

UPDATE - COVID-19 Emergency Temporary Standards

What Employers Need to Know About the Recommended Revisions

June 16, 2021

On June 11, the Occupational Safety and Health Standards Board posted [recommended revisions to the COVID-19 emergency temporary standards](#) that have considered recent guidance from the California Department of Public Health. The Standards Board has placed the emergency temporary standards on the agenda for its meeting on June 17. During this process, the [protections adopted in November of 2020](#) will remain in effect. These temporary standards apply to most California workers not covered by [the Aerosol Transmissible Diseases standard](#).

Important changes in the June 11 emergency temporary standard proposal include:

- Fully vaccinated employees do not need to be offered testing or excluded from work after close contact unless they have COVID-19 symptoms.
- Fully vaccinated employees do not need to wear face coverings except for certain situations during outbreaks and in settings where CDPH requires all persons to wear them. Employers must document the vaccination status of fully vaccinated employees if they do not wear face coverings indoors.
- Employees are not required to wear face coverings when outdoors regardless of vaccination status except for certain employees during outbreaks.
- Fully vaccinated employees are explicitly allowed to wear a face covering without fear of retaliation from employers.
- Physical distancing requirements have been eliminated except where an employer determines there is a hazard and for certain employees during major outbreaks.
- Employees who are not fully vaccinated may request respirators for voluntary use from their employers at no cost and without fear of retaliation from their employers.
- Employees who are not fully vaccinated and exhibit COVID-19 symptoms must be offered testing by their employer.
- Employer-provided housing and transportation are exempt from the regulations where all employees are fully vaccinated.
- Employers must review the [Interim guidance for Ventilation, Filtration, and Air Quality in Indoor Environments](#).
- Employers must evaluate ventilation systems to maximize outdoor air and increase filtration efficiency, and evaluate the use of additional air cleaning systems.

Some important requirements from the November 2020 COVID-19 Temporary Standard that remain in the June 11 emergency temporary standard proposal include:

- Employers must establish, implement, and maintain an effective written COVID-19 Prevention Program that includes:

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- Identifying and evaluating employee exposures to COVID-19 health hazards.
- Implementing effective policies and procedures to correct unsafe and unhealthy conditions.
- Allowing adequate time for handwashing and cleaning frequently touched surfaces and objects.
- Employers must provide effective training and instruction to employees on how COVID-19 is spread, infection prevention techniques, and information regarding COVID-19-related benefits that affected employees may be entitled to under applicable federal, state, or local laws.
- Employers must exclude employees who have COVID-19 symptoms and/or are not fully vaccinated and have had a close contact from the workplace and, if that close contact is work related, ensure continued wages.

Cal/OSHA has developed a [COVID-19 Model Prevention Program](#) to assist employers with developing their own written program

When there are multiple COVID-19 infections and COVID-19 outbreaks

Employers must follow the requirements for testing and notifying public health departments of workplace outbreaks (three or more cases in an exposed workgroup in a 14-day period) and major outbreaks (20 or more cases within a 30-day period). During any outbreak, face coverings are required regardless of employee vaccination status: 1) indoors and 2) outdoors when employees are less than six feet from another person. During major outbreaks, six-foot physical distancing is required where feasible, both indoors and outdoors.

COVID-19 testing for employees who are not fully vaccinated and might have been exposed

Requires employers to offer COVID-19 testing at no cost during paid time to their employees who are not fully vaccinated and had potential exposure to COVID-19 in the workplace, and provide them with information on benefits.

Notification requirements to the local health department

Employers must contact the local health department immediately but no longer than 48 hours after learning of three or more COVID-19 cases to obtain guidance on preventing the further spread of COVID-19 within their workplace.

Recordkeeping and reporting COVID-19 cases

Employers must maintain accurate records and track all COVID-19 cases, while ensuring medical information remains confidential. These records must be made available to employees, authorized employee representatives, or as otherwise required by law, with personal identifying information removed. When a COVID-19-related serious illness or death occurs, the employer must [report](#) this immediately to the nearest Cal/OSHA enforcement district office.

This guidance document is an overview. For the full requirements, see title 8 sections [3205](#), [3205.1](#), [3205.2](#), [3205.3](#), [3205.4](#)

