

# Cal/OSHA Emergency COVID-19 Temporary Standards

The Cal/OSHA Standards Board has unanimously passed and implemented an [emergency regulation](#) regarding the spread of COVID-19 in the workplace. **It is vital to note that this regulation will affect nearly every employer in California, regardless of size.**

The regulation goes beyond workplaces to include employer-provided housing and transportation, as well as reporting requirements.

Perhaps the most important change in the new rule is that employees excluded from work for having been exposed to COVID-19 must continue to be paid while they are off work. The regulation provides that 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."

Under the new regulations, employers must have a written COVID-19 Prevention Plan. The full text of the adopted emergency standards will appear in the new Title 8 Sections 3205 (COVID-19 Prevention), 3205.2 (Major COVID-19 Outbreaks), 3205.3 (COVID-19 Prevention in Employer-Provided Housing), and 3205.4 (COVID 19 Prevention in Employer-Provided Transportation to and from work) of the California Code of Regulations. Cal/OSHA has also released a fact sheet, Frequently Asked Questions "FAQ" and a model COVID-19 Prevention Plan (CPP). These items can be found using the links below:

- [Fact Sheet](#)
- [FAQ](#)
- [Model COVID-19 Prevention Plan \(CCP\)](#)

Employers will be required to have a written COVID-19 Prevention Program (WCPP), which can be incorporated into the IIPP or be stand-alone and must include the following;

- System for communicating information to employees about COVID-19 prevention procedures, testing, symptoms and illnesses, including a system for employees to report exposures without fear of retaliation.
- Identification and evaluation of hazards – screening employees for symptoms, identifying workplace conditions and practices that could result in potential exposure.
- Investigating and responding to cases in the workplace – responding immediately to potential exposures by following steps to determine who may have been exposed, providing notice within one business day about potential exposures, and offering testing to workers who may have been exposed.
- Correcting COVID-19 hazards – including correcting unsafe conditions and work practices as well as providing effective training and instruction.
- Physical distancing – implementing procedures to ensure workers stay at least six feet apart from other people if possible.
- Face coverings – providing face coverings and ensuring they are worn.
- Adopting site-specific strategies such as changes to the workplace and work schedules and providing personal protective equipment to reduce exposure to the virus.
- Positive COVID-19 case and illness recording requirements and making the COVID-19 Prevention Plan accessible to employees and employee representatives.



## Cal/OSHA Emergency COVID-19 Temporary Standards

- Removal of COVID-19 exposed workers and COVID-19 positive workers from the workplace with measures to protect pay and benefits.
- Criteria for employees to return to work after recovering from COVID-19.
- Requirements for testing and notifying public health departments of workplace outbreaks (three or more cases in a workplace in a 14-day period) and major outbreaks (20 or more cases within a 30-day period).
- Specific requirements for infection prevention in employer-provided housing and transportation to and from work.

The regulations have been filed with the Office of Administrative Law and went into effect on November 30, 2020 and will be in effect for 180 days and can be extended if needed.

If you have any questions on how these new regulations will impact your operations, please contact Poms Risk Consulting at 818-449-9300.

*DISCLAIMER: This briefing has been prepared by Poms & Associates Insurance Brokers, LLC to provide information on recent developments of interest to our clients. It is not intended to offer legal or regulatory advice for a situation. Events are rapidly developing during this national state of emergency, and best practices are constantly changing. We recommend that individuals and entities carefully monitor and follow health directives of the WHO and CDC, along with federal, state and local authorities.*