DPH OCPA Privacy Guidelines Regarding Employees’ COVID-19 Status

General Guidance
Civil Service
DHR has issues guidelines for management staff. See “Guidance for Departments Regarding COVID-19 and Employee Exposure Issues.” That guidance states that “all employee health information is private, protected. You should not share any employee’s personal health information, including whether they have tested positive for COVID-19.”

CBOs and Contractors
Employee health information is also private and protected for contractors. Disclosure of an employee’s health status could be considered a violation of the Americans with Disabilities Act (Act). If an employee is confirmed to have COVID-19 infection, employers could inform fellow employees of their possible exposure to COVID-19 in the workplace but maintain confidentiality of a specific employee’s health status as required by the Americans with Disabilities Act (ADA). The employer should instruct fellow employees about how to proceed based on the CDC
See CDC guidance on COVID-19 and employers.

How will you find out if an employee has tested positive? You will be notified by the employee or DPH. You will not be formally notified if the test is negative as there is no public health need to do so. The employee will receive instructions for their healthcare from their healthcare provider,

Do I need to notify people who work with the employee? Generally, you should not notify all employees of a positive test. Workplace exposure, unless caring for an individual who has tested positive, is considered low risk. If it is necessary to identify the individual for contact tracing purposes/disease control, the identity of a COVID positive individual may be disclosed only to those individuals who need to know the information and only when necessary. Civil Service: If there are people who work in very close proximity to the employee, share equipment, or have prolonged exposure, then please call the City’s nurse triage line (855-850-2249) or confer with PHD staff for a recommendation. Behavioral Health CBOs and Contractors: For non-urgent consultation or general COVID-19 questions/concerns, please email the BHS COVID-19 Medical Team: Kim Schoen at kim.schoen@sfdph.org, or David Pating at David.pating@sfdph.org.

In addition, DPH is working with UCSF to increase the number of people conducting contact tracing. These individuals will be contacting individuals who may have been exposed to an individual testing positive for COVID-19. This will further mitigate people’s risk of contracting COVID-19.
References

CDC Guidance on COVID-19 and employees

For CCSF employees:

City and County of San Francisco Department of Human Resources (DHR) guidance (Must log into Sharepoint)

Guidance for Departments regarding COVID-19 and Employee Exposure Issues

Managing Employee Exposure to COVID-19: Guidance for Managers and Supervisors