



CALIFORNIA COVID-19 ETS

2nd Readoption



§3205. COVID-19 PREVENTION

On December 16, the Occupational Safety and Health Standards Board readopted the Cal/OSHA COVID-19 Prevention Emergency Temporary Standards (ETS) for the second time.

These standards include revisions to make the workplace rules consistent with the latest requirements and recommendations from the California Department of Public Health (CDPH).

The new standards take effect on **January 14, 2022** and will apply to most workers not covered by the Aerosol Transmissible Diseases standard.

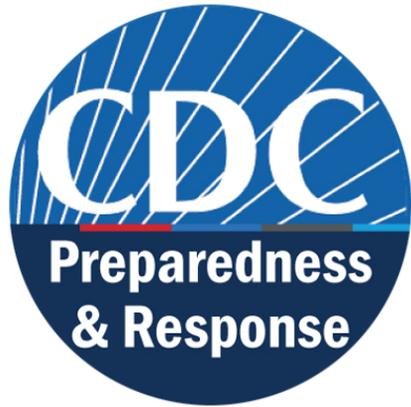
Expires April 14, 2022

Governor Newsom issued an executive order paving the way for a third re-adoption of the Emergency Temporary Standards, as long as the effective period of the third re-adoption does not extend beyond December 31, 2022.

https://www.dir.ca.gov/dosh/dosh_publications/COVIDOnePageFS-12-16-2021.pdf



COVID-19 PREVENTION OVERSIGHT



Centers For
Disease
Control And
Prevention



Fed/OSHA



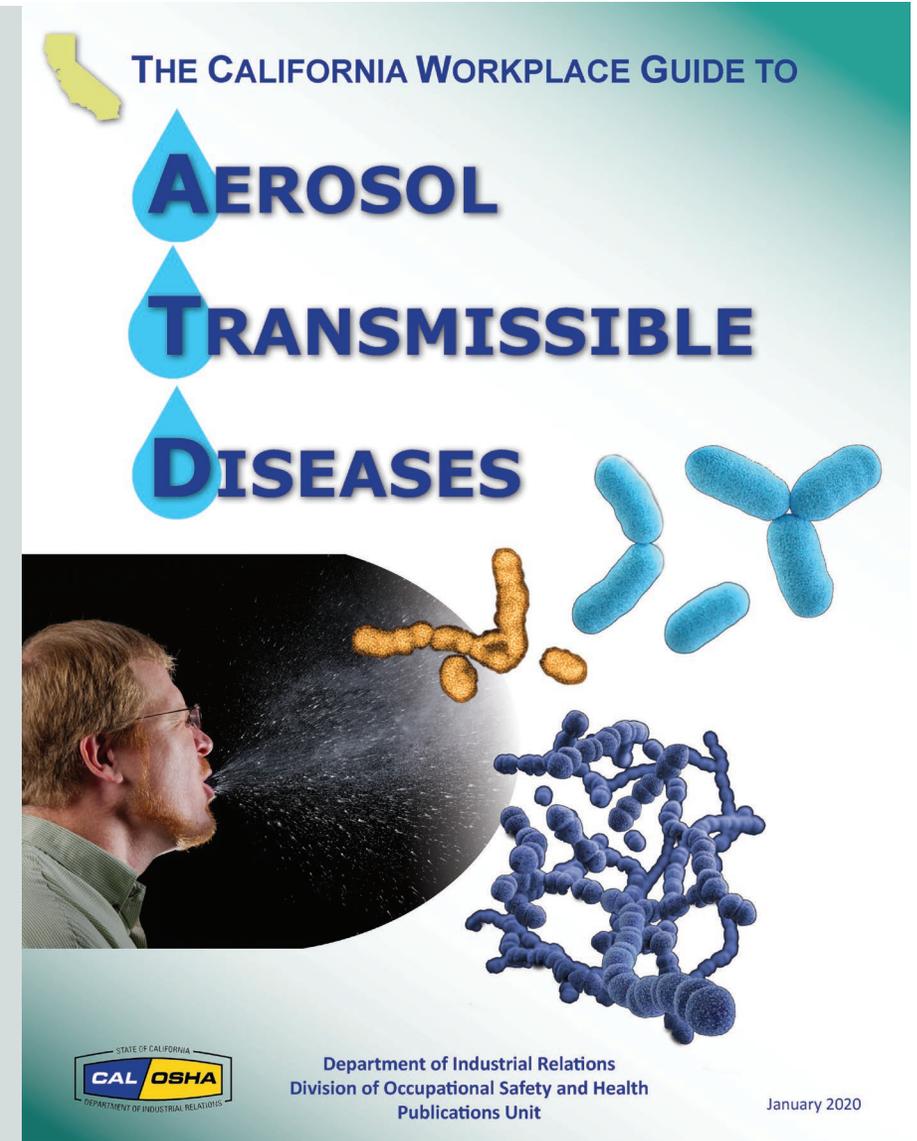
Cal/OSHA



California
Department of
Public Health

Covered Employees

- This section applies to all employees and places of employment, with the following exceptions:
 - (A) Work locations with one employee who does not have contact with other persons.
 - (B) Employees working from home.
 - (C) Employees with occupational exposure as defined by section 5199, when covered by that section.
 - (D) Employees teleworking from a location of the employee's choice, which is not under the control of the employer.



Definitions

- “**Worksite**” now specifically excludes the employee’s personal residence, locations where an employee works alone, and remote work locations chosen by the employee.
- “**COVID-19 test**” now includes specific instructions for workers using a test at home with self-read results. The employer or a telehealth professional must observe the test results.
- “**Face coverings**” was updated to include more specific detail on the different types of acceptable face coverings.
- “**Fully vaccinated,**” now mentions the minimal amount of time workers need to wait between the first and second shot of a two-dose vaccine.



UPDATED REQUIREMENTS:

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

- o Identifying and evaluating employee exposures to COVID-19 health hazards.
- o Implementing effective policies and procedures to correct unsafe and unhealthy conditions.
- o Allowing adequate time for handwashing and cleaning frequently touched surfaces and objects

- Employers must provide effective training and instruction to employees:

- o On how COVID-19 is spread, infection prevention techniques, and information regarding benefits that affected employees may be entitled to under applicable federal, state, or local laws.

- Investigating and responding to COVID-19 cases in the workplace:

- o Employers must continue to properly notify employees, employee representatives and any other workers at a worksite of possible COVID-19 exposures within one business day.

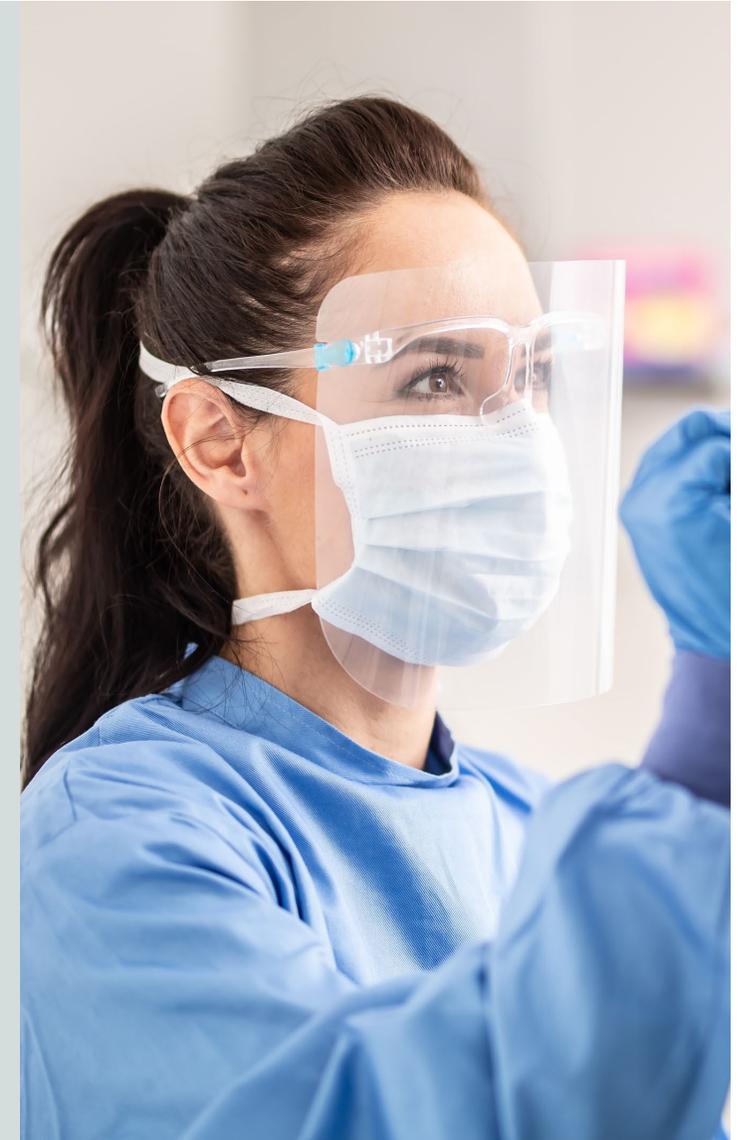
- Screening of Employees

- o If the employer conducts screening indoors 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.



Testing

- A change to the definition for “COVID-19 Test”
 - “COVID-19 test” means a test for SARS-CoV-2 that is
 - a. Cleared, approved, or authorized, including in an Emergency Use Authorization (EUA), by the United States Food and Drug Administration (FDA) to detect current infection with the SARS-CoV-2 virus (e.g. a viral test);
 - b. Administrated in accordance with the authorized instructions; and
 - c. **Not both self-administrated and self-read unless observed by the employer or an authorized telehealth proctor.** Examples of tests that satisfy this requirement include tests with specimens that are processed by a laboratory (including home or on-site collected specimens which are processed either individually or as pooled specimens), proctored over-the-counter tests, point of care tests, and tests where specimen collection and processing is either done or observed by an employer.
- Removal of the exception for fully vaccinated employees from testing provision requirements due to a close contact
 - Make COVID-19 testing available at no cost, during paid time, to all employees of the employer who had a close contact in the workplace and provide them with the information on benefits.





Employees who are exempted from wearing a face covering due to a medical or mental health condition, or disability and cannot wear a non-restrictive alternative must physically distance at least six feet from others and either be fully vaccinated or tested at least weekly for COVID-19. Note: The testing must be during paid time and at no cost to the employee.

Face Coverings

- A surgical mask, a medical procedure mask, a respirator worn voluntarily, or a tightly woven fabric or non-woven material of at least two layers (i.e., fabrics that do not let light pass through when held up to a light source) that completely covers the nose and mouth and is secured to the head with ties, ear loops, or elastic bands that go behind the head. If gaiters are worn, they shall have two layers of fabric or be folded to make two layers. A face covering is a solid piece of material without slits, visible holes, or punctures, and must fit snugly over the nose, mouth, and chin with no large gaps on the outside of the face. A face covering does not include a scarf, ski mask, balaclava, bandana, turtleneck, collar, or single layer of fabric. This definition includes clear face coverings or cloth face coverings with a clear plastic panel that, despite the non-cloth material allowing light to pass through, otherwise meet this definition and which may be used to facilitate communication with people who are deaf or hard-of-hearing or others who need to see a speaker's mouth or facial expressions to understand speech or sign language respectively.

Fully Vaccinated

- “Fully vaccinated” means the employer has documented:
 - A person’s status two weeks after completing primary vaccination with a COVID-19 vaccine with, if applicable, at least the minimum recommended interval between doses in accordance with the approval, authorization, or listing that is:
 1. Approved or authorized for emergency use by the FDA;
 2. Listed for emergency use by the World Health Organization (WHO); or
 3. Administered as part of a clinical trial at a U.S. site, if the recipient is documented to have primary vaccination with the active (not placebo) COVID-19 vaccine candidate, for which vaccine efficacy has been independently confirmed (e.g., by a data and safety monitoring board) or if the clinical trial participant at U.S. sites had received a COVID-19 vaccine that is neither approved nor authorized for use by FDA but is listed for emergency use by WHO; or
 - A person’s status two weeks after receiving the second dose of any combination of two doses of a COVID-19 vaccine that is approved or authorized by the FDA, or listed as a two-dose series by the WHO (i.e., a heterologous primary series of such vaccines, receiving doses of different COVID-19 vaccines as part of one primary series). The second dose of the series must not be received earlier than 17 days (21 days with a 4- day grace period) after the first dose.





EXCLUSION

- Employers shall exclude from the workplace employees who had a close contact until the return to work requirements are met, unless one of the following exceptions applies.
 1. Employees who were fully vaccinated before the close contact and who do not develop COVID-19 symptoms do not need to be excluded if they wear a face covering and maintain six feet of distance from others at the workplace for 14 days following the last date of close contact.
 2. COVID-19 cases who returned to work and have remained free of COVID-19 symptoms do not need to be excluded from the workplace for 90 days after the initial onset of COVID-19 symptoms. This exception only applies if these employees wear a face covering and maintain six feet of distance from others while at the workplace for 14 days following the last date of close contact.
 3. COVID-19 cases who returned to work who never developed COVID-19 symptoms do not need to be excluded from the workplace for 90 days after the first positive test. This exception only applies if these employees wear a face covering and maintain six feet of distance from others while at the workplace for 14 days following the last date of close contact.
- Persons who had a close contact may return to work as follows:
 1. Persons who had a close contact but never developed any COVID-19 symptoms may return to work after 14 days have passed since the last known close contact unless either of the exceptions a. or b. applies:
 - a. Ten days have passed since the last known close contact and the person wears a face covering and maintains six feet of distance from others while at the workplace for 14 days following the last date of close contact.
 - b. Seven days have passed since the last known close contact; the person tested negative for COVID-19 using a COVID-19 test with the specimen taken at least five days after the last known close contact; and the person wears a face covering and maintains six feet of distance from others while at the workplace for 14 days following the last date of close contact.
 2. Persons who had a close contact and developed any COVID-19 symptom cannot return to work until 10 days after the first onset of symptoms or positive test and 24 have passed without fever and symptoms have improved.



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