

Emergency COVID-19 Prevention Standards Fact Sheet and Interpretations

Coverage and Definitions

Coverage	<p>All workplaces except:</p> <ul style="list-style-type: none">• Locations with one employee who has no contact with other persons• Employee homes while teleworking• Workplaces already covered by the Aerosol Transmissible Diseases standard (such as hospitals, outpatient facilities, group care, public health, law enforcement – <i>see</i> 8 Cal Code Regs § 5199)
Definitions	<p>“COVID-19 case” includes people who:</p> <ul style="list-style-type: none">• Test positive for COVID-19• Are subject to an order to isolate by health official• Died due to COVID-19 per local health department or inclusion in county statistics <p>“COVID-19 case” does not include people:</p> <ul style="list-style-type: none">• Determined <i>not</i> to have COVID-19 by a licensed health care professional pursuant to recommendations by state or authorized local health department (and possibly when a determination is made by the local health department itself) <p>“COVID-19 exposure” includes:</p> <ul style="list-style-type: none">• Being within six feet of a “COVID-19 case” for a cumulative total of 15 minutes in any 24-hour period, with or without face covering, during the “high risk exposure period”

	<p>“Exposed Workplace” includes:</p> <ul style="list-style-type: none"> • Work location, working area, common area used or accessed by a COVID-19 case during the High-Risk Exposure Period including bathrooms, walkways, hallways, aisles, break or eating areas, waiting areas • Does not include buildings or facilities not entered by a “COVID-19 case ” • Effective 1/1/21: building, store, facility, agricultural field, or other location where a worker worked during an infectious period but not buildings, floors, or other locations not entered by the individual <p>“High-Risk Exposure Period” includes:</p> <ul style="list-style-type: none"> • Symptomatic: from 2 days before symptoms develop through 10 days after symptoms appear <i>and</i> (1) 24 hours with no fever (100 4) without fever-reducing medication, and (2) other symptoms have improved • Asymptomatic: 2 days before through 10 days after collection of first positive test specimen
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Workplace Requirements

<p>Customized COVID-19 program</p>	<p>Employers must immediately adopt a <i>Written Covid-19 Prevention Program</i></p> <ul style="list-style-type: none"> • System for communicating addressing reporting, non-retaliation, accommodation, testing, workplace hazards, and employer COVID-19 safety policies and procedures • Identification and evaluation of COVID-19 hazards including employee and union participation, health screening procedures, response to COVID-19 cases in the workplace, workplace-specific identification of potential exposure factors, indoor air evaluation, review of relevant government orders and guidance, evaluation of current and potential prevention controls, and periodic inspections to identify unhealthy conditions, work practices and work procedures

Correction	<p>Implement policies and practices to correct unsafe or unhealthy conditions, work practices, policies or procedures “in a timely manner based on the severity of the hazard ”</p> <p>Not limited to the employer’s formal <i>Written Covid-19 Prevention Program</i></p>
Training	<p>Employers must provide effective training and instruction on:</p> <ul style="list-style-type: none"> • The <i>Written Covid-19 Prevention Program</i> and procedures to protect against COVID-19 hazards • Government and employer COVID-19 related benefits • The manner of COVID-19 transmission • Physical distancing and face covers • Need to combine physical distancing with other controls such as face coverings due to COVID-19 ability to travel more than six feet • The importance and methods of hand sanitation • Proper use of face coverings and that they are not Personal Protective Equipment • COVID-19 symptoms and the importance of not coming to work, and obtaining a test, if an employee experiences symptoms
Physical Distancing	<p>Employers must ensure that:</p> <ul style="list-style-type: none"> • All employees are separated by at least six feet except for momentary exposure and when six-foot separation is not possible • Separation as far as possible when six feet is not possible • Management considers telework, reducing workers in an area, visual cues, staggered schedules, adjusted work processes such as reduced production
Face Coverings	<p>Employers shall provide face coverings and ensure they are used indoors, when outdoors but less than six feet from others (except as required by health officials)</p> <p>Face coverings must be clean and undamaged</p> <p>Face shields are not a replacement for face coverings</p>

	<p>Employees are not required to wear face coverings when:</p> <ul style="list-style-type: none"> • Alone in a room • Eating or drinking when at least six feet from others and outdoor air has been maximized • Wearing OSH-approved respiratory protection • Unable due to medical condition or disability, or hearing impaired or communicating with a hearing-impaired person • Performing specific tasks that cannot be completed with face covering but only while performing the task and while separated by six feet – employees who cannot maintain six-foot separation must receive testing twice per week <p>Employees unable to wear face covering shall use a face shield with drape or other acceptable alternative if possible</p> <p>Any employee not wearing a face covering, face shield with drape, or other acceptable alternative – or respiratory protection – shall be at least six feet from others unless tested twice weekly for COVID-19</p> <p>Employers must communicate face covering requirements and develop procedures to minimize hazard from people not wearing masks, including the general public</p>
Other Controls	<p>Employers shall also implement:</p> <ul style="list-style-type: none"> • Cleanable solid partitions where it is not possible to maintain six feet at all times • Procedures to maximize outside air when safe • Communication of effective cleaning and disinfection procedures including frequently touched surfaces, prohibiting the sharing of personal protective equipment, items and vehicles • Cleaning and disinfection of areas, materials and equipment used by a COVID-19 case during the High-Risk Exposure Period • Evaluation of handwashing facilities and procedures • Evaluation of the need for Personal Protective Equipment, respiratory protection, respirators when required by a Cal-OSHA <i>Order to Take Specific Action</i>, and appropriate PPE when employees are exposed to potentially infectious material such as saliva or respiratory tract fluids

Exclusion and Pay of Affected Workers

Exclusion	<p>“COVID-19 cases” must be excluded from the workplace until:</p> <ul style="list-style-type: none"> • Symptomatic: At least 10 days after symptoms appear <i>and</i> (1) 24 hours with no fever (100.4) without fever-reducing medication, and (2) other symptoms have improved • Asymptomatic: At least 10 days after collection of first positive test specimen <p>Employees with “COVID-19 exposure” must be excluded from the workplace until:</p> <ul style="list-style-type: none"> • 14 days after last known exposure to a “COVID-19 case” <p>Employees subject to isolation or quarantine by state or local health official may not return until the period is complete or the order is lifted; if not period specified, 10 days after isolation order or 14 days after quarantine order effective</p> <p>Employees who have not been excluded by or received an isolation order from the local health department may be temporarily reassigned to work where they have no contact with other persons</p> <p>Employers <i>may not require</i> a negative COVID-19 test for return to work</p>
Exception to Exclusion	<p>(Upon request) Cal-OSHA may allow employees to return if no isolation or quarantine order would be violated and removal of the employee would “create an undue risk to a community’s health and safety</p> <p>Requires effective control measures to prevent transmission including isolation or respiratory protection in the workplace</p>

<p>Pay and Benefits During “Exclusion”</p>	<p>When employees are excluded from work and “otherwise able and available to work” an employer must:</p> <ul style="list-style-type: none">• “continue and maintain” earnings, seniority, and all other “rights and benefits” including right to former job status “as if the employee had not been removed from their job”• provide employees with information on (1) COVID-19 related benefits under federal, state and local laws including workers’ compensation, FFCRA benefits, state COVIS benefits and (2) how the employer will “continue and maintain benefits”• Employers may use sick leave benefits and “consider benefits from public sources in determining how to maintain earnings, rights, and benefits” when permitted by law and when not covered by workers’ compensation <p>Does not include:</p> <ul style="list-style-type: none">• Any period of time during which an employee is unable to work for any reason other than protecting persons at work from possible COVID-19 transmission• When the COVID-19 exposure is not work-related <p>[Our Interpretation:</p> <ul style="list-style-type: none">• Employers should not be required to maintain pay and benefits when someone is temporarily disabled and unable to work because of their COVID-19 symptoms (because the employee is unable to work even if the employee were permitted to telework or return to a workplace)• Employers should not be required to maintain pay and benefits when an employee has been ordered to quarantine or isolate and thus is not available to work (as the quarantine or isolation protects <i>all</i> people in the community not just other employees)• Employers should be able to include unemployment and state disability insurance amounts available when calculating any pay or benefits owed, including “partial week” UI benefits• Employers should not be required to maintain pay and benefits for parts of an absence covered by workers’ compensation, as the employee is both unavailable for work and eligible for temporary disability benefits during that time• Employers should be able to assign telework rather than taking excluded employees off work entirely]
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All COVID-19 Cases

Procedure	<p>Employers must prepare an effective procedure to investigate COVID-19 cases in the workplace including:</p> <ul style="list-style-type: none"> • Verifying COVID-19 case status • Receiving information about COVID-19 test results • Receiving information about onset of COVID-19 symptoms • Identifying and recording COVID-19 cases
Action	<p>When employer learns of “COVID-19 case” in the workplace:</p> <ul style="list-style-type: none"> • Determine the date and time the “COVID-19 case” was last present in the “Exposed Workplace” • Determine (if possible) the date of positive test or diagnosis • Determine (if possible) whether the “COVID-19 case” experienced symptoms and the date they began • Determine who may have had a “COVID-19 exposure” by evaluating activities and locations of the “COVID-19 case” within the “High-Risk Exposure Period” • Investigate whether any workplace conditions could have contributed to the risk of exposure • Determine what could be done to reduce exposure to COVID-19 hazards
Notice	<p>Provide notice of potential exposure <i>within one business day</i> (without disclosing personal identifying information) to:</p> <ul style="list-style-type: none"> • Each “COVID-19 exposure” employee • All independent contractors and other employers present in the Exposed Workplace during the High-Risk Exposure Period
Testing	<p>Offer COVID-19 testing to all COVID-19 exposure employees during their working hours</p> <p>Information about Pay and Benefits During “Exclusion” (above)</p>

Multiple Infections and “Outbreaks”

Application	<p>Applies during the relevant period that a workplace is:</p> <ul style="list-style-type: none"> • Identified by a local health department as “the location of a COVID-19 outbreak” or • There have been <i>three or more</i> “COVID-19 cases” in an “Exposed Workplace” within a 14-day period <p>Applies until no new COVID-19 cases are detected in the “Exposed Workplace” for 14 days</p>
Exclusion	Per guidelines for excluding “COVID-19 cases” and employees with “COVID-19 exposure”
Action	<p>Employer must immediately:</p> <ul style="list-style-type: none"> • Investigate and determine possible workplace factors that contributed to exposure • Review potentially relevant COVID-19 policies, procedures and controls • Implement changes as needed to prevent further spread • Document the investigation and review with focus on certain issues • Update the review every thirty days if outbreak continues • Implement changes to reduce transmission, consider moving tasks outdoors, improve air supply, implement other available controls
Notification	<p>Employer must contact the local health department:</p> <ul style="list-style-type: none"> • Immediately (no longer than 48 hours) after employer knows or should have known of three or more COVID-19 cases • For guidance on preventing further spread <p>Provide to local health department:</p> <ul style="list-style-type: none"> • Total number of “COVID-19 cases” • Employee names • Employee contact information • Employee occupation • Workplace location(s)

	<ul style="list-style-type: none"> • Employer business address • Workplace North American Industry Classification System (NAICS) code(s) • Any other information requested by local health department (including information required by Labor Code section 6409.6 after 1/1/21) <p>Notify the local health department (and provide the above information) of any subsequent COVID-19 cases at the workplace(s)</p>
Testing	<p>All employees who were present in the “Exposed Workplace” during the relevant period must be tested:</p> <ul style="list-style-type: none"> • Immediately • One week later • Continuous testing of employees who remain in the workplace at least once per week or more often if recommended by the local health department • Additionally when deemed necessary by Cal-OSHA <i>Order to Take Special Action</i> <p>Testing must be free to employees</p> <p>Testing must be during employees’ working hours</p>

Major Outbreaks

Coverage	<p>Start: 20 or more COVID-19 cases within a 30-day period</p> <p>End: 14 days after no new COVID-19 cases are detected in the workplace</p>
Exclusion	<p>Per guidelines for excluding “COVID-19 cases” and employees with “COVID-19 exposure”</p>
Action	<p>Exclusion of employees, investigation, and action required for “Outbreaks”</p> <p>Additional action:</p>

	<ul style="list-style-type: none"> • Hazard correction including MERV 13 filters or highest filtration level possible, evaluation of other potential air cleaning systems • Determination whether respiratory protection program adoption or modification is necessary • Evaluation whether some or all operations should be halted until hazards are corrected • Any other control measures deemed necessary by Cal-OSHA via an <i>Order to Take Special Action</i>
Notification	Per notification requirements for “Outbreaks” (above)
Testing	<p>Twice a week, or more frequently if recommended by local health department, for all employees in the Exposed Workplace in the 30-day period or remaining in the workplace during the major outbreak</p> <p>Testing at no cost to employees and during their working hours</p>

Reporting and Recordkeeping

Reporting	<p>Employers must report information about COVID-10 cases to the local health department:</p> <ul style="list-style-type: none"> • as required by law, and • any related information requested by the department <p>Employers must immediately report hospitalizations or deaths to Cal-OSHA</p>
Tracking	<p>Keep a record of and track all “COVID-19 cases” including:</p> <ul style="list-style-type: none"> • name • contact information • occupation • location worked • date of last day in workplace • date of positive COVID-19 test (presumably date of collection) <p>Allow access to records of COVID-19 cases to employees and employee representatives with personal information redacted</p>

	Immediately allow access to records of COVID-19 cases and related medical records without redaction to local health department, California Department of Public Health, Cal-OSHA, and the National Institute for Occupational Safety and Health (NIOSH)
Recordkeeping	<p>Maintain records of steps taken to implement an employer’s COVID-19 Prevention Program</p> <p>Maintain copies of the COVID-19 Prevention Program at the workplace for review by employees, employee representatives, and Cal-OSHA upon request</p>

Housing and Transportation

Housing	<p>Employers who provide housing, including labor camps, must:</p> <ul style="list-style-type: none"> • Assign housing to prioritize maintaining single households or work crews separately in a single unit, and separating individuals who do not usually maintain a common household • Ensure physical distancing between residents in housing, common areas, and sleeping areas • Maximize the quantity of outside air in enclosed spaces • Provide face coverings and training to residents • Ensure all areas are cleaned and disinfected at least once per day • Ensure that unwashed eating and drinking utensils are not shared • Encourage residents to report symptoms • Establish procedures for testing of occupants with exposure or symptom, or as recommended by local health department <p>Employers must isolate exposed residents from other occupants including private bathroom, sleeping area and cooking/eating facilities</p> <p>Employers must isolate COVID-19 cases from other occupants by providing sleeping area, bathroom and cooking/eating facilities used only by other COVID-19 cases</p> <p>Does not apply to emergency operations, government entities, and temporary housing provided during an emergency response</p>
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Transportation	<p>Applies to employer-provided transportation except when all occupants are from the same household</p> <p>Employers shall:</p> <ul style="list-style-type: none">• Prioritize shared transportation assignments by housing unit, work crew, and avoiding shared rides with employees from different households and work crews• Maintain physical distancing and face coverings while waiting for transportation• Ensure three feet between all occupants in vehicle• Ensure the use of face coverings in vehicle• Screen drivers and occupants prior to boarding• Clean and sanitize high-contact surfaces between trips (occupants) and upon change of driver (for driver-touched surfaces)• Provide sanitizing materials in adequate supply• Keep windows open and do not recirculate air unless prevented by specific weather or pollutant conditions• Ensure that drivers and riders sanitize hands before entering and exiting the vehicle; employers must provide sanitizer that does not contain methyl alcohol <p>Does not apply to emergency operations such as firefighting, rescue, evacuation, and related support operations</p>
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