physical distance from person not wearing a face covering, and observe proper hand hygiene.

**8. OTHER ENGINEERING CONTROLS, ADMINISTRATIVE CONTROLS AND PERSONAL PROTECTIVE EQUIPMENT (PPE)**

**a. Installation of Solid Partitions Between Workstations Where Physical Distancing is Not Possible**

At fixed work locations where it is not possible to maintain the physical distancing requirement at all times, the employer shall install cleanable solid partitions that effectively reduce aerosol transmission between the employees and other persons.

## **b. Maximization of Outdoor Air**

As provided above at Section 2.E, for indoor District worksites and facilities, the District evaluated how to maximize the quantity of outdoor air.

Further, for District worksites and facilities with mechanical or natural ventilation, or both, the District has maximized the quantity of outside air provided to the extent feasible, except when the United States Environmental Protection Agency (“EPA”) Air Quality Index is greater than 100 for any pollutant or if opening windows or letting in outdoor air by other means would cause a hazard to District employees, for instance from excessive heat or cold.

## **c. Cleaning and Disinfecting Procedures**

The District’s cleaning and disinfecting procedures requires the following:

- (i) Identifying and regularly cleaning and disinfecting frequently touched surfaces and objects, such as doorknobs, equipment, tools, handrails, handles, controls, bathroom surfaces, and steering wheels. The District will inform employees and authorized employee representatives of cleaning and disinfection protocols, including the planned frequency and scope of regular cleaning and disinfection.
- (ii) Prohibiting the sharing of personal protective equipment and to the extent feasible, items that employees come in regular physical contact with such as phones, headsets, desks, keyboards, writing materials, instruments, and tools. When it is not feasible to prevent sharing, sharing will be minimized and such items and equipment shall be disinfected between uses by different people. Sharing of vehicles will be minimized to the extent feasible, and high touch points (steering wheel, door handles, seatbelt buckles, armrests, shifter, etc.) shall be disinfected between users.
- (iii) Cleaning and disinfection of areas, material, and equipment used by a COVID-19 case during the high-risk exposure period.

Further, the District requires that cleaning and disinfecting must be done in a manner that does not create a hazard to District employees or subcontracted employees.

## **d. Evaluation of Handwashing Facilities**

In order to protect District employees, the District evaluated its handwashing facilities in order to determine the need for additional facilities, encourage and allow time for employee handwashing, and provide employees with an effective hand sanitizer.

The District encourages employees to wash their hands for at least 20 seconds each time.

The District does not provide hand sanitizers with methyl alcohol.

## **e. Personal Protective Equipment (PPE)**

District policy provides for Personal Protective Equipment (PPE).

The District evaluates the need for PPE, such as gloves, goggles, and face shields, to prevent exposure to COVID-19 hazards and provide such PPE as needed.

In accordance with applicable law, the District evaluates the need for respiratory protection when the physical distancing requirements, as provided herein, are not feasible or are not maintained.

In accordance with applicable law, the District will provide and ensure use of respirators in accordance when deemed necessary by Cal/OSHA through the Issuance of Order to Take Special Action.

In accordance with applicable law, the District will provide and ensure use of eye protection and respiratory protection when District employees are exposed to procedures that may aerosolize potentially infectious material such as saliva or respiratory tract fluids.

## **9. REPORTING, RECORDKEEPING AND ACCESS**

### **a. Reporting COVID-19 Cases to the Local Health Department**

In accordance with applicable law, the District will report information about COVID-19 cases at the workplace to the local health department.

Further, the District will provide any related information requested by the local health department.

### **b. Reporting Serious COVID-19 Illnesses and Deaths to Cal/OSHA**

In accordance with applicable law, the District will immediately report to Cal/OSHA any serious COVID-19-related illnesses or deaths of District employees occurring at a District worksite or facility or in connection with any employment.

### **c. Maintenance of Records Related to the Adoption of the CPP**

In accordance with applicable law, the District will maintain records of the steps taken to implement this CPP.

### **d. Availability of the CPP for Inspection**

The District will make this written CPP available to employees at District worksites or facilities.

Further, the District will make this written CPP available to Cal/OSHA representatives immediately upon request.

### **e. Records Related to COVID-19 Cases**

The District will keep a record of and track all COVID-19 cases with the following information:

- (1) employee's name;
- (2) contact information;
- (3) occupation;
- (4) location where the employee worked;
- (5) the date of the last day at the workplace; and
- (6) the date of a positive COVID-19 test.

In accordance with the Confidentiality of Medical Information Act (CMIA) and applicable law, the District will keep the employees' medical information confidential.

In accordance with the CMIA and applicable law, the District will make this information available to employees with personal identifying information removed. The District will also make this information available as otherwise required by law.

## **10. EXCLUSION OF COVID-19 CASES**

### **a. Exclusion of Employees with Close Contact COVID-19 Exposures from District Worksites and Facilities**

#### **(i) Close Contact**

Unless the employee is covered by the limited exception described below, the District will exclude employees with close contact COVID-19 exposure from the workplace for 10 days after the last known close contact COVID-19 exposure. In order for the employee to return to work after the 10<sup>th</sup> day of quarantine, the employee must satisfy the following conditions:

- (1) be asymptomatic;
- (2) wear a face covering at all times while at work from days eleven (11) through fourteen (14);
- (3) maintain a distance of at least six (6) feet from others;
- (4) self-monitor for COVID-19 symptoms; and
- (5) if symptoms do appear, immediately isolate, contact the local health department or health care provider, and seek testing.

#### **(ii) Limited Exception to Close Contact Exclusion Period**

If the following conditions are satisfied, the District will exclude employees with close contact COVID-19 exposure from the workplace for seven (7) days after the last known close contact COVID-19 exposure:

- (1) There is a critical staffing shortage when there is insufficient staff to provide patient care, emergency response services or face to face social services to clients in the child welfare system or in assisted living facilities;
- (2) There is an asymptomatic employee who provides such services (i.e., health care workers, police officers, firefighters and social service workers) who has had a close contact COVID-19 exposure;
- (3) The employee who had the close contact COVID-19 exposure takes a Polymerase Chain Reaction ("PCR") COVID-19 test after the fifth (5<sup>th</sup>) day following the close contact COVID-19 exposure; and the employee's PCR COVID-19 test returned a negative result;
- (4) The employee wears a surgical face mask at all times during work through the 14<sup>th</sup> day following the close contact COVID-19 exposure; and

- (5) The employee maintains a distance of at least six (6) feet from others; self-monitor for COVID-19 symptoms; and if symptoms do appear, immediately isolate, contact the local health department or health care provider, and seek testing.

**b. Provision of Benefits to District Employees Excluded from Work as a Result of a positive COVID-19 Test or Diagnosis or a Close Contact COVID-19 Exposure**

**(i) Employees Who Are Able to Telework During Isolation or Quarantine**

The District will allow employees who are able to telework, and are able and available to work, to telework during the isolation or quarantine period. The District will provide these employees their normal compensation for the work that they perform for the District during the isolation or quarantine period.

**(ii) Employees Who Are Unable to Telework During Isolation or Quarantine Period**

The provision of benefits described below does not apply to either:

(1) District employees who the District can demonstrate that the close contact COVID-19 exposure was not work-related; and

(2) District employees who are unable to work for reasons other than protecting employees and non-employees at the District worksites and facilities from possible COVID-19 transmission. Such employees may still use Emergency Administrative Leave as long as it is available otherwise employees may use paid sick leave for the purpose of receiving compensation during the isolation or quarantine period if they elect to do so.

For other employees, the District will require that employees who are unable to telework, but are otherwise able and available to work, to use paid sick leave in order to receive compensation during the isolation or quarantine period, if Emergency Administrative Leave is no longer available. District employees retain their entitlement to elect not to use other earned or accrued paid leave during this time. The District may

provide such employees who are unable to telework, but who do not have any paid sick leave available, paid administrative leave in order to receive compensation during the isolation or quarantine period.

For all employees who are subject to an isolation or quarantine because of a COVID-19 case or a close contact COVID-19 exposure, the District will maintain the employees' seniority and all other employee rights and benefits, including the employees' right to their former job status, during the isolation or quarantine period.

The District may consider benefit payments from public sources, including under the FFCRA and Labor Code section 248.1 (until December 31, 2020 or longer if FFCRA leave and/or Labor Code section 248.1 leave is extended), in determining how to maintain earnings, rights and benefits, where permitted by law and when not covered by workers' compensation.

**c. Adherence with Laws, Policies, and/or Agreements Providing Excluded Employees Greater Protections**

The obligations set forth in this section do not limit any other applicable law, District policy that provides District employees with greater protections or benefits.

**d. Provisions of Information Concerning Benefits to Excluded Employees**

At the time of exclusion, the District will provide the excluded employees the information on benefits to which the employees may be entitled under applicable federal, state, or local laws.

This includes any benefits available under workers' compensation law, the FFCRA, Labor Code sections 248.1 and 248.5, Labor Code sections 3212.86 through 3212.88, any applicable local governmental requirement, and the District's own leave policies.

**11. RETURN TO WORK CRITERIA**

**a. Minimum Criteria to Return to Work For Symptomatic COVID-19 Cases**

District policy requires that COVID-19 cases with COVID-19 symptoms remain at their home or place of residence and not report to any District worksite or facility until they satisfy each of the following conditions:

1. At least 24 hours have passed since a fever of 100.4 or higher has resolved without the use of fever-reducing medications;
2. COVID-19 symptoms have improved; and
3. At least 10 days have passed since COVID-19 symptoms first appeared.

**b. Minimum Criteria to Return to Work for Asymptomatic COVID-19 Cases**

District policy requires that COVID-19 cases who tested positive but never developed COVID-19 symptoms not report to any District worksite or facility until a minimum of 10 days have passed since the date of specimen collection of their first positive COVID-19 test.

**c. Minimum Criteria to Return to Work for Employees with Close Contact COVID-19 Exposures from District Worksites and Facilities**

District policy requires that employees with close contact COVID-19 exposure remain at their home or place of residence and not report to any District worksite or facility until they satisfy the conditions described in Section 10a above.

**d. COVID-19 Testing Not Required in Order to Return to Work**

In accordance with CDC guidance concerning symptom-based strategies for the discontinuation of isolation, the District does not require employees submit to a COVID-19 test, or produce a negative COVID-19 test result, in order to return to work.

**e. Minimum Criteria to Return to Work for Employees Directed to Self-Quarantine or Isolate by a State or Local Health Official**

If employees are subject to an isolation or quarantine order issued by a state or local health official, the District requires that the employees not report to any District worksite or facility until the period of isolation or quarantine is completed or the order is lifted.

If the order did not specify a definite isolation or quarantine period, then the period shall be 10 days from the time the order to isolate was effective, or 10 days from the time the order to quarantine was effective.

#### **f. Allowance by Cal/OSHA for an Employee to Return to Work**

If there are no violations of state or local health officer orders related to the employee's isolation or quarantine, the District may request that Cal/OSHA waive the quarantine or isolation requirement for essential employees and allow such employees to return to work on the basis that the removal of employees would create undue risk to a community's health and safety.

Where the absence of an essential employee from the District's worksite would cause a staffing shortage that would have an adverse effect on a community's health and safety and pose an undue risk to the community's health and safety as a result, Cal/OSHA may grant such waiver.

In order to request a waiver under such circumstances, the District will submit the written request to [rs@dir.ca.gov](mailto:rs@dir.ca.gov). In the event of an emergency, the District may request a provisional waiver by contacting the local Cal/OSHA office while the District prepares the written waiver request.

The written waiver request must provide for the following information:

1. Employer name and business or service;
2. Employer point-of-contact name, address, email and phone number;
3. Statement that there are no local or state health officer orders for isolation or quarantine of the excluded employees;
4. Statement describing the way(s) in which excluding the exposed or COVID-19 positive employees from the workplace impacts the employer's operation in a way that creates an undue risk to the community's health and safety;
5. Number of employees required to be quarantined under the Cal/OSHA regulation, and whether each was exposed to COVID-19 or tested positive for COVID-19; and
6. The employer's control measures to prevent transmission of COVID-19 in the workplace if the employee(s) return or continue to work in the workplace, including the prevention of further exposures. These measures may include, but are not limited to, preventative steps such as isolating the returned employee(s) at the workplace and requiring that other employees use respiratory protection in the workplace.

In addition to submitting a request for a Cal/OSHA waiver, the District will develop, implement, and maintain effective control measures to prevent transmission in the workplace including providing isolation for the employees at the District worksite or facility and, if isolation is not possible, the use of respiratory protection in the workplace.

## **APPENDIX A - Multiple COVID-19 Infections and COVID-19 Outbreaks 3 or more cases in the workplace within a 14-day period**

This section of CPP will stay in effect until there are no new COVID-19 cases detected in the workplace for a 14-day period.

### **COVID-19 testing**

- The District will provide COVID-19 testing to employees in the exposed workplace except for employees who were not present during the period of an outbreak identified by a local health department or the relevant 14-day period. COVID-19 testing will be provided at no cost to employees during employees' working hours.
- COVID-19 testing consists of the following:
  - All employees in the exposed workplace will be provided testing immediately following the exposure and then again one week later. Negative COVID-19 test results of employees with COVID-19 exposure will not impact the duration of any quarantine period required by, or orders issued by, the local health department.
  - After the first two COVID-19 tests, the District will continue to provide COVID-19 testing of employees who remain at the workplace at least once per week, or more frequently if recommended by the local health department, until there are no new COVID-19 cases detected in the workplace for a 14-day period.
  - The District will provide additional testing when deemed necessary by Cal/OSHA.

### **Exclusion of COVID-19 cases**

The District will ensure COVID-19 cases and employees who had COVID-19 exposure are excluded from the workplace in accordance with the CPP **Exclusion of COVID-19 Cases** and **Return to Work Criteria** requirements, and local health officer orders if applicable.

### **Investigation of workplace COVID-19 illness**

The District will immediately investigate and determine possible workplace-related factors that contributed to the COVID-19 outbreak in accordance with the CPP **Investigating and Responding to COVID-19 Cases**.

### **COVID-19 investigation, review and hazard correction**

In addition to the CPP **Identification and Evaluation of COVID-19 Hazards** and **Correction of COVID-19 Hazards**, the District will immediately perform a review of potentially relevant COVID-19 policies, procedures, and controls and implement changes as needed to prevent further spread of COVID-19.

The investigation and review will be documented and include:

- Investigation of new or unabated COVID-19 hazards including the District's:
  - Leave policies and practices and whether employees are discouraged from remaining home when sick.
  - COVID-19 testing protocols.
  - Insufficient outdoor air.
  - Insufficient air filtration.
  - Lack of physical distancing.

- Updating the review:
  - Every thirty days that the outbreak continues.
  - In response to new information or to new or previously unrecognized COVID-19 hazards.
  - When otherwise necessary.
- Implementing changes to reduce the transmission of COVID-19 based on the investigation and review. The District will consider:
  - Moving indoor tasks outdoors or having them performed remotely.
  - Increasing outdoor air supply when work is done indoors.
  - Improving air filtration.
  - Increasing physical distancing as much as possible.
  - Respiratory protection.

#### **Notifications to the local health department**

- Immediately, but no longer than 48 hours after learning of three or more COVID-19 cases in the workplace, the District will contact the local health department for guidance on preventing the further spread of COVID-19 within the workplace.
- The District will provide to the local health department the total number of COVID-19 cases and for each COVID-19 case, the name, contact information, occupation, workplace location, business address, the hospitalization and/or fatality status, and North American Industry Classification System code of the workplace of the COVID-19 case, and any other information requested by the local health department. The District will continue to give notice to the local health department of any subsequent COVID-19 cases at the workplace.

## **APPENDIX B - Major COVID-19 Outbreaks – 20 or more COVID-19 cases within a 30-day period.**

This section of CPP will stay in effect until there are no new COVID-19 cases detected in the workplace for a 14-day period.

### **COVID-19 testing**

The District will provide twice a week COVID-19 testing, or more frequently if recommended by the local health department, to all employees present at the exposed workplace during the relevant 30-day period(s) and who remain at the workplace. COVID-19 testing will be provided at no cost to employees during employees' working hours.

### **Exclusion of COVID-19 cases**

The District will ensure COVID-19 cases and employees with COVID-19 exposure are excluded from the workplace in accordance with the CPP **Exclusion of COVID-19 Cases** and **Return to Work Criteria**, and any relevant local health department orders.

### **Investigation of workplace COVID-19 illnesses**

The District will comply with the requirements of the CPP **Investigating and Responding to COVID-19 Cases**.

### **COVID-19 hazard correction**

In addition to the requirements of the CPP **Correction of COVID-19 Hazards**, the District will take the following actions:

- In buildings or structures with mechanical ventilation, the District will filter recirculated air with Minimum Efficiency Reporting Value (MERV) 13 or higher efficiency filters if compatible with the ventilation system. If MERV-13 or higher filters are not compatible with the ventilation system, the District will use filters with the highest compatible filtering efficiency. The District will also evaluate whether portable or mounted High Efficiency Particulate Air (HEPA) filtration units, or other air cleaning systems would reduce the risk of transmission and implement their use to the degree feasible.
- The District will determine the need for a respiratory protection program or changes to an existing respiratory protection program under CCR Title 8 section 5144 to address COVID-19 hazards.
- The District will evaluate whether to halt some or all operations at the workplace until COVID-19 hazards have been corrected
- Implement any other control measures deemed necessary by Cal/OSHA.

### **Notifications to the local health department**

The District will comply with the requirements of the **Multiple COVID-19 Infections** and **COVID-19 Outbreaks-Notifications to the Local Health Department**.

# Moving Forward



2021 Winter Conference | January 27-28 | Virtual Event

CASAweb.org

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## Draft Winter Conference Program “SUBJECT TO CHANGE”

### Wednesday, January 27

- |                         |  |
|-------------------------|--|
| 9:00 a.m. – 9:15 a.m.   | Welcome from CASA President Jason Dow  |
| 9:15 a.m. – 10:15 a.m.  | <b>Keynote: The Future of Work</b><br>Heather McGowan  |
| 10:15 a.m. – 10:30 a.m. | BREAK  |
| 10:30 a.m. – 11:00 a.m. | <b>What Comes Next in California?</b> Navigating the Governor's Executive Orders, Follow Up Actions, and 2021 Budget Priorities          |
| 11:00 a.m. – 11:45 a.m. | <b>Water in Real Life: Navigating Complex Communications</b><br>Stephanie Corso, Rogue Water Group<br>Arianne Shipley, Rogue Water Group |
| 11:45 a.m. – 12:15 p.m. | BREAK  |
| 12:00 p.m. – 12:30 p.m. | CSRMA Executive Board Meeting (Specialty Meeting)  |
| 12:15 p.m. – 1:15 p.m.  | <b>Lunchtime Screening of Brave Blue World/Networking Session</b>  |
| 1:15 p.m. – 1:30 p.m.   | BREAK  |
| 1:30 p.m. – 2:30 p.m.   | <b>Roundtables Session 1 (See Topic List Below)</b>  |
| 2:30 p.m. – 2:45 p.m.   | BREAK  |
| 2:45 p.m. – 3:45 p.m.   | <b>Roundtables Session 2 (See Topic List Below)</b>  |
| 3:45 p.m. – 5:00 p.m.   | Federal Legislative Committee Meeting (via Zoom)   |
| 4:00 p.m. – 5:00 p.m.   | Associates Committee Meeting (via Zoom)  |
| 4:00 p.m. – 5:00 p.m.   | Communications Committee Meeting (via Zoom)  |

## **Thursday, January 28**

- 8:00 a.m. – 9:00 a.m. CSRMA Executive Board Meeting (Specialty Meeting)
- 8:00 a.m. – 9:00 a.m. Virtual Women’s Networking Breakfast/Coffee (Specialty Meeting)
- 9:00 a.m. – 9:15 a.m. Welcome from CASA Vice President Jasmin Hall
- 9:15 a.m. – 10:15 a.m. **What’s Next in Washington?**  
Radhika Fox, US Water Alliance  
Ken Kopocis, Former Deputy Assistant Administrator for Office of Water (Invited)
- 10:30 a.m. – 10:45 a.m. BREAK
- 10:45 a.m. – 12:00 p.m. **What’s Next for Agency Financing and Investment? A Perspective on Bond Ratings, Agency Revenues, and Project Finance**
  - Robb Grantham, Santa Margarita Water District
  - Doug Scott, Fitch Ratings
  - Brian Forbath, Stradling Yocca Carlson & Rauth
  - Jeff Tucker, Vallejo Flood & Wastewater District
- 12:00 p.m. – 12:15 p.m. BREAK
- 12:15 p.m. – 1:30 p.m. **Virtual Luncheon Program:**  
Executive Director Presentation on New 5 Year Strategic Plan  
2020 CASA Awards Program  
State Legislative Update (Jessica Gauger)  
Federal Legislative Update (Eric Sapirstein)
- 1:30 p.m. – 2:45 p.m. **Forging Partnerships for a Shared Future**
  - Karen Cowan, CASQA: Stormwater Opportunities
  - Jamie Ecker, Waste Management: 1383 Implementation (Invited)
  - Peter Grevatt, Water Research Foundation: WBE Efforts
  - Andria Ventura, Clean Water Action: PFAS Collaborations
- 2:45 p.m. – 3:00 p.m. BREAK
- 3:00 p.m. – 4:00 p.m. State Legislative Committee (via Zoom)

### **Roundtable Topics**

- Communications: Agency Outreach to Diverse Audiences
- Communications: Explaining Wastewater Based Epidemiology to Your Community
- COVID-19: Latest Updates on WBE Activities
- COVID-19: Workplace Considerations
- Technical: Odor Control - Effective Strategies for Engaging Collaborating with Your Communities
- Regulatory: SRF Program Update
- Regulatory: Climate Resiliency and Mitigation Actions
- Technology: Pre-Processing Technology for Co-Digestion
- Regulatory: SB 1383 Implementation
- Regulatory: CECs Roundtable [Updates on Microplastics and PFAS]
- Federal: What to Expect from a New Administration: First 100 Days to Next Four Years

# WaterReuse 2021 SYMPOSIUM

In Collaboration with The Water Research Foundation

**VIRTUAL**  
March 15-25



A Series of Live Roundtable Discussions with Your Colleagues



36th Annual Symposium

## RESILIENCE REDEFINED

health. economy. environment.

## 36th Annual WaterReuse Symposium

Join us virtually March 15-25, 2021 for a series of live and on demand roundtables

→ Registration

→ Agenda

### Resilience Redefined

Organized around the theme, **Resilience Redefined**, the 36th WaterReuse Symposium will showcase the important role that water recycling plays in ensuring water security, safety, and supply, including:

- Water recycling as a public health and resiliency strategy;
- Regional approaches to water recycling in water scarce and water abundance parts of the US and other countries;
- Treatment approaches and emerging trends in recycled water used for drinking water; and
- Implementation and operation of decentralized and centralized water recycling systems



### Fully Interactive Education that Fits Your Schedule

The 2021 WaterReuse Symposium is designed to fit into your busy schedule.

- Add a **daily live roundtable** to your calendar March 15-25, 2021. Join breakout discussions to interact face-to-face with presenters and other attendees.
- Watch **On Demand roundtable presentations** beginning March 1 for insightful discussions that will prepare you to fully participate in the live roundtables.
- The full program, including recordings of the live roundtables, will be **available through April 23, 2021**.

Experience the 2021 WaterReuse Symposium from the comfort of your own office in manageable chunks over a period of several weeks — and earn professional development hours. **Register Now!**

## The Premier Conference on Water Recycling



Produced in collaboration with **The Water Research Foundation**, the Annual WaterReuse Symposium is the premier conference on water recycling, providing in depth looks at water reuse research and policy, as well as insight into water management strategies that include potable reuse, ecological restoration, decentralized systems, stormwater capture, and agricultural reuse.

## Thank You to Our Sponsors



## Supporting Organizations

Thank you to our partnering organizations for marketing and communications support of the 36th Annual WaterReuse Virtual Symposium.



## Questions?

Please contact **Alicia Rutherford**, Director of Conferences and Events, with questions about the 36th Annual WaterReuse Symposium.

# Schedule at a Glance

The 36th Annual WateReuse Symposium launches on **March 1** with a live opening general session featuring a panel discussion on the challenges and opportunities of integrating public health and water reuse. Following the opening general session, attendees will have access to dozens of **on-demand technical presentations** on all aspects of water recycling that you can view at your convenience.

[→ 2021 Symposium](#)

[→ Registration](#)

The Symposium culminates with two weeks of **daily live roundtable discussions March 15-25** that will allow you to turn on your camera and participate in breakout discussions on critical water recycling topics,

Date	Program Overview	Sponsor
<b>March 1</b>	<b>Live Opening General Session</b> Panel: Challenges and Opportunities of Integrating Public Health	
	On-Demand Technical Presentations Available for Viewing	
<b>March 15-25</b>	<b>Live Roundtable Discussions:</b>	
	Reuse 101	 <b>TETRA TECH</b>
	Water Recycling and Public Health	
	Recycled Water as Drinking Water	 <i>Engineers...Working Wonders With Water™</i>
	Recycled Water as a Resiliency Tool	 <b>BLACK &amp; VEATCH</b>
	Regional Approaches to Water Recycling	 <b>xylem</b> <i>Let's Solve Water</i>
	Implementation and Operations of Water Recycling Systems	 <b>el paso WATER</b>
	Water Recycling Policy	 <b>suez</b>
	Water Recycling Research and Innovation	 <b>emwd</b> <small>EASTERN MUNICIPAL WATER DISTRICT</small>
<b>March 22</b>	<b>Annual Business Meeting and 2021 WateReuse Awards for Excellence</b>	
<b>April 23</b>	Last Day to View Full Program	