

## **DAILEY ELEMENTARY CHARTER SCHOOL**

### **COVID-19 EMPLOYEE TESTING POLICY**

#### **Purpose**

Dailey Elementary Charter School ("Dailey Charter" or the "School") recognizes testing for COVID-19 as a key measure necessary to allow students and staff to safely return to campus to any degree while COVID-19 continues to spread and pose a direct threat to the School and our community. Per the Center for Disease Control (CDC) and California Public Health Departments' ("CDPH") guidance, including the January 14, 2021 "COVID-19 Reopening In-Person Instruction Framework & Public Health Guidance for K-12 Schools in California, 2020-2021" document, testing for COVID-19 is part of a comprehensive strategy and should be used in conjunction with promoting behaviors that reduce the spread of the virus. In combination with robust health and safety protocols, adherence to public health guidelines, including social distancing, active contact tracing, and the exclusion, quarantine, or isolation of any individual who is sick with or has been exposed to COVID-19, surveillance testing is intended to support the School to reopen safely by increasing the likelihood of detecting asymptomatic individuals who are infected within the School community, and limiting the spread of COVID-19 by symptomatic individuals, thereby maximizing the health and safety of all employees, students, and stakeholders.

#### **Definitions**

- Asymptomatic COVID-19 surveillance testing is the testing of individuals without evident symptoms of COVID-19 or a known exposure to a COVID-19 infected individual for the purpose of detecting and limiting the spread of COVID-19 within the School community.
- Symptomatic testing means an individual with symptoms of COVID-19.
- Response testing is used to identify positive individuals once a case has been identified in a given stable group and can be provided for symptomatic individuals or for asymptomatic individuals with known or suspected exposure to an individual infected with COVID-19.

#### **General Requirements**

As outlined in the Dailey Charter COVID-19 Health & Safety Policy and consistent with CDPH guidance, the School will implement COVID-19 testing based on local disease trends periodically, as testing capacity permits and as practicable, if directed by the local public health order, public health guidance, and where required pursuant to Cal/OSHA laws and regulations as well as other applicable legal authority. Currently, the School will require any employees coming onto campus or otherwise interacting with other employees or students in-person to complete an asymptomatic, non-invasive COVID-19 test intended to detect the presence of COVID-19 infection regardless of whether the person shows any symptoms. All employees will be required to test for COVID-19 at least once per week. The School will also require any and all employees coming onto campus to complete a non-invasive COVID-19 test intended to detect the presence of COVID-19 infection on a symptomatic and response basis, as warranted. The School reserves the right to amend COVID-19 testing cadences in this Policy, as consistent with the "COVID-19 Reopening In-Person Instruction Framework & Public Health Guidance for K-12 Schools in California, 2020-2021" guidance document.

The School has contracted with one or more testing providers licensed by the state of California and the United States' Food and Drug Administration (FDA) to provide valid COVID-19 viral RT-PCR testing to detect the active presence of COVID-19 infection. However, any employee who prefers to select their own testing provider and submit a copy of their results to the School themselves in alignment with the mandatory testing policy may do so in lieu of utilizing the testing provider(s) elected by the School. Such testing provider must be licensed by the state of California and FDA to provide valid viral RT-PCR tests for COVID-19 infection. Such testing will be provided free of charge to any employee required to undergo testing as a condition of returning or to continuing to work in-person at the School. If an employee chooses to select their own COVID-19 testing provider, the School will only accept the result and thus allow the employee to return to campus, if the employee undergoes a RT-PCR Test. If the employee presents another form of COVID-19 testing, the School will require the employee to present a RT-PCR Test before returning to campus.

Testing labs or facilities will share employees' COVID-19 test results with authorized representatives at the School, when such testing is required by the School, in compliance with the Health Information Portability and Accountability Act ("HIPAA"). Employees will send test results to the Executive Director through email if they are not sent directly from testing site. The School will follow strict confidentiality provisions regarding all testing results provided to it as outlined in this Policy.

The only exception to this policy will be for visitors who only come onsite in the capacity of a visitor to drop off or pick-up technological equipment or other resources for engaging in distance learning or teaching, but who do not physically enter the School campus. Any person coming onto campus for any reason will still be required to wear a face covering, maintain social distancing, and complete a health screening including a wellness check and a touchless temperature scan prior to being admitted. Any persons who are ill, show any symptoms, or may have been exposed to COVID-19 will not be allowed to enter our campus and that they must follow public health guidance regarding quarantine and isolation orders.

Employees who refuse to consent to COVID-19 testing as consistent with this Policy will be excluded from the School campus while the county and state public health orders and public health guidance regarding the COVID-19 pandemic remain in place. For all employees who remain in telework status, they will not need to undergo testing while they continue working remotely. However, should any employees in telework status need to enter the School campus for any reason, they must comply with this Policy.

Until public health guidance changes, the School expects employees to get tested as soon as possible after developing one (1) or more COVID-19 symptoms or if one (1) or more household members or close contacts tested positive for COVID-19. In the event of a positive test result, the School requires that employees notify School administration immediately if the employee tested positive for COVID-19 or if one of their household members or non-household close contacts tested positive for COVID-19. Upon receiving notification that an employee has tested positive for COVID-19 or been in close contact with a COVID-19 case, the School will take actions as required by law, the Dailey Charter COVID-19 Health & Safety Policy, and the COVID-19 Injury and Illness Prevention Plan ("IIPP") Addendum.

## **Non-Discrimination**

The School will not discriminate, harass, or retaliate against any employee for testing for COVID-19, refusing to test for COVID-19, nor for requesting a lawfully recognized accommodation from the COVID-19 Employee Testing Policy.

## **Consent to Test**

No employee will be tested without their consent. However, access to the Dailey Charter campus for in-person learning and services and as a condition of employment for any employee working on campus will be restricted to those who follow the testing protocol as outlined in this Policy.

## **Consequences for Employees who Fail to Comply with the Policy**

Any employee who has returned to work in-person and refuses to provide testing results to the School consistent with this Policy or who otherwise fails to complete testing requirements will be placed off work until such time as they are able to provide evidence of completion of the testing requirements. Placement off work may result in loss of pay if the employee is unable to work remotely and could result in discipline up to and including termination if the employee does not complete the requirement. The School will make every effort to accommodate any employee who because of a qualifying disability or other legally valid reason is unable to comply with the testing policy, pursuant to all applicable federal, state, and local law. Any employee who believes they will be unable to comply with this policy on the basis of a qualifying disability or other lawful basis must contact the Executive Director for guidance and to request an accommodation.

## **Confidentiality and Compliance with ADA**

Once the School receives COVID-19 test results of any employee, the School will handle them in accordance with applicable law, including but not limited to the American's with Disabilities Act ("ADA") and the Fair Employment and Housing Act ("FEHA"). The School will maintain the confidentiality of the results of employee COVID-19 test results. COVID-19 test results will be maintained in a confidential medical file separate from the employee's general personnel file. Only the School's Executive Director and necessary administration officials will be granted access to test results, and only to assess whether any individual poses a direct threat to the workplace/learning environment and for the purpose of organizing the School's COVID-19 response and protecting the workplace and School from COVID-19 infection. Personally identifying information about an employee's test results will not be shared directly with other employees or families. The School will comply with state law and public health guidance regarding the requirement to provide general notice, without sharing confidential information such as an individual's names or medical information, to any persons who were potentially exposed to an individual infected with COVID-19 while on campus, or to report outbreaks to local health authorities as required by law. Every effort will be taken to ensure employee's rights to privacy are preserved while still acting in accordance with public health guidance and the law to prevent the spread of COVID-19. The School will not disclose employee medical information to third parties except as required by state law, public health order, and applicable legal authority to



relevant public health authorities. Any employees authorized to review test results will be trained not to disclose them to third parties except in the instance outlined in this policy.

**Confirmation of Receipt & Authorization to Provide Results**

Confirmation of receipt of this Policy will serve as notice of the School's COVID-19 Employee Testing Policy.

Name of Employee: \_\_\_\_\_

Signature: \_\_\_\_\_

Dated: \_\_\_\_\_