

New Cal/OSHA COVID-19 Requirements

Cal/OSHA recently adopted new COVID-19 requirements for all employers beginning Nov. 30, 2020. The requirements apply when there is more than one employee in the workplace, but do not apply to work-from-home situations. Below is a summary of what California employers need to know. For more details, consult Cal/OSHA's FAQ [here](#).

Written COVID-19 Prevention Plan

All employers must create a written COVID-19 Prevention Program or incorporate those elements into an existing Injury and Illness Prevention Program. The COVID-19 Prevention Program must include several components, including physical distancing, use of face coverings, communication with employees, and provision of COVID-19 training, among others. These requirements are detailed below. Cal/OSHA has provided a [Model COVID-19 Prevention Plan](#) on its website.

Communication with Employees

Employers MUST communicate to employees:

- How to report COVID-19 symptoms, exposures, and hazards to the employer without fear of reprisal
- COVID-19 hazards in the workplace and the employer's policies and procedures to address them
- Any procedures the employer may have for accommodating employees with elevated risk factors for COVID-19
- How the employee can obtain testing for COVID-19
- Notice of potential exposure to COVID-19
- Cleaning and disinfection protocols
- How to participate in workplace hazard identification and evaluation

COVID-19 Hazards

Employers are responsible for identifying, evaluating, and correcting COVID-19 hazards. Employers should consult [industry-specific guidance](#) for more details. Additionally, employers should implement procedures for screening employees with COVID-19 symptoms, implement procedures to immediately address COVID-19 cases, and to review and evaluate where transmission of COVID-19 could occur. Employers must allow employees' authorized representatives to participate in hazard identification and evaluation.

Physical Distancing, Face Coverings, and Other Controls

Employers must implement policies to maintain social distancing of at least 6 feet from other persons unless such distancing is not physically possible. Employers must also provide face coverings to employees and to adopt policies requiring proper use of face coverings. Employers are also obligated to evaluate whether other engineering controls (e.g. plexiglass barriers, ensuring proper ventilation and airflow), administrative controls (e.g. reducing sharing of tools and equipment, proper disinfection of the workplace, encourage frequent hand washing), or personal protective equipment are necessary in the workplace.

Training

Employers must provide COVID-19 training for employees covering:

- Employer policies and procedures to protect employees from COVID-19 hazards;
- COVID-19 related benefit information, from either the employer or from federal, state, or local government, that may be available to employees impacted by COVID-19;
- 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 show no symptoms;

- The importance of physical distancing and wearing 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 for at least 20 seconds and use of hand sanitizer when handwashing facilities are not available;
- Proper use of face coverings, and the fact that they are not respiratory protection; and
- The symptoms of COVID-19 and the importance of not coming to work and getting tested if an employee has symptoms.

Addressing COVID-19 Cases in the Workplace

Employers are required to investigate and address COVID-19 exposures and outbreaks in the workplace as well as to provide testing to employees. In the event of a COVID-19 case in the workplace, employers must:

- Determine when the COVID-19 case was last in the workplace, and if possible the date of testing and onset of symptoms;
- Determine which employees may have been exposed to COVID-19;
- Notify employees of any potential exposures within one business day (and notifying any other employer who has potentially exposed employees in the workplace);
- Offer testing to potentially exposed employees at no cost and during working hours; and
- Investigate the exposure, whether workplace conditions could have contributed to the risk of exposure, and what corrections would reduce exposure.

Employers have additional obligations in “outbreak” situations. Consult Cal/OSHA’s site for more details.

Recordkeeping and Reporting

Employers are required to:

- Contact the local health department when there are three or more COVID-19 cases in the workplace within a 14-day period.
- Provide the following information:
 - The total number of COVID-19 cases.
 - For each COVID-19 case, the name, contact information, occupation, workplace location, business address, the hospitalization and/or fatality status, and North American Industry Classification System code of the workplace of the COVID-19 case
 - Any other information requested by the local health department.
- The employer shall continue to give notice to the local health department of any subsequent COVID-19 cases at the workplace.
- Report serious occupational illnesses to Cal/OSHA, consistent with existing regulations.
- Maintain inspection records, documentation of hazard corrections, and training records (requirements vary by employer size).
- Record and tracking 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.

For more details, consult Cal/OSHA's FAQ [here](#). Employers with additional questions can contact the NFIB Small Business Legal Center and info@nfib.org or 800-NFIB-NOW.

This document was developed by NFIB based on the information currently available and our best interpretation of the Cal/OSHA rules. However, NFIB cannot provide legal advice and is not responsible for any errors or omissions.

Dated December 4, 2020