

# COMPLYING WITH CAL OSHA COVID-19 REGULATIONS



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# OVERVIEW OF EMERGENCY COVID-19 REGULATIONS

Governs most workplaces in California effective November 30, 2020 through May 31, 2021

- Does not apply to workplaces with one employee or employees working from home

## Main requirements of regulations

- Written COVID-19 prevention program
- Communication to employees regarding COVID exposure
- Provide prevention training for employees
- Identification and correction of COVID hazards
- Requirements for physical distancing and face coverings
- Exclusion from the workplace of employees who have contracted or were exposed to COVID
- Free testing for employees exposed at the workplace
- Wage continuation for employees infected or exposed at the workplace



# KEY DEFINITIONS

## COVID-19 case

- Employee tests positive
- Employee subject to order to isolate issued by local or state officials
- No longer a “case” when health care professional determines employee does not have COVID-19

## COVID 19 exposure

- Being within 6 feet of COVID-19 case with or without masks
- Cumulative duration of 15 minutes within a 24 hour period
- During the high risk exposure period

## High Risk Exposure Period

- 48 hours before employee develops symptoms until 10 days after symptoms, or
- 48 hours before and 10 days after employee without symptoms tests positive

## Exposed Workplace

- Work location or common area used by COVID case employee in high risk period
- Does not include buildings or facilities that employee did not enter



# COVID-19 PREVENTION PROGRAM

## Must be a written program

- Can be integrated with IIPP or stand alone document
- Model prevention program on Cal OSHA website
- Must include key elements as set forth in regulations

## Must communicate general information to employees

- How to report exposure, symptoms and hazards without reprisal
- Identification of COVID hazards
- Potential accommodations available, if any, for employees at higher risk from COVID 19
- How employees can obtain testing
- Cleaning and disinfection protocols
- How to participate in hazard identification



# REQUIRED INFECTION CONTROLS

## Physical Distancing

- Must maintain 6 feet separation between employees except where not possible or employees are moving
- If 6 feet is not possible, must be spaced as far as possible
- Methods include signs, floor marking for spacing and direction of travel, telework and staggering shifts

## Face Coverings

- Must provide coverings and require their use when indoors, and outdoors with less than 6 feet spacing, except
  - When employee is alone in room
  - When employees eating or drinking more than 6 feet away
  - When employee have certified medical condition or disability (must wear face shield)
  - When tasks cannot feasibly be performed and employees more than 6 feet away, or if not, employees tested twice weekly

## Cleaning and disinfection

- Regularly for frequently touched surfaces
- Deep cleaning for areas where employee COVID case worked during high exposure period



# NOTICE OF COVID-19 CASES AND EXPOSURE

## Determining whether notice is required

- When did employee first develop symptoms or test positive
- When and where was employee at workplace during high risk exposure period
- Who was employee in close contact with during high risk exposure period

## Notice required for employees with exposure

- Notice must be given to exposed employees within one business day of discovery of exposure
- Cannot disclose personal identifying information of the employee with COVID
- Notice need not be in writing, **but**
- Notice in writing required under AB 685 as of 1/1/21
- Must inform employees that they are eligible for testing paid by the employer during working hours



# EXCLUSION OF COVID-19 CASES AND EXPOSED EMPLOYEES

## COVID-19 cases

- Employees with symptoms must stay home for ten days from date symptoms appeared, and
  - May return if no fever within 24 hours of return and symptoms have improved
- Employees without symptoms must stay home for ten days from date they were tested

## Exposed employees

- Must stay home 14 days after last known exposure at workplace
- CDC guidelines for lesser periods are not applicable
- Negative test does not lessen the 14 day stay at home period
- Negative test is not required before employee returns to work



# PAY FOR EMPLOYEES EXCLUDED FROM WORK

**Must maintain pay for employees excluded from work due to infection or exposure**

- Only applies where employee infected or exposed at work
- Does not apply where employee infected or exposed outside of work
- Employee must be available and able to work
- If employee is able to telework, can require continuation of work during exclusion period

**Employer must demonstrate exposure was not work related to avoid pay continuation**

**Can use sick leave benefits to cover pay continuation requirements**

**Would overlap with FFCRA paid sick leave benefits**

**Must notify employees of pay continuation benefit at time they are excluded**





# COVID-19 OUTBREAKS

## Definition of Outbreak

- 3 or more COVID-19 cases among employees in a 14 day period no matter source of infection
- All COVID-19 cases shared the same workplace
- If employees momentarily transit work areas then they don't necessarily share the same workplace
- Outbreak continues until no cases in a 14 day period

## Notice Obligation in the Event of an Outbreak

- Must notify the county Department of Health within 48 hours of detecting outbreak
- Must provide the total number of cases and name, contact info, occupation, work location and hospitalization status of each case
- Must continue to notify of any subsequent cases

## Testing Obligation

- Testing provided for all employees at exposed workplace immediately and once per week
- Unclear whether testing is mandatory or just must be provided
- Testing must be free for employees and offered during work hours

