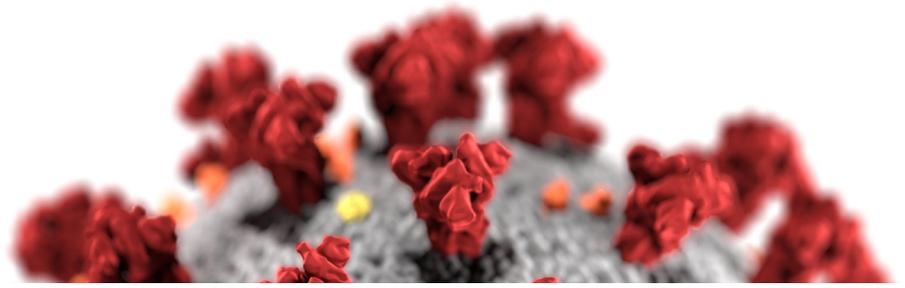


CAL/OSHA EMERGENCY STANDARD

More stringent COVID-19 protections for workers



Cal/OSHA has adopted new emergency rules to ensure all California workers receive more protection from the potentially devastating impacts of COVID-19.

The Emergency Temporary Standard took effect November 30, 2020, and creates mandatory and enforceable requirements for employers to reduce transmission of COVID-19 in workplaces. These standards will benefit educators and staff working in our schools, community colleges, and universities.

Definition of “COVID-19 case”

A “COVID-19 case” in the Cal/OSHA regulations is defined as a person who:

1. Has a positive COVID-19 test;
2. Is subject to a COVID-19-related order to isolate issued by a local or state health official; or
3. 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.

Physical distancing & face coverings

- Employees must 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.
- Employers must provide face coverings and ensure they are worn by employees over the nose and mouth when indoors or when outdoors and less than six feet away from another person. (Face shields are not a replacement for face coverings, although they may be worn together for additional protection.)

Notice of potential exposure

When there is a COVID-19 case at the worksite, the employer must give notice to all workers who may have been exposed within one business day. **This notice must also go to the union.**

Testing requirements

The employer must offer free COVID-19 testing to all employees (during their work hours) who were potentially exposed to COVID-19 in the workplace, and provide them with information on benefits. There are additional testing requirements if there is an “outbreak” or “major outbreak” at the worksite.

- **An outbreak** occurs when there are three (3) or more COVID-19 cases at a worksite within a 14-day period. The outbreak persists until 14 days pass without any new COVID-19 cases. If an outbreak occurs at the worksite, all employees in the exposed workplace must be tested immediately and then tested again one week later. The employer must provide ongoing testing, at least once per week, for every worker who remains at the worksite for the duration of the outbreak.
- **A major outbreak** occurs when there are 20 or more COVID-19 cases in an exposed workplace within a 30-day period and persists until there are no new COVID-19 cases for 14 days. During a major

outbreak the employer must provide twice weekly COVID-19 testing to all employees present at the exposed workplace during the relevant 30-day period(s) and who remained at the workplace.

Note: *Negative test results of employees with COVID-19 exposure shall not impact the duration of any quarantine period required by, or orders issued by, the local health department.*

Continuing salary and benefits

- Workers excluded from the worksite due to COVID-19 exposure must continue to be paid.
- Employers must exclude COVID-19 cases from the workplace until specific return criteria have been met.
- Employers must exclude employees with COVID-19 exposure from the workplace for 14 days after the last known exposure to a COVID-19 case.
- For employees excluded from work under the emergency standard, 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.

Note: *If a worker is unable to work due to a non-COVID-19 related issue, or if the employer can demonstrate the worker did not get COVID-19 from work, then the employer may be exempt from the above requirements.*

Criteria for returning to work

- **If the employee has COVID-19 symptoms**

A person who has either tested positive for COVID-19, or is subject to a COVID-19-related order to isolate issued by a local or state health

official and has shown COVID-19 symptoms, cannot return to work until:

1. At least 24 hours have passed since a fever of 100.4 degrees or higher has resolved without the use of fever-reducing medications;
2. COVID-19 symptoms have improved; and
3. At least 10 days have passed since COVID-19 symptoms first appeared.

- **If the employee tested positive but shows no COVID-19 symptoms**

A person who tested positive but did not develop COVID-19 symptoms shall not return to work until a minimum of 10 days have passed since the date of specimen collection from their first positive test.

Note: *A negative COVID-19 test shall not be required for an employee to return to work.*

Additional protections

Under the new Cal/OSHA emergency standard, the employer must:

- Develop a written "COVID-19 Prevention Program" that is available to workers and their unions;
- Allow employees and the union to participate in the identification and evaluation of COVID-19 hazards;
- Provide training and instruction on their COVID-19 related procedures and other issues related to workplace health and safety including physical distancing, use of face coverings, identifying COVID-19 symptoms, and benefits related to COVID-19 available under federal, state or local laws;
- Create a process to screen employees for and respond to employees with COVID-19 symptoms. The employer can ask employees to evaluate their own symptoms before reporting to work.

COVID-19 TOOLKIT

Find more pandemic support resources in our online toolkit.

www.cft.org/covid-19