

# **VOSH Emergency Temporary Standard for COVID-19**

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**Courtney Malveaux** 

Courtney.Malveaux@jacksonlewis.com 804-212-2862

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- Background on new standard
- Requirements for all employers
- "Medium Hazard" employers
- "High Hazard" and "Very High Hazard" employers

# Background on Emergency Temporary Standard

# Virginia Occupational Safety and Health ("VOSH")

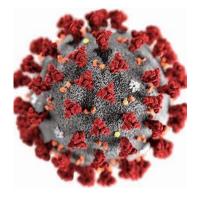
#### Virginia is a "State Plan" State that governs most of its own workplaces

- VOSH enforces Virginia occupational safety and health law (Title 40.1) for:
  - Most private sector employers
  - All state and local employers
- OSHA enforces the federal Occupational Safety and Health Act for:
  - Federal employers and property
  - Maritime industry

# **VOSH Standard for COVID-19**

#### Virginia Passed a First-In-Nation COVID-19 Standard

- The Virginia Safety and Health Codes Board approves OSHA regulations
- It approved a first-in-the-nation Emergency Standard for COVID-19 on July 15, 2020
- Arose in response to Governor's Executive Orders
- Effective date to be determined (likely by end of July 2020)
- Six-month duration, with potential permanent standard to follow
- Will "sunset" upon expiration of Governor's State of Emergency



# Requirements for All Employers Under VOSH Jurisdiction

#### **General requirements for all employers**

- Hazard assessment for all job tasks ("Very High," "High," "Medium" and "Low")
- Policies/procedures for employees to report COVID symptoms
- Prohibit known/suspected cases at worksites
- "Flexible" sick leave policies
- System to receive reports of positive tests (within past 14 days) by:
  - Employees (including temps and contract employees)
  - Subcontractors
- Mandatory handwashing stations and hand sanitizer "where feasible"
- Employers must assess risk levels of employees and suppliers before entry
- Building and facility owners must notify employer tenants of COVID-19 cases

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#### General requirements for all employers (cont'd)

- Employers must notify:
  - VA Dept. of Health of COVID-19 positive tests; and
  - VA Dept. of Labor and Industry (DOLI) of "hot spots": 3 COVID-19 positive tests within a two-week period
- Hazard assessments for all job tasks
- Infectious disease preparedness and response plans within 60 days

#### **General requirements for all employers (cont'd)**

- "Good faith" if actual compliance with mandatory/nonmandatory provisions of CDC guidance (if equivalent/greater protection)
- Nondiscrimination for:
  - Raising/reporting concerns
  - Voluntary PPE use
  - Reasonable work refusals

#### These requirements apply to all "Low Hazard" employers with:

- No required contact within 6' of known/suspected cases
- Minimal contact with others (e.g., office setting)
- Minimal contact through engineering controls, such as:
  - Floor-to-ceiling barriers
  - Telecommuting
  - Staggered shifts
  - Remote delivery
  - Mandatory social distancing
  - Face coverings

#### What is a "Medium Hazard" Employer?

- More than minimal contact within 6' of others
- May include operations/services in:
  - Poultry/seafood/meat processing
  - Agriculture
  - Manual labor
  - Commercial transportation
  - School campuses
  - Daycare/after school care
  - Restaurants/bars
  - Grocery/convenience stores

#### What is a "Medium Hazard" Employer? (cont'd)

- May include operations/services in:
  - Food banks
  - Drug stores/pharmacies
  - Manufacturing settings
  - Construction (indoor and outdoor)
  - Correctional facilities
  - Work performed in customer premises (homes or businesses)
  - Retail stores
  - Call centers

#### What is a "Medium Hazard" Employer? (cont'd)

- May include operations/services in:
  - Package processing settings
  - Veterinary settings
  - Personal care, personal grooming, salons and spas
  - Sports venues
  - Homeless shelters
  - Fitness, gym and exercise facilities
  - Airports
  - Train/bus stations
  - Healthcare settings that does not involve exposure to known/suspected cases

#### "Medium" Hazard Employers Must:

- When feasible:
  - Telework
  - Staggered shifts
  - Eliminate personal meetings, travel
  - Physical barriers
  - Implement telework and staggered shifts
  - Social distancing
  - Deliver services/products remotely or by curbside pickup or delivery
  - Reconfigure spaces where employees congregate

- Infectious Disease Preparedness and Response Plan (exception for ten or fewer employees)
  - Designated person for implementation
  - Employee involvement
  - Hazard assessment by job tasks and potential exposure sources
  - Employees with other jobs
  - Employees' individual risk factors
  - Outbreak contingency plans to cover:
    - Absenteeism
    - Enhanced workplace control measures
    - Crosstraining/continued operation plans
    - Interrupted supply chains/delayed deliveries

- Prescreening/surveying before each work shift
- Provide face coverings to visitors with suspected cases and employees who can't social distance
- Infection prevention
  - Handwashing
  - Cleaning/disinfecting
  - Managing/educating visitors

- Identification/isolation of known/suspected cases
- Plan to address subcontractors, temp/contract employee providers, other visitors
- Antiretaliation protections for employees who raise concerns
- Assess, require and communicate PPE use beyond General Industry

- Written certification to verify workplace hazard assessment that:
  - Identifies evaluated workplace
  - Certifies evaluation completion with date(s)
- Ensure air handling systems that:
  - Are maintained according to manufacturers' instructions
  - Comply with minimum American National Standards Institute (ANSI)/American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Standards

- Employee COVID training within 30 days on:
  - New VOSH standard
  - CDC guidelines (mandatory and nonmandatory)
  - Signs/symptoms/methods of transmission
  - Risk factors for underlying health conditions
  - Asymptomatic/Presymptomatic spread
  - Safe and healthy work practices
  - PPE
  - Antidiscrimination
  - Infectious Disease Preparedness and Response Plan
  - Retraining

Requirements for "High Hazard" and "Very High Hazard" Employers

# Additional Requirements for "High Hazard" Employers

- Airborne Infection Isolation Rooms for patients
- Autopsy suites for postmortem activities
- CDC Biosafety Level 3 requirements for handling infected specimens
- Limitation of non-employee access
- Signage to report symptoms
- Psychological/behavioral support
- Respiratory protection program



### JacksonLewis

#### Courtney M. Malveaux, Esq.

804.212-2862 Courtney.Malveaux@jacksonlewis.COM

#### **Represents Employers In:**

- OSHA Citations
- Regulatory and Employment Matters
- Government Affairs

#### Regulatory Background:

- Virginia Labor Commissioner
- VA Safety and Health Codes Board
- President, National Association of Government Labor Officials