

Safety Zone: Cal/OSHA's COVID-19 Emergency Temporary Standards A Guide for Employers

The recent release of COVID vaccines by drug makers Pfizer and Moderna has given us all renewed hope. But the pandemic continues to take a toll, with cities across the country still struggling with new cases, hospitals at crisis level, and thousands of business owners in limbo.

In an effort to provide ongoing COVID guidelines for California employers and their employees as the pandemic evolves, the California Occupational Safety and Standards Board (Cal/OSHA) recently released new [COVID-19 Emergency Regulations](#), which went into effect November 30, 2020.

This guide will provide a brief overview of the regulations, the responsibilities of California employers, and additional resources for more information.

Who is Affected by the New Regulations?

The new rules apply to all California employees and places of employment, with the exception of:

- Places of employment with one employee who doesn't have contact with other employees
- Employees working from home
- Employees when covered by Section 5199, the [Aerosol Transmissible Standard](#)

What's Included in the New Regulations?

The new Emergency Regulations are divided into five sections and include a number of requirements related to prevention, testing, reporting, housing and transportation. Below is a brief overview of what's included in each section:

- **Section 3205 – Prevention Plans.** This section covers what steps employers need to take when they learn of a COVID-19 case in their workplace and what is required as part of their COVID-19 Prevention Plan.
- **Section 3205.1 – Infections and Outbreaks.** This section applies to your workplace if it has been identified by a local health department as the location of a COVID-19 outbreak. It also applies when you have three or more cases in your workplace within a 14 day period. Requirements for testing and notifying your local health department officials are also included in this section.
- **Section 3205.2 – Major outbreaks.** This section applies to your workplace when you've had 20 or more COVID-19 cases in your workplace within a 30 day period. It also covers testing and workplace investigation requirements.
- **Section 3205.3 – Employer-provided housing.** This section covers requirements for physical distancing, PPE, cleaning, disinfection and testing policies.
- **Section 3205.4 – Employer-provided transportation.** This section covers requirements for physical distancing, PPE, cleaning, disinfection and adequate ventilation for employer-provided transportation to and from work.

What are Your Responsibilities as an Employer?

We've outlined the essential responsibilities of California employers below. The COVID-19 Emergency Regulations require employers to:

- 1. Establish, implement, and maintain an effective written COVID-19 Prevention Program** that includes (1) identifying and evaluating your employees' exposures to COVID-19; (2) implementing policies and procedures to correct any unsafe or unhealthy conditions; and (3) providing face coverings and requiring their use to inhibit workplace exposure.
- 2. Provide education and training** to your employees on how COVID-19 is spread, how to prevent infection, and how they can file a claim for COVID-19-related benefits they may be entitled to under state or federal law.
- 3. Offer no-cost testing** for employees who might have been exposed to COVID-19 in the workplace.
- 4. Adhere to testing and notification requirements** if you have multiple COVID-19 infections and outbreaks in the workplace of three or more cases in a 14 day period, or a major outbreak of 20 or more cases within a 30 day period.
- 5. Notify your local health department** immediately, but no longer than 48 hours after learning of three or more COVID-19 cases, to obtain instruction on preventing the further spread of the virus in your workplace.
- 6. Track and record all COVID-19 cases**, while keeping all medical information confidential. These records of COVID-19 cases must be made available to employees, authorized employee representatives, or as otherwise required by law, with any personal identifying information removed.
- 7. Immediately report to the nearest Cal/OSHA enforcement district office** if a COVID-19-related serious illness (e.g., requiring hospitalization) or death occurs.

These rules partially overlap with Assembly Bill 685, which takes effect on January 1, 2021. See our [California AB685: COVID-19 Legislation Guide for Employers](#) for more details.

Want to Learn More?

Cal/OSHA provides some additional resources where you can get more information:

- [Cal/OSHA Frequently Asked Questions](#)
- [Cal/OSHA Fact Sheet](#)
- [Model COVID-19 Prevention Program](#)

As the COVID-19 pandemic continues to evolve, it's crucial for employers to stay up to date on changing laws and regulations. Working together, we can all help keep our workplaces and our employees safe.

For additional information and resources on this topic and other safety and risk management subjects be sure to visit the [Loss Control](#) section on our website.

Contact Info:

PHONE: 888.486.7466 ext. 363275

WEB: www.amtrustfinancial.com

EMAIL: AskLC@amtrustgroup.com

MAILING ADDRESS: AmTrust Financial - 2605 Enterprise Road, Suite 290, Clearwater, FL 33759

AmTrust maintains this article as a service for its customers. This information is intended to give you a place to start when finding information about a particular safety question. This article is not intended to provide authoritative answers to safety and health questions. Before using the information here, the accuracy and appropriateness of the information to your specific situation should be verified by a person qualified to assess all the factors involved.

This article contains hyperlinks to information created and maintained by other public and private organizations. Please be aware that we do not control or guarantee the accuracy, relevance, timeliness or completeness of this outside information. Further, the inclusion of pointers to particular items in hypertext is not intended to reflect their importance, nor is it intended to endorse any views expressed or products or services offered by the author of the reference or the organization operating the site on which the reference is maintained.