

# **Cal / OSHA COVID - 19 Emergency Temporary Standard (ETS) .3205 & AB 685 Overview**

**Overview of Regulations and Key Implementation Strategies**

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While this presentation is intended to provide information based on current publications and the Cal / OSHA website; while clarifying and elaborating on an employers' obligations under the ETS, there are still many remaining unresolved questions.

For this reason, and given the fast-approaching February 1, 2021, end-date for relief from monetary penalties for violations, employers with any questions or concerns are strongly encouraged to consult with experienced employment counsel to ensure compliance with the ETS.

The legal landscape continues to evolve quickly and there is a lack of clear-cut authority or bright line rules on implementation.



# Three Regulatory Considerations

<b>Cal-OSHA .3205</b> <b>Effective 11/30/2020</b>	<b>AB 685</b> <b>Effective 1/1/2021</b>	<b>SB 1159</b> <b>Effective 1/1/2021</b>
Emergency Temporary Standard	Assembly Bill	Senate Bill
<p>Purpose</p> <ol style="list-style-type: none"> <li>1. Prevention of COVID -19</li> <li>2. Similar to IIPP structure</li> <li>3. Notice regarding potential exposure</li> <li>4. Testing mandates,</li> <li>5. Paid leave,</li> <li>6. Requirements for employer-provided housing and transportation</li> </ol>	<p>Purpose</p> <ol style="list-style-type: none"> <li>1. Amends Labor Code to and requires stricter occupational safety rules</li> <li>2. Considers a COVID-19 workplace exposure an imminent hazard</li> <li>3. Empowers Cal /OSHA with expanded enforcement powers</li> <li>4. Reporting Requirements</li> </ol>	<p>Purpose</p> <ol style="list-style-type: none"> <li>1. Presumption of Workers Compensation Coverage</li> </ol>

# CAL OSHA

## Emergency Temporary Standard (ETS) 3205



# Effective Date .... And

The regulations went into effect on **November 30, 2020** and will remain in effect for **180 days\*** (roughly **May 29, 2021**), with potential extensions of increments of 90-days if reapproved.



180 DAYS

The image shows the text '180 DAYS' in a stylized, hand-drawn font. The numbers '180' are solid dark blue, while the word 'DAYS' is outlined in dark blue with a hatched shadow effect. Each character has a small loop at the top, suggesting they are hanging from strings.

# Who needs to comply with these new regulations?

- The Emergency Temporary Standards apply to **“all employees and places of employment”** except for:
- Workplaces with one employee **who does not have contact with other people**;
- Employees **working from home**; and
- Employees already covered by Cal/OSHA’s **aerosol transmission standard** (such as health care facilities, laboratories, etc.).

# Aerosol Transmissible Diseases

[California Code of Regulations, Title 8, Section 5199. Aerosol Transmissible Diseases.](#)

- Hospitals
- Skilled nursing facilities
- Clinics, medical offices, and other outpatient medical facilities
- Facilities where high hazard procedures, as defined in subsection (b), are performed
- Home health care
- Long term health care facilities and hospices
- Medical outreach services
- Paramedic and emergency medical services including these services when provided by firefighters and other emergency responders
- Medical transport

# The ETS is Comprised of Five Separate Standards

<https://dir.ca.gov/dosh/coronavirus/ETS.html>

- <https://dir.ca.gov/title8/3205.html> - Prevention (**Everyone**)
- [https://dir.ca.gov/title8/3205\\_1.html](https://dir.ca.gov/title8/3205_1.html) - Multiple COVID-19 Infections and COVID-19 Outbreaks (**Everyone**)
- [https://dir.ca.gov/title8/3205\\_2.html](https://dir.ca.gov/title8/3205_2.html) - Major COVID-19 Outbreaks (**Everyone**)
- [https://dir.ca.gov/title8/3205\\_3.html](https://dir.ca.gov/title8/3205_3.html) - COVID-19 Prevention in Employer-Provided Housing (**Applies only if you provide housing**)
- [https://dir.ca.gov/title8/3205\\_4.html](https://dir.ca.gov/title8/3205_4.html) - COVID-19 Prevention in Employer-Provided Transportation to and from Work (**Applies only if you provide transportation to and from work**)

# Compare IIPP to ETS

<b>IIPP . 3203 (Eight Sections)</b>	<b>ETS .3205 (Eleven Sections)</b>
Person Responsible	(not stated) Recommend in all Cal OSHA programs
System for Communication	System for communicating
Ensuring Compliance	(not stated) Recommend in all Cal OSHA programs
Hazard Assessment <b>Code of Safe Work Practices</b>	Identification and evaluation of COVID-19 hazards. <b>All interactions with other “infectious” people</b>
Accident Investigation	Investigating and responding to COVID-19 cases in the workplace.
Correction of Hazards	Correction of COVID-19 hazards
Training / Instruction	COVID-19 Training and instruction
Recordkeeping	Reporting, recordkeeping, and access.
	Face coverings.
	Other engineering controls, administrative controls, and personal protective equipment.
	Physical Distancing
	Provide Testing to employees
	Exclusion of COVID-19 cases.
	Return to work criteria.

# Types of OSHA Regulations

<b>Vertical</b>	Applies to one industry
<b>Horizontal *</b>	Applies to all Industries (exception ATD)
<b>Specification *</b>	OSHA Specifies how to comply
<b>Performance *</b>	OSHA expects the employer to state how they will comply

## ETS Regulation \*

**Whatever you say you will do is “Your Law”**

**“System and Method”**



# Start **Here** at Definitions Always Start **Here**

<https://www.dir.ca.gov/title8/3205.html>

**COVID-19 case"** Means a person who:

- Has a **positive "COVID-19 test"** as defined in this section;
- Is **subject** to a COVID-19-related **order to isolate** issued by a local or state health official; or
- **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.

**NOTE:** A person is no longer a "COVID-19 case" in this section 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.

**"COVID-19 exposure"** means being **within six feet of a COVID-19 case** for a **cumulative total of 15 minutes** or greater in any 24-hour period within **or overlapping within the "high-risk exposure period"** defined by this section. This definition applies **regardless of the use of face coverings.**

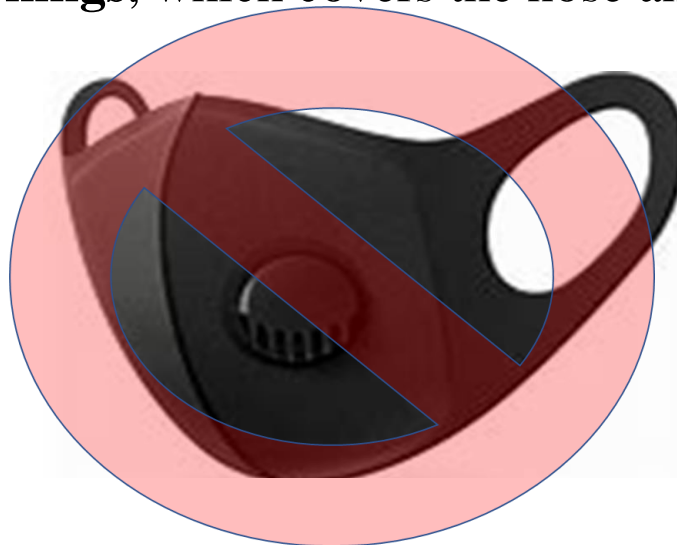
**"COVID-19 hazard"** means **exposure to potentially infectious material that may contain SARS-CoV-2**, the virus that causes COVID-19. Potentially infectious materials include **airborne droplets**, small particle aerosols, and airborne droplet nuclei, which most commonly result from a person or persons **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 fever of **100.4 degrees Fahrenheit** or higher, chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, **new loss of taste or smell**, sore throat, congestion or runny nose, nausea or vomiting, or diarrhea, **unless a licensed health care professional determines the person's symptoms were caused by a known condition other than COVID-19.**

**“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.

**AB 685 added on January 1, 2021** “building, store, facility, agricultural field, or other location where a worker worked during the infectious period.

**“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**:

- a. For persons who develop COVID-19 symptoms: from **two days before they first develop symptoms** until 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
- b. For persons who test positive who never develop COVID-19 symptoms: from **two days before until ten days after the specimen for their first positive test for COVID-19 was collected.**

# What do these new regulations require

- **Written COVID-19 Prevention Program (“WCPP”).** This WCPP may be integrated into the employer’s “Injury and Illness Program” or maintained in a separate document. The elements of a WCPP must include: ( c ).
- **System for communicating to employees;**
- **Identification and evaluation of COVID-19 hazards;**
- **Investigating and responding to COVID-19 cases in the workplace;**
- **Correction of COVID-19 hazards;**
- **Employee training and instruction;**
- Physical distancing;
- Face coverings;
- **Other engineering controls, administrative controls, and personal protective equipment;**
- Reporting, recordkeeping, and access to records;
- Provide Employee Testing
- Exclusion of COVID-19 cases from the workplace; and
- Return to work criteria.

# (1) System For Communication Regarding COVID-19

In a form readily understandable, do **ALL** of the following.

- Ask employees to report, **without fear of reprisal**, COVID-19 symptoms, possible COVID-19 exposures, and possible COVID-19 hazards at the workplace.
- What COVID-19 hazards are in the workplace and the controls in place
- Describe procedures or policies for **accommodating employees with medical or other conditions** that put them at increased risk of severe COVID-19 illness.
- Cleaning protocols and how they can participate in COVID -19 hazard ID and evaluations
- Provide information about **access to COVID-19 testing**. If testing is required under this section, section 3205.1, or section 3205.2, the employer shall inform affected employees of the reason for the COVID-19 testing and the possible consequences of a positive test.
- **In one business day** - communicate information about COVID-19 hazards and the employer's COVID-19 policies and procedures to employees who may have had COVID **“exposure”** and their authorized representatives, to independent contractors and other employers that may have been present during the –**“high-risk”** exposure period.

## 2) Identify, Evaluate, COVID-19 Hazards

- The employer shall allow for employee and **authorized employee representative** participation in the identification and evaluation of COVID-19 hazards.
- The employer shall develop and implement a process for **screening employees for and responding to employees with COVID-19 symptoms.**

The employer may ask employees to evaluate their own symptoms **before reporting to work.** If the employer conducts screening at the workplace, the employer shall ensure that face coverings are used during screening by both screeners and employees and, if temperatures are measured, that non-contact thermometers are used.

- The employer shall develop COVID-19 policies and procedures to **respond effectively and immediately to individuals at the workplace who are a COVID-19 case** to prevent or reduce the risk of transmission of COVID-19 in the workplace.

**Must be completed daily (Today's Date)** \_\_\_\_\_

**Our Company** is taking precautionary measures of all individuals working in or performing work at our offices by completing a COVID Self -Assessment. **Our company** reserves the right to evaluate the potential for health and safety risks at our discretion and deny access to our premises. Thus:

I attest that the information below is accurate to the best of my knowledge.

- In the last 14 days, I have not traveled to or returned from a destination with a Travel Health Notice issued by the Centers for Disease Control and Prevention (CDC) with a **Level 2 OR Level 3 Warning** for COVID-19. <https://wwwnc.cdc.gov/travel/notices>
- In the last 14 days, I have not experienced a cough, shortness of breath or have had trouble breathing, had a fever, chills, repeated shaking with chills, muscle pain, headache, sore throat, or a new loss of taste or smell.
- In the last 14 days, to the best of my knowledge, I have not been in close contact with a **confirmed or suspected** COVID-19 case.

In addition, I agree to

- Practice social distancing and other acceptable pandemic hygiene practices. This includes remaining 6 feet away from coworkers and wearing a face covering at all times when away from my desk or office or in common areas.
- Use good hygiene if I cough or sneeze, not share office equipment or supplies, and will wipe down my work surfaces during my shift with a disinfectant if needed.
- Complete the Voluntary Respiratory Use form if I wear choose to wear a respirator.
- Not congregate at other team member's cubicles or in breakrooms. I will eat at my desk since I must wear face coverings in the breakrooms and cannot eat while wearing the face covering.
- To stay home and immediately notify my supervisor if I have **ANY** one of these symptoms. These symptoms may appear 2-14 days after exposure to the virus:  
<https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>. Fever, Cough, Shortness of breath or difficulty breathing, Chills, Repeated shaking with chills, Muscle pain, Headache, Sore throat, New loss of taste or smell.

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

**NOTE:** If the answer to **any question** above indicates possible COVID symptoms or exposure, the individual is **not cleared** to enter any **COMPANY** office and is required to speak with their supervisor immediately. The Safety Assessment shall be forwarded to the Program Administrator.

- The employer shall conduct a workplace-specific **identification** of all interactions, areas, activities, processes, equipment, and materials that could potentially expose employees to COVID-19 hazards. **Employers shall treat all persons, regardless of symptoms or negative COVID-19 test results, as potentially infectious.**

1. This shall include identification of **places and times** when people may congregate or come in contact with one another, regardless of whether employees are performing an assigned work task or not, for instance during meetings or trainings and including in and around entrances, bathrooms, hallways, aisles, walkways, elevators, break or eating areas, cool-down areas, and waiting areas.

2. This shall include an evaluation of employees' potential workplace exposure to **all persons** at the workplace or who may enter the workplace, including coworkers, employees of other entities, members of the public, customers or clients, and independent contractors.

Employers shall consider how employees and other persons **enter, leave, and travel** through the workplace, in addition to addressing fixed work locations.


### Identification of COVID-19 Hazards – [FORM 2](#)

All persons, regardless of symptoms or negative COVID-19 test results, will be considered potentially infectious. Particular attention will be paid to areas where people may congregate or come in contact with one another, regardless of whether employees are performing an assigned work task or not. For example, meetings, entrances, bathrooms, hallways, aisles, walkways, elevators, break or eating areas, cool-down areas, and waiting areas.

Evaluation of potential workplace exposure will be to all persons at the workplace or who may enter the workplace, including coworkers, employees of other entities, members of the public, customers or clients, and independent contractors. We will consider how employees and other persons enter, leave, and travel through the workplace, in addition to addressing fixed work locations.

**Person conducting the evaluation:**

**Date:**

 **Name(s) of employee and authorized employee representative that participated:**

Interaction, area, activity, work task, process, equipment, and material that potentially exposes employees to COVID-19 hazards	Places and times	Potential for COVID-19 exposures and employees affected, including members of the public and employees of other employers	Existing and/or additional COVID-19 prevention controls, including barriers, partitions, and ventilation
Entry door to all our company	7:00 am to 5:00 pm	Interaction of staff with congregants. Parents. Security, vendors, delivery	Required posted signage stating that face coverings are required upon entry, list of symptoms of COVID -19, and DO NOT ENTER verbiage if the person has any symptoms
Office / Maintenance Staff	Office common areas and private offices Between 7:00 am and AND 5:00 PM	Interaction of staff with congregants. Parents. Security, vendors, delivery	Employees self-screen at home and validate health via-self-assessment daily upon entry, facecoverings worn before entering
Entry to office (visitors, contractors, vendors)	Office common areas and private offices Between 7:00 am and AND 5:00 PM	Interaction of staff with congregants. Parents. Security, vendors, delivery	Facecoverings must be worn. Time limited to common areas and less than 15 minutes when possible
Entry to office (Fed Ex, UPS, Delivery)	Office common areas and private offices Between 7:00 am and AND 5:00 PM	Interaction of staff with congregants. Parents. Security, vendors, delivery	Facecoverings must be worn. Time limited to common areas, less than 2 minutes when possible

- The employer shall **evaluate** existing COVID-19 prevention controls at the workplace and the need for different or additional controls. This includes evaluation of controls in subsections (c)(4), and (c)(6) through (c)(8).
- The employer shall conduct **periodic inspections** as needed to identify unhealthy conditions, work practices, and work procedures related to COVID-19 and to ensure compliance with employers' COVID-19 policies and procedures.
  - (c)(4) - Correction of Hazards
  - (c)(6) - Physical Distancing
  - (c) (7) - Face coverings
  - (c)(8) - Other engineering controls, administrative controls, and personal protective equipment.

**Monthly COVID-19 Inspection FORM -3**

**Date:**

**Name of person conducting the inspection:**

**Address of location:**

Exposure Controls	Status	Person Assigned to Correct	Date Corrected
<b>Engineering</b>			
Staff cubicles are 6 feet apart			
Monthly check in with Property Manager for ventilation evaluation and filter replacement for maximum fresh air concentration for COVID-19 controls as needed			
Barriers / Partitions used when staff cannot sit six feet part			
Pre-school playground areas segregated by play PODS			
Torah School is outdoors, remote only on rainy days			
<b>Administrative</b>			
Signage posted outside entry requiring face coverings and listing of COVID symptoms			
Employee self-assessment of health forms available for daily completion by staff as they enter			
Surface cleaning and disinfection of common areas, with schedule posted. Includes common touch areas such as printers, fax machines and copiers,			
Handwashing facilities available in common area bathrooms, breakrooms			
Disinfecting and hand sanitizing solutions used according to manufacturer instructions			
Extra face coverings available for staff if needed			
Hand sanitizer available through office			
<b>PPE (not shared, available, and being worn)</b>			
Face coverings worn in common areas			

### 3) Investigating and responding to cases

An **effective** procedure to investigate COVID-19 cases in the workplace, including procedures to:

- verify COVID-19 case status,
- receive information regarding COVID-19 test results and the onset of COVID-19 symptoms, and
- identify and record COVID-19 cases.

The employer shall take the following actions when there has been a COVID-19 case at the place of employment:

1. Determine the **day and time** the COVID-19 case was last present and, to the extent possible, the **date of the positive COVID-19 test(s)** and/or diagnosis, and the date the **COVID-19 case first had one or more COVID-19 symptoms**, if any were experienced.
  
2. Determine who may have had a **COVID-19 exposure**. This requires an evaluation of the activities of the COVID-19 case and all locations at the workplace which may have been visited by the COVID-19 case during the **high-risk exposure period**.

Go to definitions page and walk through it...

When there is a positive COVID-19 case, employers must give notice of potential exposure *within one business day* :

(1) all employees who may have had **exposure** and

(2) **independent contractors** and other employers present at the workplace during the **high-risk exposure period**.

Employers must also offer COVID-19 testing at **no cost during their working hours** to all employees who had **potential COVID-19 exposure** in the workplace

### Investigation of COVID-19 Cases [FORM - 4](#)

All personal identifying information of COVID-19 cases or symptoms will be kept confidential. **We** will provide all COVID-19 testing or related medical services in a manner that ensures the confidentiality of employees, except for unredacted information on COVID-19 cases that will be provided immediately upon request to the local health department, CDPH, Cal/OSHA, the National Institute for Occupational Safety and Health (NIOSH), or as otherwise required by law.

**Date:**

**Name of person conducting the investigation:**

Employee or non-employee* name.		Job Title (if non-employee, state reason for being in the workplace	
The location where the employee worked (or where non-employee was present):		Date investigation was initiated:	
Was the COVID-19 test offered?		Name(s) of staff involved in the investigation:	
Date and time the COVID-19 case was the last present in the workplace:		Date of the positive or negative test and/or diagnosis:	
The date the case first had one or more COVID-19 symptoms:		Information received regarding COVID-19 test results and onset of symptoms (attach documentation):	
Results of the evaluation of the COVID-19 case and all locations at the workplace that may have been visited by the COVID-19 case during the high-risk exposure period and who may have been exposed (attach additional information):			

## 4) Correction of COVID-19 Hazards

Employers shall implement **effective** policies 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 under subsections (c)(2) and (c)(3) and implementing the controls required by subsection (c)(6) through (c)(8).

(c)(2) - Identification and Evaluation of COVID-19 Hazards

(c)(3) - Investigating and Responding to COVID-19 Hazards

(c)(6) - Physical Distancing

(c)(7) - Face Coverings

(c)(8) – Engineering Controls, Administrative Controls, PPE

# Sample COVID-19 Severity of Hazard Wording

- **Imminent COVID-19 Hazard:** An Imminent Hazard is one that is immediately dangerous to all employees, guests, visitors, contractors etc. Employees should stop the activity and notify their supervisor/manager/safety coordinator to take immediate corrective action.

If the imminent hazard cannot be corrected immediately, the area shall be declared "off-limits" and/or secured until the hazard is corrected. Deep cleaning and disinfecting of the area will be completed before re-opening that area. COVID-19 testing may be mandatory.

- **Serious COVID-19 Hazard:** A Serious Hazard is one that has substantial potential to cause high exposure to COVID -19. Employees, guests, visitors, contractors etc., will be protected and notified of potential exposure. COVID-19 testing may be mandatory.
- **General COVID-19 Hazard:** A General Hazard is one, which may affect the safety and health of employees and should be investigated. Employees, guests, visitors, contractors etc., will be protected and notified of potential exposure.



## 5) Training and instruction

The employer shall provide **effective** training and instruction to employees that includes the following:

- The employer's COVID-19 policies and procedures to protect employees from COVID-19 hazards.
- **Information regarding COVID-19-related benefits to which the employee may be entitled under applicable federal, state, or local laws.** This includes any benefits available under workers' compensation law, the federal Families First Coronavirus Response Act, Labor Code sections 248.1 and 248.5, Labor Code sections 3212.86 through 3212.88, local governmental requirements, the employer's own leave policies, and leave guaranteed by contract. **(work with labor attorney)**
- The fact 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.

- Methods of physical distancing of **at least six feet** and the importance of combining physical distancing with the wearing of face coverings.
- The fact that **particles containing the virus can travel more than six feet, especially indoors**, so physical distancing must be combined with other controls, including face coverings and hand hygiene, to be effective.
- 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.
- Proper use of **face coverings** and the fact that face coverings are not respiratory protective equipment.
- COVID-19 symptoms, and the importance of **not coming to work** and obtaining a COVID-19 test if the employee has COVID-19 symptoms.

## 6) Physical Distancing

- All employees shall be separated from other persons by at least six feet, except where an employer can demonstrate that six feet of separation is not possible, and except for momentary exposure while persons are in movement.
- Methods of physical distancing include : telework or other remote work arrangements; reducing the number of persons in an area at one time, including visitors; visual cues such as signs and floor markings to indicate where employees and others should be located or their direction and path of travel; **staggered arrival, departure, work, and break times; and adjusted work processes or procedures**, such as reducing production speed, to allow greater distance between employees.
- When it is not possible to maintain a distance of at least six feet, individuals shall be as far apart as possible.

**Employers should outline their specific methods of physical distancing, such as telework, staggered work times, and visual cues such as signs.**

## 7) Face Coverings

- Employers **shall provide face coverings** and ensure they are worn by employees over the nose and mouth **when indoors**, when outdoors and **less than six feet away from another person**, and where required by orders from the CDPH or local health department.

Employers shall ensure face coverings are clean and undamaged.

- Face shields are not a replacement for face coverings, although they **may be worn together** for additional protection.

# The following are exceptions to the face coverings requirement:

- When an employee is alone in a room.
- While eating and drinking at the workplace, provided employees are at least six feet apart and outside air supply to the area, if indoors, has been maximized to the extent possible.
- Employees wearing respiratory protection in accordance with section 5144 or other title 8 safety orders.
- **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.
- 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 feet away from all other persons** unless unmasked employees are tested at least **twice weekly for COVID-19**.

## 8) Engineering, Administrative, Personal Protective Equipment

### Engineering:

Employers shall at work **locations (where it is not possible to maintain the physical distancing requirement at all times)**, install cleanable (non -porous) solid partitions that effectively reduce aerosol transmission between the employee and other persons.

For buildings with mechanical or natural ventilation, employers **will maximize 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 employees; such as from excessive heat or cold or wildfire smoke.**

**Administrative** Employers shall implement **cleaning and disinfecting procedures**, which require:

- Identifying and regularly cleaning and disinfecting frequently touched surfaces and objects, such as doorknobs, elevator buttons, equipment, tools, handrails, handles, controls, bathroom surfaces, and steering wheels.

The employer shall inform employees and authorized employee representatives of cleaning and disinfection protocols, including the planned frequency and scope of regular cleaning and disinfection.

- 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 shall be minimized, and such items and equipment shall be **disinfected between uses by different people**. Sharing of vehicles shall be minimized to the extent feasible, and high touch points (steering wheel, door handles, seatbelt buckles, armrests, shifter, etc.) shall be disinfected between users.

- Cleaning and disinfection of areas, material, and equipment used by a COVID-19 case during the high-risk exposure period.
- **NOTE:** Cleaning and disinfecting must be done in a manner that does not create a hazard to employees.

To protect employees from COVID-19 hazards, the employer shall evaluate its handwashing facilities, determine the need for additional facilities, encourage and allow time for employee handwashing, and provide employees with an effective hand sanitizer. Employers shall encourage employees to wash their hands for at least 20 seconds each time. Provision or use of hand sanitizers with methyl alcohol is prohibited.

# Sample

## Common Area Cleaning Schedule

COMMON AREA CLEANING					
DATE	TIME	INITIALS	DATE	TIME	INITIALS
7/1/2020	10:00	CLM	7/20/2020	8:10	CLM
	3:00	JLB			
7/2/2020	7:18 am	AL	7/21/2020		
	1:13 pm	AL			
7/6/2020	9:25	CLM	7/22/2020		
	2:45 p	JLB			
7/7/2020	10:45 A	JLB	7/23/2020		
	2:30	SW			
7/8/2020	9:30	SW	7/24/2020		
	2:00 p	SW			
7/9/2020	7:50	CLM	7/27/2020		
	2:30	SW			
7/10/2020	9:30	SW	7/28/2020		
	1:10	SW			
7/13/2020	7:40	CLM	7/29/2020		
	1:37 p	JLB			
7/14/2020	8:30	JLB	7/30/2020		
	10:55 A	JLB			
7/15/2020	6:00 p	CLM	7/31/2020		
	1:57 p	JLB			
7/16/2020	8:00 am	CLM			
	3:30	CLM			
7/17/2020	9:00	SW			
	12:40	SW			

## Personal Protective Equipment

- Employers shall **evaluate the need for personal protective equipment** to prevent exposure to COVID-19 hazards, such as gloves, goggles, and face shields, and provide such personal protective equipment as needed.
- Employers shall evaluate the **need for respiratory protection** in accordance with section 5144 when the physical distancing requirements in subsection (c)(6) are not feasible or are not maintained.
- Employers shall provide and ensure **use of respirators** in accordance with section 5144 when deemed necessary by the Division through the Issuance of Order to Take Special Action, in accordance with title 8, section 332.3.
- Employers shall provide and ensure use of eye protection and respiratory protection in accordance with section 5144 when employees are **exposed to procedures that may aerosolize potentially infectious** material such as saliva or respiratory tract fluids.

## Hazard Assessment Form



Department/Group: <input style="width: 80%;" type="text"/>		Date: <input style="width: 80%;" type="text"/>	I certify that the above inspection was performed to the best of my knowledge and ability, based on the hazards present on this date. <input style="width: 80%;" type="text"/>	
<input type="checkbox"/> A worksite or task	Specify location or task: <input style="width: 80%;" type="text"/>			
<input type="checkbox"/> An employee(s) job description	Name of employee(s): <input style="width: 80%;" type="text"/>			
	Working title of position(s): <input style="width: 80%;" type="text"/>			
	Position Number(s): <input style="width: 80%;" type="text"/>			
<b>EYE/FACE HAZARDS (Appendix A)</b>				
Check the box for each hazard:		Description of hazard(s):	Controls in place:	Identify required PPE:
Chemical/Biological	Yes <input type="checkbox"/>	<input style="width: 80%;" type="text"/>	<input type="checkbox"/> Fume hood/bio cabinet	<input type="checkbox"/> Safety glasses
Extreme Heat/Cold	Yes <input type="checkbox"/>	<input style="width: 80%;" type="text"/>	<input type="checkbox"/> Enclosure/guarding	<input type="checkbox"/> Goggles- chem or cutting
Dust or Flying Debris	Yes <input type="checkbox"/>	<input style="width: 80%;" type="text"/>	<input type="checkbox"/> Shielding	<input type="checkbox"/> Face shield (type) <input style="width: 20%;" type="text"/>
Impact or Explosion	Yes <input type="checkbox"/>	<input style="width: 80%;" type="text"/>	<input type="checkbox"/> Safe work practices	<input type="checkbox"/> Welding helmet
UV Light (ex. welding)	Yes <input type="checkbox"/>	<input style="width: 80%;" type="text"/>	<input type="checkbox"/> Dust collection system	<input type="checkbox"/> Laser eyewear
Radiation (ex. lasers)	Yes <input type="checkbox"/>	<input style="width: 80%;" type="text"/>	<input type="checkbox"/> Distance	<input type="checkbox"/> Arc-flash hood
<b>HEAD HAZARDS (Appendix B)</b>				
Check the box for each hazard:		Description of hazard(s):	Controls in place:	Identify required PPE:
Impact/low clearance	Yes <input type="checkbox"/>	<input style="width: 80%;" type="text"/>	<input type="checkbox"/> Canopy	<input type="checkbox"/> Hard hat – class <input style="width: 20%;" type="text"/>
Electrical Shock	Yes <input type="checkbox"/>	<input style="width: 80%;" type="text"/>	<input type="checkbox"/> De-energization	<input type="checkbox"/> Bicycle helmets
Entanglement	Yes <input type="checkbox"/>	<input style="width: 80%;" type="text"/>	<input type="checkbox"/> Hair secured	<input type="checkbox"/> Other: <input style="width: 20%;" type="text"/>
<b>FOOT/LEG HAZARDS (Appendix C)</b>				
Check the box for each hazard:		Description of hazard(s):	Controls in place:	Identify required PPE:
Chemical/Biological	Yes <input type="checkbox"/>	<input style="width: 80%;" type="text"/>	<input type="checkbox"/> Substitution	<input type="checkbox"/> Work boots
Extreme Heat/Cold	Yes <input type="checkbox"/>	<input style="width: 80%;" type="text"/>	<input type="checkbox"/> Mechanical device used	<input type="checkbox"/> Steel-toed shoes/boots
Impact/Compression	Yes <input type="checkbox"/>	<input style="width: 80%;" type="text"/>	<input type="checkbox"/> Housekeeping	<input type="checkbox"/> Slip-resistant shoes
Puncture	Yes <input type="checkbox"/>	<input style="width: 80%;" type="text"/>	<input type="checkbox"/> Isolation/grounding	<input type="checkbox"/> Puncture-resistant shoes
Explosive/Flammable	Yes <input type="checkbox"/>	<input style="width: 80%;" type="text"/>	<input type="checkbox"/> Safe work practices	<input type="checkbox"/> Non-conductive
Slippery/Wet Surfaces	Yes <input type="checkbox"/>	<input style="width: 80%;" type="text"/>	<input type="checkbox"/> Appropriate clothing	<input type="checkbox"/> Metatarsal protection
Electrical	Yes <input type="checkbox"/>	<input style="width: 80%;" type="text"/>	<input type="checkbox"/> Other: <input style="width: 20%;" type="text"/>	<input type="checkbox"/> Shin guards
<b>HAND/ARM HAZARDS (Appendix D)</b>				
Check the box for each hazard:		Description of hazard(s):	Controls in place:	Identify required PPE:
Chemical/Biological	Yes <input type="checkbox"/>	<input style="width: 80%;" type="text"/>	<input type="checkbox"/> Substitution (product)	<input type="checkbox"/> Chemical-resistant gloves
Extreme Heat/Cold	Yes <input type="checkbox"/>	<input style="width: 80%;" type="text"/>	<input type="checkbox"/> De-energization	<input type="checkbox"/> Thermal-protective gloves
Cuts or Abrasion	Yes <input type="checkbox"/>	<input style="width: 80%;" type="text"/>	<input type="checkbox"/> Elimination/isolation	<input type="checkbox"/> Cut-resistant gloves
Puncture or Pinch	Yes <input type="checkbox"/>	<input style="width: 80%;" type="text"/>	<input type="checkbox"/> Mechanical devices	<input type="checkbox"/> Leather gloves
Electrical Shock	Yes <input type="checkbox"/>	<input style="width: 80%;" type="text"/>	<input type="checkbox"/> Guarding/distance	<input type="checkbox"/> Voltage-rated-Class: <input style="width: 20%;" type="text"/>
Radiation	Yes <input type="checkbox"/>	<input style="width: 80%;" type="text"/>	<input type="checkbox"/> Reduce time exposed	<input type="checkbox"/> Latex/nylon/nitrile gloves
Vibration/Grip	Yes <input type="checkbox"/>	<input style="width: 80%;" type="text"/>	<input type="checkbox"/> Other: <input style="width: 20%;" type="text"/>	<input type="checkbox"/> Anti-vibration gloves
Bloodborne Pathogens	Yes <input type="checkbox"/>	<input style="width: 80%;" type="text"/>	<input type="checkbox"/> Other: <input style="width: 20%;" type="text"/>	<input type="checkbox"/> Other: <input style="width: 20%;" type="text"/>

## 9) Record-keeping and reporting

- The employer shall report information about COVID-19 cases at the workplace to the **local health department** whenever required by law and shall provide any related information requested by the local health department.
- The employer shall report immediately to the **Division** any COVID-19-related serious illnesses or death, as defined under section 330(h), of an employee occurring in a place of employment or in connection with any employment.
- The employer shall **maintain records** of the steps taken to implement the written COVID-19 Prevention Program in accordance with section 3203(b). (**If it isn't written down it didn't happen**)
- The written COVID-19 Prevention Program shall be **made available** at the workplace to employees, authorized employee representatives, and to representatives of the Division immediately upon request.

- The employer shall keep a record of and **track all COVID-19** cases with the employee's name, contact information, occupation, location where the employee worked, the date of the last day at the workplace, and the date of a positive COVID-19 test. **Medical information shall be kept confidential.** The information shall be made available to employees, authorized employee representatives, or as otherwise required by law, with personal identifying information removed.
- NOTE: Subsection 9) does not alter the right of employees or their representatives to request and **obtain an employer's Log of Work-Related Injuries and Illnesses (Log 300)**, without redaction, or to request and obtain information as otherwise allowed by law.

### Tracking Notice of people exposed to a COVID -19 Case - [FORM -4 A](#)

<b>Tracking NOTICE:</b> Notices given (within one business day, in a way that does not reveal any personal identifying information of the COVID-19 case) of the potential COVID-19 exposure to:			
<b>All employees who may have had COVID-19 exposure and their authorized representatives.</b>	<b>Date:</b>		
	<b>Names of employees that were notified:</b>		
<b>Independent contractors and other employers present at the workplace during the high-risk exposure period.</b>	<b>Date:</b>		
	<b>Names of individuals that were notified:</b>		
<b>What were the workplace conditions that could have contributed to the risk of COVID-19 exposure?</b>		<b>What could be done to reduce exposure to COVID-19?</b>	
<b>Was the local health department notified?</b>		<b>Date:</b>	

# 10) Exclusion of COVID-19 Cases from the workplace

- Employers shall ensure that COVID-19 cases are excluded from the workplace until the **return-to-work requirements of subsection (c)(11)** are met.
- Employers shall exclude employees with COVID-19 exposure from the workplace for **14 days after the last known COVID-19 “exposure” to a COVID-19 case.**

(On 12/14/2020) <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/COVID-19-Quarantine.aspx>; *All asymptomatic close contacts (within 6 feet of an infected person for a cumulative total of 15 minutes or more over a 24-hour period) may discontinue quarantine **after Day 10** from the date of last exposure with or without testing. )*

- At the time of exclusion, the employer shall provide the employee the information on benefits described in subsections:
  - (c)(5)(B) Information regarding **COVID-19-related benefits** to which the employee may be entitled under applicable federal, state, or local laws. This includes any benefits available under workers' compensation law, the federal Families First Coronavirus Response Act, Labor Code sections 248.1 and 248.5, Labor Code sections 3212.86 through 3212.88, local governmental requirements, the employer's own leave policies, and leave guaranteed by contract.
  - (c)(10)(C) - For employees excluded from work under subsection (c)(10) and otherwise able and available to work, **employers shall continue and maintain an employee's earnings**, seniority, and all other employee rights and benefits, including the employee's right to their former job status, as if the employee had not been removed from their job. Employers may 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



NOTICE OF POTENTIAL WORKPLACE EXPOSURE TO COVID-19 – [FORM 4 B](#)

Date: **REQUIRED NOTIFICATION**

To Employees of;

Office Location \_\_\_\_\_

OUR COMPANY has been notified that an individual infected with COVID-19 was present at the \_\_\_\_\_ office. Therefore, you may have been exposed to this virus. Per Cal/OSHA's COVID-19 Emergency Standard (Title 8, Section 3205), a COVID-19 *exposure is defined as being within six 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"*.

Please Review  
with Labor Law  
Attorney)

*High Risk Exposure* period means the following time period:

- **For persons who develop COVID-19 symptoms:** from two days before they first develop symptoms until 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
- **For persons who test positive who never develop COVID-19 symptoms:** from two days before until ten days after the specimen for their first positive test for COVID-19 was collected.

This definition applies regardless of the use of face coverings.

If you meet the definition of a COVID-19 exposure as stated above, please advise your manager immediately. You will be required to self-quarantine in accordance with our COVID -19 policy for a minimum of 10 to 14 days or when the following Return to Work criteria (below) is met.

Please note all potentially infected persons, even those without symptoms, should get a COVID-19 test that is approved by the US Food and Drug Administration (FDA) or has an Emergency Use Authorization from the FDA. The test should also be administered in accordance with their approval or the Emergency Use Authorization as applicable. If you are determined to be exposed at work, a test shall be provided at no cost to you during your working hours.

**Return to Work Criteria:**

**You may return to work if you tested positive with symptoms AND** at least 24 hours have passed since a fever of 100.4 or higher has resolved without the use of fever-reducing medications and COVID-19 symptoms have improved and at least 10 days have passed since COVID-19 symptoms first appeared.

**You may return to work if you had NO symptoms but tested positive** once a minimum of 10 days have passed since the date of specimen collection of your first positive COVID-19 test.

If you were exposed and do not take a COVID-19 test and do not develop symptoms, you may not return to work until a minimum of 10 days have passed since the date of your last exposure to the COVID-19 case.

**In addition if you are exposed you must:**

- Adhere strictly to all recommended non-pharmaceutical interventions, including wearing face coverings at all times, maintaining a distance of at least 6 feet from others and the interventions required below, through Day 14.
- Use surgical face masks at all times during work for those returning after Day 7 and continue to use face coverings when outside the home through Day 14 after last exposure.
- Self-monitor for COVID-19 symptoms through Day 14 and if symptoms occur, immediately self-isolate and contact your local public health department or healthcare provider and seek testing.

*A negative test shall not be required to return to work and the quarantine or isolation period may not be reduced by a negative test result.*

If an order to isolate or quarantine is issued by a local or state health official, you shall not return to work until the period of isolation or quarantine is completed or the order is lifted. If no period was specified, then the period shall be 10 days from the time the order to isolate or quarantine was effective.

**COVID-19 Symptoms:**

COVID-19 symptoms include but are not limited to cough, shortness of breath or difficulty breathing, fever or chills, fatigue, muscle or body aches, headache, sore throat, new loss of taste or smell, congestion or runny nose, nausea, vomiting, or diarrhea.

If you have any of the following, you should seek medical care right away: trouble breathing, persistent pain or pressure in the chest, new confusion, inability to wake or stay awake, bluish lips or face. Please note this list is not all possible emergency symptoms. Please call your medical provider for any other symptoms that are severe or concerning to you.

**Benefits:**

You may be entitled to the following COVID-19 benefits under applicable federal, state, and/or local laws, including, but not limited to, COVID-19 related leave, company sick leave, state-mandated leave, supplemental sick leave, negotiated leave provisions and workers compensation:

- Supplemental Paid Leave for Non Food Sector Workers is attached as Exhibit A.
- Family Medical Leave Act/California Family Rights Act Leave is attached as Exhibit "B".
- Local Government Ordinance Sick Leave is attached as Exhibit "\_\_\_" laws here.

**Workers' Compensation Benefits.** If you believe you contracted a COVID-19-related illness as a result of your employment, you may be entitled to workers' compensation benefits. If it is determined the COVID-19-related illness arose out of and in the course of employment, you may be entitled to compensation including full hospital, surgical, and medical treatment, disability indemnity, and death benefits. To file a workers' compensation claim, please notify your supervisor that you believe your COVID-19-related illness is work-related and file a DWC 1 Claim Form pursuant to Labor Code Section 5401.

Attachments:

Policy Against COVID-19 Related Harassment and Discrimination is attached.

Disinfection Protocols and Safety Plan is attached.

# (11) Return to work criteria.

Employees	Minimum Criteria for Returning to Work
<p><b>Symptomatic Positive</b> COVID -19 Cases with COVID -19 Symptoms shall not return to work until.</p>	<ol style="list-style-type: none"> <li>1. At least 24 hours have passed since a fever of 100.4, or higher has resolved without the use of fever-reducing medications;</li> <li>2. COVID-19 symptoms have improved; and</li> <li>3. At least 10 days have passed since COVID-19 symptoms first appeared.</li> </ol>
<p><b>Asymptomatic Positive</b>  COVID-19 cases that tested positive but never developed COVID-19 symptoms shall not return to work until a minimum of 10 days has passed since the date of specimen collection of their first positive COVID-19 test.</p>	<ol style="list-style-type: none"> <li>1. A minimum of 10 days have passed since the date of specimen collection of their first positive COVID-19 test.</li> </ol>
<p><b>Note: A negative COVID-19 test shall not be required for an employee to return to work.</b></p>	
<p><b>Order to isolate by State or Local Health Official.</b></p>	<p>The employee shall not return to work until the period of isolation or quarantine is completed, or the order is lifted. If no period was specified, then the period shall be 10 days from the time the order to isolate was effective or 14 days from the time the order to quarantine was effective.</p>
<p>If there are no violations of local or state health officer orders for isolation or quarantine, the Division may, upon request, allow employees to return to work on the basis that the removal of an employee would create undue risk to a community's health and safety. In such cases, the employer shall develop, implement, and maintain effective control measures to prevent transmission in the workplace, including providing isolation for the employee at the workplace and, if isolation is not possible, the use of respiratory protection in the workplace.</p>	

## **3205.1 Multiple COVID-19 Infections and COVID-19 Outbreaks.**

This section will apply **ONLY** if the workplace is identified by a local health department as the location of a COVID-19 outbreak, or **there are three or more COVID-19 cases** in your workplace within a 14-day period.

Test weekly until no longer fits definition of outbreak

## **3502.2 Major COVID-19 Outbreak**

This section will apply **ONLY** if the workplace **experiences 20 or more COVID-19 cases within a 30-day period.**

Test twice a week until no new cases in a 14-day period.

## **3205.3 – Employer Provided Housing**

Employer-provided housing is housing that is arranged for or provided by an employer, other person, or entity to workers, and in some cases to workers and persons in their households, in connection with the workers' employment, whether or not rent or fees are paid or collected.

Assignment of housing units prioritized in the following order:

- (1) Residents **who usually maintain a household together outside of work**, such as family members, shall be housed in the same housing unit without other persons.
- (2) Residents who **work in the same crew or work together at the same worksite** shall be housed in the same housing unit without other persons.
- (3) Employees who do not usually maintain a common household, work crew, or worksite shall be housed in the same housing unit **only when no other housing alternatives are possible**.

- **3205.4 Employer-Provided Transportation To and from Work**

This section will need to be only if there is employer-provided motor vehicle transportation to and from work, which is any transportation of an employee, during the course and scope of employment, **provided, arranged for, or secured by an employer including ride-share vans or shuttle vehicles, car-pools, and private charter buses**, regardless of the travel distance or duration involved.

- Assignment of transportation prioritized in the following order:
- (1) Employees **residing in the same housing unit** shall be transported in the same vehicle.
- (2) Employees working in the **same crew or worksite** shall be transported in the same vehicle.
- (3) Employees who do not share the same household, work crew or worksite shall be transported in the same vehicle **only when no other transportation alternatives are possible.**

Physical distancing and face coverings. Employers shall ensure that:

(1) Physical distancing and face covering requirements of subsection 3205(c)(6) and (c)(7) are followed for employees waiting for transportation.

6 = Physical Distancing

7 = Face Coverings

(2) The vehicle operator and any passengers are separated by at **least three feet in** all directions during the operation of the vehicle, regardless of the vehicle's normal capacity. **(head to head)**

(3) The vehicle operator and any passengers are provided with and wear a face covering in the vehicle as required by subsection 3205(c)(7).

# AB 685 – Summary

[Bill Text - AB-685 COVID-19: imminent hazard to employees: exposure: notification: serious violations.](#)

- **Affects Labor Code 6325, and 6432 and adds labor code 6409.6**
- **Requires employers to notify employees** who may have been exposed to COVID-19 and to **report workplace outbreaks** to the local health department.  
**(Most requirements mirror 3205!)**
- **Requires the California Department of Public Health (CDPH) to publicly report information** on workplace outbreaks by industry.
- Considers COVID – 19 exposure an **Imminent Hazard**
- **Cal / OSHA** can shut down the operation
- That there shall be a rebuttable presumption that a “**serious violation**” exists in a place of employment

## **Section 6325 of the Labor Code is amended to read:**

When, in the opinion of the division, a place of employment, operation, or process, or any part thereof, **exposes workers to the risk of infection with severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) so as to constitute an imminent hazard** to employees, the performance of such operation or process, or entry into such place of employment, as the case may be, **may be prohibited by the division**, and a notice thereof shall be provided to the employer and posted in a conspicuous place at the place of employment.

## **Section 6325 is added to the Labor Code, to read:**

When, in the opinion of the division, a place of employment, machine, device, apparatus, or equipment or any part thereof is in a dangerous condition, is not properly guarded or is dangerously placed so as to constitute an imminent hazard to employees, **entry therein, or the use thereof, as the case may be, shall be prohibited by the division**, and a conspicuous notice to that effect shall be attached thereto.

## **Section 6432 is amended and language to the Labor Code, to read (in part):**

- There shall be a **rebuttable presumption that a “serious violation” exists in a place of employment** if the division demonstrates that there is a realistic possibility that death or serious physical harm could result from the actual hazard created by the violation. The demonstration of a violation by the division is not sufficient by itself to establish that the violation is serious.
- Does not have to issue the 15-day “alleged violation” warning.

**Up To the Employer to Prove its Not Serious**

## **Section 6409.6 is added to the Labor Code, to read: reporting**

When non-healthcare employers identify **3 or more cases of COVID-19** at a worksite within a **14-day period**, they are required to report this to their local health department **within 48 hours. (Employees within 1 Business Day)**

- Employers are required to report the following information to the local health department:
  - Name and address of the worksite
  - Number of cases
  - Names and occupations of workers with COVID-19
  - North American Industry Classification System (NAICS) code of worksite. This is a 6-digit numeric code that classifies businesses by industry.
- Local health departments may also require employers to report additional information as part of their outbreak investigation.
- Employers are also required to continue notifying the local health department if additional cases are identified at the worksite.

# Reporting Summary:

DEADLINE	Day 1 (or less)			Day 2	Day 3
STEPS FOR NOTIFICATION	Notify Employee Exposed (close contact): (Title 8 CCR 3205)	Notify Persons Potentially Exposed (present at the worksite): (AB 685 / LC 6409.6) Effective January 1, 2021	Notify CalOSHA: Serious Injury or Death (Title 8, CCR 330)	Notify Public Health: Outbreak Reporting (AB 685 / LC 6409.6(b)) (8 CCR 3205.1(f))	Notify Workers Compensation: Presumptions (SB 1159 Section LC 3212.88)
WHO TO CONTACT	Employees who may have had COVID-19 exposure and their union representative as well as independent contractors and other employers present at the workplace during the "high-risk exposure period"	All employees and their union representative, and the employers of subcontracted employees, who were on the premises at the same worksite as a "qualifying individual" within the "infectious period"	CalOSHA Enforcement Office in your area (see link under "How").	Local Public Health Department	Workers Compensation Claims Administrator
TRIGGER	Employee was within 6 feet of a "COVID-19 case" for a cumulative total of 15 minutes or greater in any 24-hour period during the "high-risk exposure period," regardless of the use of face coverings	Employer or representative of employer receives "notice of a potential exposure"	Employee Death or Hospitalization for COVID-19	Three or more "COVID-19 cases" or "qualifying individuals" at a "worksite" or "exposed workplace" within a 14-day period	Positive COVID test (Work related, as well as non-industrial)
WHEN	1 Business Day	1 Business Day	8 Hours	48 Hours	3 Business Day(s)
HOW	<ul style="list-style-type: none"> <li>Notice must include information regarding COVID-19 related benefits to which the employee may be entitled under applicable law</li> <li>Employer must offer COVID-19 testing at no cost to employees during their working hours to all employees who had potential exposure in the workplace</li> <li>For employees excluded from work due to a work-related exposure and otherwise able and available to work, employer must continue and maintain an employee's earnings, seniority, and all other rights and benefits</li> </ul>	<p>Written notice (personal delivery, email, text) must include:</p> <ul style="list-style-type: none"> <li>Information regarding COVID-19 related benefits to which the employee may be entitled under applicable law as well as anti-retaliation and anti-discrimination protections</li> <li>Information regarding the disinfection and safety plan the employer plans to implement and complete per CDC guidelines</li> </ul>	<p><a href="#">Serious Injury Reporting to CalOSHA</a></p> <p>Open this link to report a serious injury or death</p>	<p>A list of local health department home pages can be found at <a href="#">List of Local Health Dept Home Page</a></p> <ul style="list-style-type: none"> <li>You will be required to provide information, such as names, number, occupation, and worksite address, NAICS code, etc. of any "qualifying individual" employees</li> <li>Employers are required to maintain records of written notifications for at least three years specific to COVID-19 exposures</li> </ul>	Email or fax

# If You Are Contacted By OSHA

- **Via Letter** – Respond!
- **Via Inspection:**
  - You know your business better than they do
  - Take the time to explain what you do – don't assume they know
  - Why you assessed the workplace as you did
  - You approached it realistically in a way that is based on practical rather than theoretical considerations



- You know your operation
- You have been living this for 20 years under the IIPP
  - Just think COVID-19 hazards instead of machinery etc.
- You have assessed COVID-19 interactions with others
- You have put in reasonable controls (engineering, administrative, PPE)
- You have trained your employees on COVID-19
- You are disinfecting, requiring face coverings and social distancing, limiting your onsite workforce
- You have the letter ready for “exposed employee” notification of COVID-19 exposure
- You have developed a relationship with your claims department

# Resources

- [COVID-19 Employer Playbook Supporting Safer Environments for Workers and Customers \(ca.gov\)](#)
- [Practices for Employers \(ca.gov\)](#)
- [Guidance Documents \(ca.gov\)](#)
- [Cal/OSHA COVID-19 Resources](#)
- [Bill Text - AB-685 COVID-19: imminent hazard to employees: exposure: notification: serious violations.](#)
- <https://www.dir.ca.gov/dosh/coronavirus/COVID19FAQs.html>

- Cal/OSHA has a number of resources in place and in development to assist with compliance with the ETS: [COVID-19 Emergency Temporary Standards Frequently Asked Questions \(ca.gov\)](#)
- The Consultation Branch will be available to answer employer questions about the ETS.
- Cal/OSHA is developing training on the ETS that it will provide in a webinar format.
- Cal/OSHA has developed a Model Program to assist employers in developing a [COVID-19 Prevention Program](#).
- Materials will continue to be posted and updated on [Cal/OSHA's COVID-19 webpage](#).
- [COVID-19 Sick Leave and Employment Law](#)
- For questions on paid sick leave, retaliation protections, filing a wage claim, or retaliation complaint, call 833-LCO-INFO (833-526-4636)
- [COVID-19 Workplace Safety and Health Information](#)
- You can file a [workplace safety and health complaint with Cal/OSHA online](#), or by telephone at the [district office closest to you](#).
- [COVID-19 Resources for Workers' Compensation](#)
- Call 1-800-736-7401 for recorded information on workers' compensation benefits from Information and Assistance staff 24 hours a day, or [contact a local Division of Workers' Compensation office](#) during business hours to reach a live person.

# Cal – OSHA Webinars

<https://www.dir.ca.gov/dosh/coronavirus/webinars.html>

Date	Time	Topic	Language	Zoom Registration	Space Available?
Thursday, January 28, 2021	8:00 am – 12:00 pm	Cal/OSHA COVID-19 Regulations and Best Practices Hosted by: Cal/OSHA Consultation Services Branch	English	<a href="#">Register for January 28</a>	Yes
Tuesday, February 2, 2021	8:00 am – 12:00 pm	Cal/OSHA COVID-19 Regulations and Best Practices Hosted by: Cal/OSHA Consultation Services Branch	English	<a href="#">Register for February 2</a>	Yes
Thursday, February 11, 2021	1:00 pm – 5:00 pm	Cal/OSHA COVID-19 Regulations and Best Practices Hosted by: Cal/OSHA Consultation Services Branch	English	<a href="#">Register for February 11</a>	Yes
Friday, February 12, 2021	8:00 am – 12:00 pm	Cal/OSHA COVID-19 Regulations and Best Practices Hosted by: Cal/OSHA Consultation Services Branch	English	<a href="#">Register for February 12</a>	Yes
Wednesday, February 17, 2021	1:00 pm – 5:00 pm	Cal/OSHA COVID-19 Regulations and Best Practices Hosted by: Cal/OSHA Consultation Services Branch	English	<a href="#">Register for February 17</a>	Yes
Friday, February 19, 2021	8:00 am – 12:00 pm	Cal/OSHA COVID-19 Regulations and Best Practices Hosted by: Cal/OSHA Consultation Services Branch	English	<a href="#">Register for February 19</a>	Yes
Tuesday, February 23, 2021	1:00 pm – 5:00 pm	Cal/OSHA COVID-19 Regulations and Best Practices Hosted by: Cal/OSHA Consultation Services Branch	English	<a href="#">Register for February 23</a>	Yes
Thursday, February 25, 2021	8:00 am – 12:00 pm	Cal/OSHA COVID-19 Regulations and Best Practices Hosted by: Cal/OSHA Consultation Services Branch	English	<a href="#">Register for February 25</a>	Yes
Tuesday, March 2, 2021	8:00 am – 12:00 pm	Cal/OSHA COVID-19 Regulations and Best Practices Hosted by: Cal/OSHA Consultation Services Branch	English	<a href="#">Register for March 2</a>	Yes



# **Cal / OSHA COVID - 19 Emergency Temporary Standard (ETS) .3205 & AB 685 Overview**

**Overview of Regulations and Key Implementation Strategies**

**Cathi Marx, ALCM, COSS, COEA, CHPP  
Vice President, Risk and Safety Service  
Aspen Risk Management Group; a TRISTAR Company**