

**Elk Grove Unified School District (EGUSD)  
COVID-19 Prevention Program (CPP)**

**Revised: January 12, 2022**

# Table of Contents

- COVID-19 Prevention Program (CPP) ..... 4
  - Authority and Responsibility ..... 4
  - Identification and Evaluation of COVID-19 Hazards..... 6
  - Employee Screening ..... 6
  - Correction of COVID-19 Hazards ..... 6
  - Control of COVID-19 Hazards ..... 6
    - Face-coverings ..... 6
    - Engineering Controls ..... 8
    - Cleaning and Disinfection Procedures ..... 8
    - Hand Sanitizing..... 9
    - Personal Protective Equipment (PPE) to Control Employees' Exposure ..... 9
    - to COVID-19 ..... 9
    - Testing of Symptomatic Employees ..... 11
  - Investigating and Responding to COVID-19 Cases ..... 11
  - System for Communicating..... 12
  - Training and Instruction ..... 13
  - Exclusion of COVID-19 Cases and Employees who had a Close Contact ..... 14
  - Reporting, Recordkeeping, and Access..... 15
  - Current Return-to-Work Criteria..... 15
  - December 16, 2021, ETS Return to Work Criteria (Overridden by January 6, 2022, CDPH Guidance)..... 15
- Additional Consideration #1\_Multiple COVID-19 Infections and COVID-19 Outbreaks..... 17
  - COVID-19 Testing..... 17
  - COVID-19 Testing Consists of the Following:..... 17
  - COVID-19 Investigation, Review, and Hazard Correction During an Outbreak ..... 18
  - Buildings or Structures with Mechanical Ventilation ..... 18
- Additional Consideration #2\_Major COVID-19 Outbreaks ..... 19
- Additional Consideration #3\_COVID-19 Prevention in Employer-Provided Transportation..... 20
  - Assignment of Transportation ..... 20
  - Face-coverings and Respirators ..... 20
  - Screening..... 21
  - Cleaning and Disinfecting ..... 21

Ventilation .....21  
Hand Sanitizing.....22  
Definitions .....23  
§3205. COVID-19 Prevention.....25

## **Elk Grove Unified School District (EGUSD) COVID-19 Prevention Program (CPP)**

This CPP is designed to control employees' exposures to the SARS-CoV-2 virus (severe acute respiratory syndrome coronavirus 2) that causes COVID-19 (Coronavirus Disease 2019) that may occur in our workplace.

This program encompasses elements that may be required in the following CCR, Title 8 sections, including:

[3205, COVID-19 Prevention](#)

[3205.1, Multiple COVID-19 Infection and COVID-19 Outbreaks](#)

[3205.2, Major COVID-19 Outbreaks](#)

[3205.4, COVID-19 Prevention in Employer-Provided Transportation](#)

### **Authority and Responsibility**

Emergency Temporary Standard (ETS) in place for COVID-19 (California Code of Regulations (CCR), Title 8, section 3205(c).

The following people have the authority and/or responsibility for implementing the provisions of this program:

- Amreek Singh, Chief Human Resources Officer
- Kanitra, Lopez, Legal Compliance Specialist
- Tami Elmatari, BSN, RN, PHN, Health Services Coordinator
- Brenda McGuire, MPH, Risk Manager

Risk Management has the following responsibilities in coordination with other departments as needed:

- Maintain a written plan in compliance with current California regulations, including annual updates.
- Coordinate, implement, conduct, and monitor any training required by the ETS, including the District's procedures for complying with the requirements of the ETS.
- Provide all employees with information about the COVID-19 Prevention Program
- Assist employees and supervisors in implementing Elk Grove Unified School District's plan requirements.
- Assist sites and departments in identifying and implementing feasible engineering controls.
- Conduct workplace-specific evaluations as needed.
- Identify COVID-19 Hazards.

- Evaluate employees' potential workplace exposures to all persons at or who may enter the workplace.
- Review applicable orders and general and industry-specific guidance from the State of California, Cal/OSHA, and the local health department related to COVID-19 hazards and prevention.
- Evaluate existing COVID-19 prevention controls in the workplace and the need for different or additional controls.
- Conduct periodic inspections as needed to identify unhealthy conditions, work practices, and work procedures related to COVID-19 and ensure compliance with EGUSD's COVID-19 policies and procedures.

The Human Resources department is responsible for:

- Ensuring compliance with the COVID-19 Prevention Program.
- Upon receiving notice from Risk Management that an unsafe act has occurred, Human Resources will direct the immediate supervisor (administrator or classified manager) to meet with the employee involved to initiate its counseling and progressive discipline programs in accordance with established District policy and procedure.
- Documenting employee vaccination status.

Department Managers or Supervisors will be responsible for:

- Ensuring all supervisors and managers are familiar with the COVID-19 Prevention Program. The plan includes how to recognize the symptoms of COVID-19 and what to do if a worker becomes sick, District work practices to prevent the spread of COVID-19, a review of the proper use of Personal protective equipment, and instructions on cleaning and disinfecting the workplace.

The immediate supervisor (administrator or classified manager) is responsible for:

- Ensuring compliance with the COVID-19 Prevention Program by meeting with the employee involved and applying counseling and progressive discipline in accordance with established District policy and procedure.

Employees are responsible for:

- Reviewing the EGUSD COVID-19 Prevention Program.
- Observing work practices to prevent the spread of germs, including review and use of COVID-19 personal protective equipment.
- Following instructions on how to clean and disinfect the workplace.
- Directly and promptly notifying their immediate supervisor with questions about the District's plan or if they experience any COVID-19 Symptoms.
- All employees are responsible for using safe work practices, following all directives, policies, and procedures, and maintaining a safe work environment.

## **Identification and Evaluation of COVID-19 Hazards**

The District implements the following steps to identify and evaluate COVID-19 Hazards in our workplace.

- Conduct workplace-specific evaluations as needed.
- Document the vaccination status of our employees by using the District's HRIS platform, which is maintained as a confidential medical record.
- Evaluate employees' potential workplace exposures to all persons at or who may enter our workplace.
- Develop COVID-19 policies and procedures to respond effectively and immediately to individuals at the workplace who are a COVID-19 case to prevent or reduce the risk of transmission in the workplace
- Review applicable orders and general and industry-specific guidance from the State of California, Cal/ OSHA, and the local health department related to COVID-19 hazards and prevention.
- Evaluate existing COVID-19 prevention controls in our workplace and the need for different or additional controls.
- Conduct periodic inspections as needed to identify and evaluate unhealthy conditions, work practices, and work procedures related to COVID-19 and to ensure compliance with our COVID-19 policies and procedures.

## **Employee Screening**

EGUSD employees are required to self-screen for COVID-19 symptoms according to CDPH guidelines before reporting to work.

## **Correction of COVID-19 Hazards**

Unsafe or unhealthy work conditions, practices, or procedures are documented and corrected in a timely manner based on the severity of the hazards. The severity of the hazard will be assessed, and correction time frames assigned accordingly depending on the type of hazard. Individuals will be identified as being responsible for timely correction and follow-up measures to ensure timely correction.

## **Control of COVID-19 Hazards**

### **Face-coverings**

The District provides undamaged face-coverings and ensures they are properly worn by employees that are not fully vaccinated when they are indoors or in vehicles and where required by orders from the California Department of Public Health (CDPH) and/or the California Department of Education (CDE).

Face-coverings will be provided, worn over the nose and mouth, replaced, and cleaned as needed. In addition, through building signage and other measures, the District communicates the face-covering requirements to non-employees.

The District ensures that face-coverings used in the workplace meet the section 3205(b)(8) "face-covering" definition and requirements, and the 3205(b)(9) definition of "fully vaccinated" is applied.

Face-covering means a surgical mask, a medical procedure mask, a respirator worn voluntarily, or a tightly woven fabric or non-woven material of at least two layers. A face-covering has no visible holes or openings and must cover the nose and mouth. A face-covering does not include a scarf, ski mask, balaclava, bandana, turtleneck, collar, or a single layer of fabric.

Employees required to wear face-coverings in our workplace may remove them under the following conditions:

- When an employee is alone in a room or a vehicle.
- While eating or drinking at the workplace, provided employees are at least six feet apart and outside air supply to the area, if indoors, has been maximized to the extent feasible.
- When employees are required to wear respirators in accordance with our respirator program that meets section 5144 requirements.
- Employees who cannot wear face-coverings due to a medical or mental health condition or disability, or who are hearing-impaired or communicating with a hearing-impaired person. Such employees will wear an effective, non-restrictive alternative, such as a face shield with a drape on the bottom if their condition permits it. If their condition does not permit it, then the employee will be at least six feet apart from all other persons and either fully vaccinated or tested at least weekly for COVID-19.
- Specific tasks that cannot feasibly be performed with a face-covering. This exception is limited to the time in which such tasks are being performed.

Any employee not wearing a required face-covering will be at least six feet apart from all other persons unless the unmasked employee is either fully vaccinated or tested at least weekly for COVID-19.

We will not prevent any employee from wearing a face-covering when it is not required unless it would create a safety hazard, such as interfering with the safe operation of equipment. Face-coverings will also be provided to any employee that requests one, regardless of their vaccination status.

## Engineering Controls

The District's Maintenance and Operations Department identifies and evaluates indoor locations and determines how to maximize, to the extent feasible, ventilation with outdoor air or the highest filtration efficiency compatible with our existing ventilation system. Additionally, it determines whether using portable (HEPA) filtration units or other air cleaning systems would reduce the risk of transmission.

Factors taken into consideration include:

- Circumstances where the amount of outside air needs to be minimized due to other hazards, such as heat, wildfire smoke, or when the EPA Air Quality Index is greater than 100 for any pollutant.
- How the ventilation system will be properly maintained and adjusted in leased, rented, and District-owned buildings.
- How to maximize, to the extent feasible, the amount of outside air and increase filtration efficiency to the highest level compatible with the existing ventilation system.
- Applicable orders and guidance from the State of California and your local health department related to COVID-19 hazards and prevention, including CDPH's Interim Guidance for Ventilation, Filtration, and Air Quality in Indoor Environments.

## Cleaning and Disinfection Procedures

The following are the District's cleaning and disinfection procedures.

- Only use District-approved cleaning products.
- Frequently touched objects and surfaces such as workstations, keyboards, telephones, handrails, light switches, sink handles, tables, chairs, and doorknobs are cleaned and disinfected frequently.
- Shared workspaces such as break/lunchrooms are cleaned after use but no less than once per day.
- Restrooms are cleaned and disinfected regularly.
- Handwashing supplies in restrooms are monitored and are fully stocked.
- Trash is removed frequently by staff wearing appropriate PPE.
- Implement cleaning and disinfection measures for frequently touched surfaces:
- The District ensures that adequate cleaning supplies and adequate time for cleaning and disinfection measures are adhered to, maintained, and followed.
- The District also informs employees and authorized employee representatives of the frequency and scope of cleaning and disinfection.



When a COVID-19 case is reported in the workplace, the following procedures are followed:

- Student Health and Support Services staff will contact the Custodial Manager with the location(s) requiring deep cleaning.
- The Cleaning and Disinfection Team will clean and disinfect all areas, materials, and equipment used by a COVID-19 case during the high-risk exposure period using District-approved cleaning and disinfection products and equipment.
- The Cleaning and Disinfecting Team is provided regular and ongoing training on the use of District approved cleaning and disinfecting procedures, products, and equipment.

### **Hand Sanitizing**

The District recognizes the importance of proper hand sanitizing and has implemented effective hand sanitizing procedures. These include:

- Evaluating handwashing facilities.
- Determining the need for additional facilities.
- Encouraging and allowing time for employee handwashing.
- Providing employees with an effective hand sanitizer and prohibiting hand sanitizers that contain methanol (i.e., methyl alcohol).
- Encouraging employees to wash their hands for at least 20 seconds each time.

### **Personal Protective Equipment (PPE) to Control Employees' Exposure to COVID-19**

The District evaluates the need for PPE (such as gloves, goggles, and face shields) as required by section 3380 and provides and ensures the use of such PPE as needed. A PPE cabinet is located at each site and, employees should email the site custodian to request necessary PPE. The site custodian will maintain the PPE Cabinet inventory and order additional supplies as needed from the District's Purchasing Department.

- The following are considerations for PPE selection and use.
- Select PPE based on function, fit, and availability.
- Supervisors shall explain to all employees when and why PPE is necessary.
- Employees receive training on the proper procedure for putting on and removing PPE.
- All staff should use face-coverings that meet Cal/OSHA standards. . Face shields are acceptable, provided they have a cloth drape at the bottom that can be tucked into the wearer's shirt.
- Employees required to wear a respirator in the workplace (N95, half-face elastomeric APR, etc.) must abide by the Respiratory Protection Program.

- Foodservice workers and staff in routine contact with the public should use gloves in addition to face coverings.
- PPE must not be shared, e.g., gloves, goggles, and face shields.
- The sharing of vehicles will be minimized to the extent feasible, and high-touch points (e.g., steering wheel, door handles, seatbelt buckles, armrests, shifter, etc.) will be disinfected between users.
- Upon request, the District provides respirators for voluntary use to all employees who are not fully vaccinated and working indoors or in vehicles with more than one person. Employees should request a respirator from their immediate supervisor.

When an employee voluntarily wears a respirator, they are provided with the following information.

Respirators are an effective method of protection against designated hazards when properly selected and worn. Respirator use is encouraged even when exposures are below the exposure limit to provide an additional level of comfort and protection for workers. However, if a respirator is used improperly or not kept clean, the respirator itself can become a hazard to the worker.

Sometimes, workers may wear respirators to avoid exposure to hazards, even if the amount of hazardous substance does not exceed the limits set by OSHA standards. If your employer provides respirators for your voluntary use, or if you provide your own respirator, you need to take certain precautions to be sure that the respirator itself does not present a hazard.

You should do the following:

1. Read and heed all instructions provided by the manufacturer on use, maintenance, cleaning and care, and warnings regarding the respirator's limitations.
2. Choose respirators certified for use to protect against the contaminant of concern. NIOSH, the National Institute for Occupational Safety and Health of the U.S. Department of Health and Human Services, certifies respirators. A label or statement of certification should appear on the respirator or respirator packaging. It will tell you what the respirator is designed for and how much it will protect you.
3. Do not wear your respirator into atmospheres containing contaminants for which your respirator is not designated to protect against. For example, a respirator designed to filter dust particles will not protect you against gases, vapors or very small solid particles of fumes or smoke.
4. Keep track of your respirator so that you do not mistakenly use someone else's respirator.

We provide and ensure the use of respirators in compliance with section 5144 when deemed necessary by Cal/OSHA.

We also provide and ensure the use of eye and respiratory protection when employees are exposed to procedures that may aerosolize potentially infectious material such as saliva or respiratory tract fluids. Respirator use under these circumstances is subject to the District's Respiratory Protection Program requirements.

### **Testing of Symptomatic Employees**

We make COVID-19 Testing available at no cost to all employees who had close contact in the workplace and have COVID-19 symptoms during employees' paid time. As part of the contact tracing process, employees receive information about District sponsored testing or community testing options.

### **Investigating and Responding to COVID-19 Cases**

The District had developed and implemented effective procedures to investigate COVID-19 cases in the workplace. These measures include seeking information from our employees regarding COVID-19 cases, close contacts, test results, and the onset of symptoms. In addition, District Contact Tracers utilize various tools to capture the necessary information for case reporting.

We also ensure the following is implemented:

Employees that had a close contact are offered COVID-19 Testing at no cost during their working hours, except for COVID-19 cases who were allowed to return to work per our return-to-work criteria and have remained free of symptoms for 90 days after the initial onset of symptoms or for cases who never developed symptoms, for 90 days after the first positive test.

The District's Human Resources Department provides employees with information on benefits described in Training and Instruction and Exclusion of COVID-19 Cases.

The District will provide written notice within one business day of our knowledge of a COVID-19 case that people at the worksite may have been exposed to COVID-19. This notice will be provided to all employees (and their authorized representative), independent contractors, and other employers on the premises at the same worksite as the COVID-19 case during the high-risk exposure period. These notifications will meet the requirements of T8CCR section 3205(c)(3)(B) and Labor Code section 6409.6(a)(4); (a)(2); and (c).

We consider a "close contact" that meets the definition as described in section 3205(b)(1) definition; meaning a person being within six feet of a COVID-19 case for a cumulative total of 15 minutes or greater in any 24-hour period within or overlapping with the "high-risk exposure period. This definition applies regardless of the use of face coverings.

We consider the "high-risk exposure period" meets the section 3205(b)(10) definition; and "worksite" meets the section 3205(b)(12) definition, meaning:

(A) For COVID-19 cases who develop COVID-19 symptoms, from two days before they first develop symptoms until all of the following are true: it has been 10 days since symptoms first appeared; 24 hours have passed with no fever, without the use of fever-reducing medications; and symptoms have improved.

(B) For COVID-19 cases who never develop COVID-19 symptoms, from two days before until 10 days after the specimen for their first positive test for COVID-19 was collected.

## **System for Communicating**

Our goal is to ensure that we have effective two-way communication with our employees, in a form they can readily understand, and that it includes the following information:

- Employees should promptly report COVID-19 symptoms, possible close contacts, and hazards to their immediate supervisor as soon as possible. In addition, the District expects employees to cooperate fully with the District's contact tracing efforts.
- Employees can report symptoms, possible close contacts, and workplace hazards without fear of reprisal.
- Employees with medical or other conditions that put them at increased risk of severe COVID-19 illness can request reasonable accommodations by contacting their immediate supervisor or the Risk Management Department.
- The District ensures that employees have access to COVID-19 Testing; when testing is required. Testing is provided during working hours, including when the testing is in response to CCR Title 8 section 3205.1, Multiple COVID-19 Infections and COVID-19 Outbreaks, as well as section 3205.2, Major COVID-19 Outbreaks. The District provides employees with information on District sponsored test sites and community testing options.
- Employees are encouraged to report COVID-19 hazards or concerns to their immediate supervisor, the District's Health Coordinator, Human Resources, or Risk Management without fear of reprisal.

- The District takes the confidentiality requirements for COVID-19 cases extremely seriously and limits the information to only those that "need to know." In addition, all information is maintained in a protected database with access limited to select staff.
- The District provides employees with ongoing COVID-19 related communications as needed.

## **Training and Instruction**

The District provides effective employee training on its COVID-19 Prevention Program and instruction that includes:

Information on the District's COVID-19 policies and procedures to protect employees from COVID-19 hazards, and how to participate in the identification and evaluation of COVID-19 hazards.

Information regarding COVID-19-related benefits (including mandated sick and vaccination leave) to which the employee may be entitled under applicable federal, state, or local laws.

The fact that:

- COVID-19 is an infectious disease that can be spread through the air.
- COVID-19 may be transmitted when a person touches a contaminated object and then touches their eyes, nose, or mouth.
- An infected person may have no symptoms.

The fact that particles containing the virus can travel more than six feet, especially indoors, so physical distancing, face-coverings, increased ventilation indoors, and respiratory protection decrease the spread of COVID-19 and are most effective when used in combination.

The right of employees that are not fully vaccinated to request a respirator for voluntary use, without fear of retaliation, and our policies for providing the respirators. Employees voluntarily using respirators will be trained according to section 5144(c)(2) requirements:

- How to properly wear them.
- How to perform a seal check according to the manufacturer's instructions each time a respirator is worn and the fact that facial hair can interfere with a seal.

The importance of frequent handwashing with soap and water for at least 20 seconds and using hand sanitizer when employees do not have immediate access to a sink or handwashing facility, and that hand sanitizer does not work if the hands are soiled.

Proper use of face-coverings and the fact that face-coverings are not respiratory protective equipment. Since COVID-19 is an airborne disease, N95s and more protective respirators protect the users from airborne disease, while face-coverings primarily protect people around the user.

The conditions where face-coverings must be worn at the workplace.

That face-coverings are additionally recommended outdoors for people who are not fully vaccinated if six feet of distance cannot be maintained.

Employees can request face-coverings and can wear them at work regardless of vaccination status and without fear of retaliation.

COVID-19 symptoms and the importance of obtaining a COVID-19 test and not coming to work if the employee has COVID-19 symptoms.

Information on our COVID-19 policies and how to access COVID-19 Testing and vaccination, and the fact that vaccination is effective at preventing COVID-19, protecting against both transmission and serious illness or death.

## **Exclusion of COVID-19 Cases and Employees who had a Close Contact**

When the District finds a COVID-19 case or close contact in our workplace, we limit transmission by:

- Ensuring that COVID-19 cases are excluded from the workplace until our return-to-work requirements are met.
- Excluding employees that had a close contact from the workplace until our return-to-work criteria have been met, with the following exceptions:
- Employees who were fully vaccinated before the close contact and who do not develop COVID-19 symptoms, provided they wear a face-covering and maintain six feet of physical distance from others in the workplace for 14 days following the last date of close contact.
- COVID-19 cases who returned to work per our return-to-work criteria and have remained free of COVID-19 symptoms do not need to be excluded from the workplace for 90 days after the initial onset of COVID-19 symptoms, provided they wear a face-covering and maintain six feet of distance from others in the workplace for 14 days following the last date of close contact.
- COVID-19 cases who returned to work per our return-to-work criteria who never developed COVID-19 symptoms do not need to be excluded from the workplace for 90 days after the first positive test, provided they wear a face-covering and maintain six feet of distance from others in the workplace for 14 days following the last date of close contact.

- If we do not exclude an employee who had a close contact as permitted by the above three exceptions, we will provide the employee with information about any applicable precautions recommended by CDPH for individuals with close contact.
- The District's Human Resources Department will provide employees excluded from work with information on continuing, and maintaining earnings, wages, seniority, and all other employees' rights and benefits.
- Providing employees at the time of exclusion with information on available benefits.

## **Reporting, Recordkeeping, and Access**

The District's policy is to report information about COVID-19 cases and outbreaks at our workplace to the local health department whenever required by law and provide any related information requested by the local health department.

Maintain records of the steps taken to implement our written COVID-19 Prevention Program in accordance with section 3203(b).

Make our written COVID-19 Prevention Program available at the workplace to employees, authorized employee representatives, and to representatives of Cal/OSHA immediately upon request.

Record of and track all COVID-19 cases.

## **Current Return-to-Work Criteria**

The exclusion section of the ETS was revised. However, the new timelines are overridden by the California Department of Public Health (CDPH) isolation and quarantine periods guidance from January 6, 2022.

Please refer to the Isolation and Quarantine fact sheet for more information <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Guidance-on-Isolation-and-Quarantine-for-COVID-19-Contact-Tracing.aspx>

## **December 16, 2021, ETS Return to Work Criteria (Overridden by January 6, 2022, CDPH Guidance).**

COVID-19 cases with symptoms will not return to work until all the following have occurred:

- At least 24 hours have passed since a fever of 100.4 °F., or higher has resolved without the use of fever-reducing medications, and
- COVID-19 symptoms have improved, and at least 10 days have passed since COVID-19 symptoms first appeared.

- COVID-19 cases who tested positive but never developed symptoms will not return to work until a minimum of 10 days have passed since the date of specimen collection of their first positive COVID-19 test.
- A negative COVID-19 test will not be required for an employee to return to work once the requirements for "cases with symptoms" or "cases who tested positive but never developed symptoms" (above) have been met.

Persons who had a close contact may return to work as follows:

- Close contact but never developed symptoms: after 14 days have passed since the last known close contact unless either of the following exceptions applies:
- Ten days have passed since the last known close contact, and the person wears a face-covering and maintains six feet of physical distance from others while at the workplace for 14 days following the last date of close contact.
- Seven days have passed since the last known close contact; the person tested negative for COVID-19 using a COVID-19 test with the specimen taken at least five days after the last known close contact, and the person wears a face-covering and maintains six feet of physical distance from others while at the workplace for 14 days following the last date of close contact.
- Close contact with symptoms: when the "COVID-19 cases with symptoms" criteria (above) have been met.
- If an order to isolate, quarantine, or exclude an employee is issued by a local or state health official, the employee will not return to work until the period of isolation or quarantine is completed or the order is lifted.

If a worker that is unvaccinated cannot be tested as required, quarantine must continue for at least 10 days as explained in the table.

If a worker is fully vaccinated, whether or not they are booster eligible or have received a booster, and the worker cannot be tested on or by day 5, as applicable, employers should follow the ETS by ensuring the worker wears a face covering and maintains six feet of distance for 14 days following the close contact.



## **Additional Consideration #1 Multiple COVID-19 Infections and COVID-19 Outbreaks**

In the event of three or more employee COVID-19 cases within an exposed group visited the workplace during their high-risk exposure period at any time during a 14-day period, the following will apply.

This addendum will stay in effect until there are no new COVID-19 cases detected in the exposed group for a 14-day period.

### **COVID-19 Testing**

The District will provide COVID-19 Testing at no cost to all employees, during paid time, in our exposed group except for:

- Employees who were not present during the relevant 14-day period.
- COVID-19 cases who did not develop symptoms after returning to work pursuant to our return-to-work criteria, no testing is required for 90 days after the initial onset of symptoms or, for COVID-19 cases who never developed symptoms, 90 days after the first positive test.

### **COVID-19 Testing Consists of the Following:**

- All employees in our exposed group are immediately tested and then again one week later. Negative COVID-19 test results of employees with COVID-19 exposure will not impact the duration of any quarantine, isolation, or exclusion period required by or orders issued by, the local health department.
- After the first two COVID-19 tests, we continue to provide COVID-19 Testing once a week of employees in the exposed group who remain at the workplace, or more frequently if recommended by the local health department, until there are no new COVID-19 cases detected in our workplace for a 14-day period.
- We provide additional testing when deemed necessary by Cal/OSHA.

We continue to comply with the applicable elements of our CPP, as well as the following:

1. Employees in the exposed group wear face-coverings when indoors or when outdoors and less than six feet apart (unless one of the face-covering exceptions indicated in our CPP applies).
2. We give notice to employees in the exposed group of their right to request a respirator for voluntary use if they are not fully vaccinated.
3. We evaluate whether to implement physical distancing of at least six feet between persons, or where six feet of physical distancing is not feasible, the need for the use of cleanable solid partitions of sufficient size to reduce COVID-19 transmission.

## **COVID-19 Investigation, Review, and Hazard Correction During an Outbreak**

The District immediately performs a review of potentially relevant COVID-19 policies, procedures, and controls and implement changes as needed to prevent further spread of COVID-19.

The investigation and review is documented and includes:

- Investigation of new or unabated COVID-19 hazards including:
- Our leave policies and practices and whether employees are discouraged from remaining homewhen sick.
- Our COVID-19 testing policies.
- Insufficient outdoor air.
- Insufficient air filtration.
- Lack of physical distancing.

Updating the review:

- Every thirty days that the outbreak continues.
- In response to new information or to new or previously unrecognized COVID-19 hazards.
- When otherwise necessary.

Implementing changes to reduce the transmission of COVID-19 based on the investigation and review. We consider:

- Moving indoor tasks outdoors or having them performed remotely.
- Increasing outdoor air supply when work is done indoors.
- Improving air filtration.
- Increasing physical distancing as much as feasible.
- Requiring respiratory protection in compliance with section 5144.

### **Buildings or Structures with Mechanical Ventilation**

The District filters recirculated air with Minimum Efficiency Reporting Value (MERV) 13 or higher efficiency filters, if compatible with the ventilation system. If MERV-13 or higher filters are not compatible, we will use filters with the highest compatible filtering efficiency. We will also evaluate whether portable or mounted High-Efficiency Particulate Air (HEPA) filtration units or other air cleaning systems would reduce the risk of transmission and if so, implement their use to the degree feasible.

## **Additional Consideration #2 Major COVID-19 Outbreaks**

The District will follow the protocol outlined below should 20 or more employee COVID-19 cases in an exposed group visit the workplace during the high-risk exposure period within a 30-day period. Reference section 3205.2 for details. This addendum will stay in effect until there are fewer than three COVID-19 cases detected in our exposed group for a 14-day period.

- We will continue to comply with the Multiple COVID-19 Infections and COVID-19 Outbreaks addendum, except that the COVID-19 Testing, regardless of vaccination status, is made available to all employees in the exposed group twice a week or more frequently if recommended by the local health department.
- In addition to complying with our CPP and Multiple COVID-19 Infections and COVID-19 Outbreaks addendum, we also:
- Provide employees in the exposed group with respirators for voluntary use in compliance with section 5144(c)(2) and determine the need for a respiratory protection program or changes to an existing respiratory protection program under section 5144 to address COVID-19 hazards.
- Separate by six feet (except where we can demonstrate that six feet of separation is not feasible and there is momentary exposure while persons are in movement) any employees in the exposed group who are not wearing respirators required by us and used in compliance with section 5144.
- When it is not feasible to maintain a distance of at least six feet, individuals are as far apart as feasible by using physical distancing that includes: reducing the number of persons in an area at one time, including visitors; visual cues such as signs and floor markings to indicate where employees and others should be located or their direction and path of travel; staggered arrival, departure, work, and break times; and adjusted work processes or procedures, such as reducing production speed, to allow greater distance between employees.
- Install cleanable solid partitions that effectively reduce transmission between the employee and other persons at workstations where an employee in the exposed group is assigned to work for an extended period, such as cash registers, desks, and production line stations, and where the physical distancing requirement (described above) is not always maintained.
- Evaluate whether to halt some or all operations at the workplace until COVID-19 hazards have been corrected.
- Implement any other control measures deemed necessary by Cal/OSHA.

## **Additional Consideration #3**

### **COVID-19 Prevention in Employer-Provided Transportation**

This addendum applies to District-provided motor vehicle transportation, which is any transportation of an employee, during the course and scope of employment, including transportation to and from different workplaces, job sites, delivery sites, buildings, and facilities, regardless of the travel distance or duration involved.

This addendum does not apply:

- If the driver and all passengers are from the same household outside of work, such as family members, or if the driver is alone in the vehicle.
- To employer-provided transportation when necessary for emergency response, including firefighting, rescue, and evacuation, and support activities directly aiding response such as utilities, communications and medical operations.
- To employees with occupational exposure as defined by section 5199.
- To vehicles in which all employees are fully vaccinated.
- To public transportation

#### **Assignment of Transportation**

To the extent feasible, the District will reduce exposure to COVID-19 hazards by assigning employees sharing vehicles to distinct groups and ensuring that each group remains separate from other such groups during transportation and during work activities. We prioritize shared transportation assignments in the following order:

- Employees working in the same crew or workplace are transported in the same vehicle.
- Employees who do not share the same household, work crew, or workplace are transported in the same vehicle only when no other transportation alternatives are feasible.

#### **Face-coverings and Respirators**

We ensure that the:

- Face covering requirements of our CPP **Face Coverings** are followed for employees waiting for transportation, if applicable.
- All employees are provided with a face-covering, which must be worn unless an exception under our CPP Face-Coverings applies.
- Upon request, we provide respirators for voluntary use in compliance with subsection 5144(c)(2) to all employees in the vehicle who are not fully vaccinated.

## Screening

The District implements and maintains effective procedures for screening and excluding drivers and riders with COVID-19 symptoms prior to boarding shared transportation. Employees are required to self-screen for COVID-19 symptoms before entering a shared vehicle.

## Cleaning and Disinfecting

We ensure that:

- All high-contact surfaces (door handles, seatbelt buckles, armrests, etc.) used by passengers are cleaned to prevent the spread of COVID-19 and are cleaned and disinfected if used by a COVID-19 case during the high-risk exposure period when the surface will be used by another employee within 24 hours of the COVID-19 case. Upon learning that a vehicle was used by a COVID-19 case less than 24 hours before use, the District will ensure that the vehicle is cleaned and disinfected using the District's cleaning and disinfecting regimen.
- All high-contact surfaces used by drivers, such as the steering wheel, armrests, seatbelt buckles, door handles, and shifter, are cleaned to prevent the spread of COVID-19 between different drivers and are disinfected after use by a COVID-19 case during the high-risk exposure period if the surface will be used by another employee within 24 hours of the COVID-19 case. Upon learning that a vehicle was used by a COVID-19 case less than 24 hours before use, the District will ensure that the vehicle is cleaned and disinfected using the District's cleaning and disinfecting regimen.
- We provide sanitizing materials, training on how to use them properly, and ensure they are kept in an adequate supply.

## Ventilation

The District requires drivers to keep vehicle windows open and that the ventilation system is set to maximize outdoor air and not set to recirculate air. Windows do not have to be kept open if one or more of the following conditions exist:

- The vehicle has functioning air conditioning in use, and excessive outdoor heat would create a hazard to employees.
- The vehicle has functioning heating in use, and excessive outdoor cold would create a hazard to employees.
- Protection is needed from weather conditions, such as rain or snow.
- The vehicle has a cabin air filter in use, and the U.S. EPA Air Quality Index for any pollutant is greater than 100.

**Hand Sanitizing**

The District provides hand sanitizer in each vehicle and requires that all drivers and riders sanitize their hands before entering and exiting the vehicle. Hand sanitizers with methyl alcohol are prohibited.

## Definitions

The following definitions apply to this section and to sections 3205.1 through 3205.4.

(1) "Close contact" means being within six feet of a COVID-19 case for a cumulative total of 15 minutes or greater in any 24-hour period within or overlapping with the "high-risk exposure period" defined by this section. This definition applies regardless of the use of face coverings.

EXCEPTION: Employees have not had a close contact if they wore a respirator required by the employer and used in compliance with section 5144, whenever they were within six feet of the COVID-19 case during the high-risk exposure period.

(2) "COVID-19" means coronavirus disease, an infectious disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

(3) "COVID-19 case" means a person who:

- (A) Has a positive "COVID-19 test" as defined in this section; or
- (B) Has a positive COVID-19 diagnosis from a licensed health care provider; or
- (C) Is subject to a COVID-19-related order to isolate issued by a local or state health official; or
- (D) 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.

(4) "COVID-19 hazard" means potentially infectious material that may contain SARS-CoV-2, the virus that causes COVID-19. Potentially infectious materials include airborne droplets, small particle aerosols, and airborne droplet nuclei, which most commonly result from a person or persons exhaling, talking or vocalizing, coughing, or sneezing, or from procedures performed on persons which may aerosolize saliva or respiratory tract fluids. This also includes objects or surfaces that may be contaminated with SARS-CoV-2.

(5) "COVID-19 symptoms" means fever of 100.4 degrees Fahrenheit or higher, chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, or diarrhea, unless a licensed health care professional determines the person's symptoms were caused by a known condition other than COVID-19.

(6) "COVID-19 test" means a viral test for SARS-CoV-2 that is:

- (A) Approved by the United States Food and Drug Administration (FDA) or has an Emergency Use Authorization from the FDA to diagnose current infection with the SARS-CoV-2 virus; and
- (B) Administered in accordance with the FDA approval or the FDA Emergency Use Authorization as applicable.

(7) "Exposed group" means all employees at a work location, working area, or a common area at work, where an employee COVID-19 case was present at any time during the high-risk exposure period. A common area at work includes bathrooms, walkways, hallways, aisles, break or eating areas, and waiting areas. The following exceptions apply:

(A) For the purpose of determining the exposed group, a place where persons momentarily pass through while everyone is wearing face coverings, without congregating, is not a work location, working area, or a common area at work.

(B) If the COVID-19 case was part of a distinct group of employees who are not present at the workplace at the same time as other employees, for instance a work crew or shift that does not overlap with another work crew or shift, only employees within that distinct group are part of the exposed group.

(C) If the COVID-19 case visited a work location, working area, or a common area at work for less than 15 minutes during the high-risk exposure period, and the COVID-19 case was wearing a face covering during the entire visit, other people at the work location, working area, or common area are not part of the exposed group.

NOTE: An exposed group may include the employees of more than one employer. See Labor Code sections 6303 and 6304.1.

(8) "Face covering" means a surgical mask, a medical procedure mask, a respirator worn voluntarily, or a tightly woven fabric or non-woven material of at least two layers. A face covering has no visible holes or openings and must cover the nose and mouth. A face covering does not include a scarf, ski mask, balaclava, bandana, turtleneck, collar, or single layer of fabric.

(9) "Fully vaccinated" means the employer has documented that the person received, at least 14 days prior, either the second dose in a two-dose COVID-19 vaccine series or a single-dose COVID-19 vaccine. Vaccines must be FDA approved; have an emergency use authorization from the FDA; or, for persons fully vaccinated outside the United States, be listed for emergency use by the World Health Organization (WHO).



This information is provided free of charge by the Department of Industrial Relations from its web site at [www.dir.ca.gov](http://www.dir.ca.gov). These regulations are for the convenience of the user and no representation or warranty is made that the information is current or accurate. See full disclaimer at [https://www.dir.ca.gov/od\\_pub/disclaimer.html](https://www.dir.ca.gov/od_pub/disclaimer.html).

## Subchapter 7. General Industry Safety Orders

### Introduction

[Return to index](#)

[New query](#)

---

## §3205. COVID-19 Prevention.

---

NOTE: *See Executive Order N-84-20 (2019 CA EO 84-20), issued in response to the COVID-19 pandemic, which suspends certain provisions relating to the exclusion of COVID-19 cases from the workplace.*

### (a) Scope.

(1) This section applies to all employees and places of employment, with the following exceptions:

- (A) Work locations with one employee who does not have contact with other persons.
- (B) Employees working from home.
- (C) Employees with occupational exposure as defined by section 5199, when covered by that section.
- (D) Employees teleworking from a location of the employee's choice, which is not under the control of the employer.

(2) Nothing in this section is intended to limit more protective or stringent state or local health department mandates or guidance.

(b) Definitions. The following definitions apply to this section and to sections 3205.1 through 3205.4.

(1) "Close contact" means being within six feet of a COVID-19 case for a cumulative total of 15 minutes or greater in any 24-hour period within or overlapping with the "high-risk exposure period" defined by this section. This definition applies regardless of the use of face coverings. EXCEPTION: Employees have not had a close contact if they wore a respirator required by the employer and used in compliance with section 5144, whenever they were within six feet of the COVID-19 case during the high-risk exposure period.

(2) "COVID-19" means coronavirus disease, an infectious disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

(3) "COVID-19 case" means a person who:

- (A) Has a positive "COVID-19 test" as defined in this section; or
- (B) Has a positive COVID-19 diagnosis from a licensed health care provider; or
- (C) Is subject to a COVID-19-related order to isolate issued by a local or state health official; or
- (D) 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.

(4) "COVID-19 hazard" means potentially infectious material that may contain SARS-CoV-2, the virus that causes COVID-19. Potentially infectious materials include airborne droplets, small particle aerosols, and airborne droplet nuclei, which most commonly result from a person or

persons exhaling, talking or vocalizing, coughing, or sneezing, or from procedures performed on persons which may aerosolize saliva or respiratory tract fluids. This also includes objects or surfaces that may be contaminated with SARS-CoV-2.

(5) “COVID-19 symptoms” means fever of 100.4 degrees Fahrenheit or higher, chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, or diarrhea, unless a licensed health care professional determines the person's symptoms were caused by a known condition other than COVID-19.

(6) “COVID-19 test” means a viral test for SARS-CoV-2 that is:

(A) Approved by the United States Food and Drug Administration (FDA) or has an Emergency Use Authorization from the FDA to diagnose current infection with the SARS-CoV-2 virus; and  
(B) Administered in accordance with the FDA approval or the FDA Emergency Use Authorization as applicable.

(7) “Exposed group” means all employees at a work location, working area, or a common area at work, where an employee COVID-19 case was present at any time during the high-risk exposure period. A common area at work includes bathrooms, walkways, hallways, aisles, break or eating areas, and waiting areas. The following exceptions apply:

(A) For the purpose of determining the exposed group, a place where persons momentarily pass through while everyone is wearing face coverings, without congregating, is not a work location, working area, or a common area at work.

(B) If the COVID-19 case was part of a distinct group of employees who are not present at the workplace at the same time as other employees, for instance a work crew or shift that does not overlap with another work crew or shift, only employees within that distinct group are part of the exposed group.

(C) If the COVID-19 case visited a work location, working area, or a common area at work for less than 15 minutes during the high-risk exposure period, and the COVID-19 case was wearing a face covering during the entire visit, other people at the work location, working area, or common area are not part of the exposed group.

NOTE: An exposed group may include the employees of more than one employer. See Labor Code sections 6303 and 6304.1.

(8) “Face covering” means a surgical mask, a medical procedure mask, a respirator worn voluntarily, or a tightly woven fabric or non-woven material of at least two layers. A face covering has no visible holes or openings and must cover the nose and mouth. A face covering does not include a scarf, ski mask, balaclava, bandana, turtleneck, collar, or single layer of fabric.

(9) “Fully vaccinated” means the employer has documented that the person received, at least 14 days prior, either the second dose in a two-dose COVID-19 vaccine series or a single-dose COVID-19 vaccine. Vaccines must be FDA approved; have an emergency use authorization from the FDA; or, for persons fully vaccinated outside the United States, be listed for emergency use by the World Health Organization (WHO).

(10) “High-risk exposure period” means the following time period:

(A) For COVID-19 cases who develop COVID-19 symptoms, from two days before they first develop symptoms until all of the following are true: it has been 10 days since symptoms first appeared; 24 hours have passed with no fever, without the use of fever-reducing medications; and symptoms have improved.

(B) For COVID-19 cases who never develop COVID-19 symptoms, from two days before until 10 days after the specimen for their first positive test for COVID-19 was collected.

(11) “Respirator” means a respiratory protection device approved by the National Institute for Occupational Safety and Health (NIOSH) to protect the wearer from particulate matter, such as an N95 filtering facepiece respirator.

(12) “Worksite,” for the limited purposes of COVID-19 prevention regulations only, means the building, store, facility, agricultural field, or other location where a COVID-19 case was present during the high-risk exposure period. It does not apply to buildings, floors, or other locations of the employer that a COVID-19 case did not enter.

NOTE: The term worksite is used for the purpose of notice requirements in subsections

(c)(3)(B)3. and 4. only.

(c) Written COVID-19 Prevention Program. Employers shall establish, implement, and maintain an effective, written COVID-19 Prevention Program, which may be integrated into the employer's Injury and Illness Prevention Program required by section 3203, or be maintained in a separate document. The written elements of a COVID-19 Prevention Program shall include:

(1) System for communicating. The employer shall do all of the following in a form readily understandable by employees:

(A) Ask employees to report to the employer, without fear of reprisal, COVID-19 symptoms, possible close contacts, and possible COVID-19 hazards at the workplace.

(B) Describe how employees with medical or other conditions that put them at increased risk of severe COVID-19 illness can request accommodations.

(C) Provide information about access to COVID-19 testing as described in subsection (c)(5)(I) when testing is required under this section, section 3205.1, or section 3205.2.

(D) In accordance with subsection (c)(3)(B), communicate information about COVID-19 hazards and the employer's COVID-19 policies and procedures to employees and to other employers, persons, and entities within or in contact with the employer's workplace.

NOTE: See subsection (c)(3)(C) for confidentiality requirements for COVID-19 cases.

(2) Identification and evaluation of COVID-19 hazards.

(A) The employer shall allow for employee and authorized employee representative participation in the identification and evaluation of COVID-19 hazards.

(B) The employer shall develop and implement a process for screening employees for and responding to employees with COVID-19 symptoms. The employer may ask employees to evaluate their own symptoms before reporting to work. If the employer conducts screening indoors at the workplace, the employer shall ensure that face coverings are used during screening by both screeners and employees who are not fully vaccinated and, if temperatures are measured, that non-contact thermometers are used.

(C) The employer shall develop COVID-19 policies and procedures to respond effectively and immediately to individuals at the workplace who are a COVID-19 case to prevent or reduce the risk of transmission of COVID-19 in the workplace.

(D) The employer shall conduct a workplace-specific identification of all interactions, areas, activities, processes, equipment, and materials that could potentially expose employees to COVID-19 hazards. Employers shall treat all persons, regardless of symptoms or negative COVID-19 test results, as potentially infectious.

1. This shall include identification of places and times when people may congregate or come in contact with one another, regardless of whether employees are performing an assigned work task

or not, for instance during meetings or trainings and including in and around entrances, bathrooms, hallways, aisles, walkways, elevators, break or eating areas, cool-down areas, and waiting areas.

2. This shall include an evaluation of employees' potential workplace exposure to all persons at the workplace or who may enter the workplace, including coworkers, employees of other entities, members of the public, customers or clients, and independent contractors. Employers shall consider how employees and other persons enter, leave, and travel through the workplace, in addition to addressing stationary work.

(E) For indoor locations, the employer shall evaluate how to maximize ventilation with outdoor air; the highest level of filtration efficiency compatible with the existing ventilation system; and whether the use of portable or mounted High Efficiency Particulate Air (HEPA) filtration units, or other air cleaning systems, would reduce the risk of COVID-19 transmission.

(F) The employer shall review applicable orders and guidance from the State of California and the local health department related to COVID-19 hazards and prevention. These orders and guidance are both information of general application, including Interim guidance for Ventilation, Filtration, and Air Quality in Indoor Environments by the California Department of Public Health (CDPH), and information specific to the employer's industry, location, and operations.

(G) The employer shall evaluate existing COVID-19 prevention controls at the workplace and the need for different or additional controls. This includes evaluation of controls in subsections (c)(4), (c)(6), and (c)(7).

(H) The employer shall conduct periodic inspections as needed to identify unhealthy conditions, work practices, and work procedures related to COVID-19 and to ensure compliance with employers' COVID-19 policies and procedures.

(3) Investigating and responding to COVID-19 cases in the workplace.

(A) Employers shall have an effective procedure to investigate COVID-19 cases in the workplace. This includes procedures for seeking information from employees regarding COVID-19 cases and close contacts, COVID-19 test results, and onset of COVID-19 symptoms, and identifying and recording COVID-19 cases.

(B) The employer shall take the following actions when there has been a COVID-19 case at the place of employment:

1. Determine the day and time the COVID-19 case was last present and, to the extent possible, the date of the positive COVID-19 test(s) and/or diagnosis, and the date the COVID-19 case first had one or more COVID-19 symptoms, if any were experienced.

2. Determine who may have had a close contact. This requires an evaluation of the activities of the COVID-19 case and all locations at the workplace which may have been visited by the COVID-19 case during the high-risk exposure period.

NOTE: See subsection (c)(9) for exclusion requirements for employees after a close contact.

3. Within one business day of the time the employer knew or should have known of a COVID-19 case, the employer shall give written notice, in a form readily understandable by employees, that people at the worksite may have been exposed to COVID-19. The notice shall be written in a way that does not reveal any personal identifying information of the COVID-19 case. Written notice may include, but is not limited to, personal service, email, or text message if it can reasonably be anticipated to be received by the employee within one business day of sending. The notice shall include the disinfection plan required by Labor Code section 6409.6(a)(4). The notice must be sent to the following:

- a. All employees at the worksite during the high-risk exposure period. If the employer should reasonably know that an employee has not received the notice, or has limited literacy in the language used in the notice, the employer shall provide verbal notice, as soon as practicable, in a language understandable by the employee.
  - b. Independent contractors and other employers at the worksite during the high-risk exposure period.
4. Within one business day of the time the employer knew or should have known of the COVID-19 case, the employer shall provide the notice required by Labor Code section 6409.6(a)(2) and (c) to the authorized representative of any employee at the worksite during the high-risk exposure period.
5. Make COVID-19 testing available at no cost, during paid time, to all employees of the employer who had a close contact in the workplace and provide them with the information on benefits described in subsections (c)(5)(B) and (c)(9)(C), with the following exceptions:
- a. Employees who were fully vaccinated before the close contact and do not have COVID-19 symptoms.
  - b. COVID-19 cases who returned to work pursuant to subsection 3205(c)(10)(A) or (B) and have remained free of COVID-19 symptoms, for 90 days after the initial onset of COVID-19 symptoms or, for COVID-19 cases who never developed symptoms, for 90 days after the first positive test.
6. Investigate whether workplace conditions could have contributed to the risk of COVID-19 exposure and what could be done to reduce exposure to COVID-19 hazards.
- (C) Personal identifying information of COVID-19 cases or persons with COVID-19 symptoms, and any employee medical records required by this section or by sections 3205.1 through 3205.4, shall be kept confidential unless disclosure is required or permitted by law. Unredacted information on COVID-19 cases shall be provided to the local health department, CDPH, the Division, and NIOSH immediately upon request, and when required by law.
- (4) Correction of COVID-19 hazards. Employers shall implement effective policies and/or procedures for correcting unsafe or unhealthy conditions, work practices, policies and procedures in a timely manner based on the severity of the hazard. This includes, but is not limited to, implementing controls and/or policies and procedures in response to the evaluations conducted under subsections (c)(2) and (c)(3) and implementing the controls required by subsections (c)(6) and (c)(7).
- (5) Training and instruction. The employer shall provide effective training and instruction to employees that includes the following:
- (A) The employer's COVID-19 policies and procedures to protect employees from COVID-19 hazards, and how to participate in the identification and evaluation of COVID-19 hazards under subsection (c)(2)(A).
  - (B) Information regarding COVID-19-related benefits to which the employee may be entitled under applicable federal, state, or local laws. This includes any benefits available under legally mandated sick and vaccination leave, if applicable, workers' compensation law, local governmental requirements, the employer's own leave policies, leave guaranteed by contract, and this section.
  - (C) 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 have no symptoms.

(D) The fact that particles containing the virus can travel more than six feet, especially indoors, so physical distancing, face coverings, increased ventilation indoors, and respiratory protection decrease the spread of COVID-19, but are most effective when used in combination.

(E) The employer's policies for providing respirators, and the right of employees who are not fully vaccinated to request a respirator for voluntary use as stated in this section, without fear of retaliation and at no cost to employees. Whenever respirators are provided for voluntary use under this section or sections 3205.1 through 3205.4:

1. How to properly wear the respirator provided;
2. How to perform a seal check according to the manufacturer's instructions each time a respirator is worn, and the fact that facial hair interferes with a seal.

(F) The importance of frequent hand washing with soap and water for at least 20 seconds and using hand sanitizer when employees do not have immediate access to a sink or hand washing facility, and that hand sanitizer does not work if the hands are soiled.

(G) Proper use of face coverings and the fact that face coverings are not respiratory protective equipment. COVID-19 is an airborne disease. N95s and more protective respirators protect the users from airborne disease while face coverings primarily protect people around the user.

(H) COVID-19 symptoms, and the importance of not coming to work and obtaining a COVID-19 test if the employee has COVID-19 symptoms.

(I) Information on the employer's COVID-19 policies; how to access COVID-19 testing and vaccination; and the fact that vaccination is effective at preventing COVID-19, protecting against both transmission and serious illness or death.

(J) The conditions under which face coverings must be worn at the workplace and that face coverings are additionally recommended outdoors for people who are not fully vaccinated if six feet of distance between people cannot be maintained. Employees can request face coverings from the employer at no cost to the employee and can wear them at work, regardless of vaccination status, without fear of retaliation.

(6) Face coverings.

(A) For all employees who are not fully vaccinated, employers shall provide face coverings and ensure they are worn when indoors or in vehicles.

(B) Employers shall provide face coverings and ensure they are worn by employees when required by orders from the CDPH.

(C) Employers shall ensure that required face coverings are clean and undamaged, and that they are worn over the nose and mouth. Face shields are not a replacement for face coverings, although they may be worn together for additional protection.

(D) When employees are required to wear face coverings under this section or sections 3205.1 through 3205.4, the following exceptions apply:

1. When an employee is alone in a room or vehicle.
2. While eating or drinking at the workplace, provided employees are at least six feet apart and outside air supply to the area, if indoors, has been maximized to the extent feasible.
3. Employees wearing respirators required by the employer and used in compliance with section 5144.
4. Employees who cannot wear face coverings due to a medical or mental health condition or disability, or who are hearing-impaired or communicating with a hearing-impaired person.
5. Specific tasks which cannot feasibly be performed with a face covering. This exception is limited to the time period in which such tasks are actually being performed.

(E) Employees exempted from wearing face coverings due to a medical condition, mental health condition, or disability shall wear an effective non-restrictive alternative, such as a face shield with a drape on the bottom, if their condition or disability permits it.

(F) Any employee not wearing a face covering, pursuant to the exceptions in subsections (c)(6)(D)4. or 5., and not wearing a non-restrictive alternative when allowed by subsection (c)(6)(E), shall be at least six feet apart from all other persons unless the unmasked employee is either fully vaccinated or tested at least weekly for COVID-19 during paid time and at no cost to the employee. Employers may not use the provisions of subsection (c)(6)(F) as an alternative to face coverings when face coverings are otherwise required by this section.

(G) No employer shall prevent any employee from wearing a face covering when not required by this section, unless it would create a safety hazard, such as interfering with the safe operation of equipment.

(H) When face coverings are not required by this section or by sections 3205.1 through 3205.4, employers shall provide face coverings to employees upon request, regardless of vaccination status.

(I) Employers shall implement measures to communicate to non-employees the face coverings requirements on their premises.

(7) Other engineering controls, administrative controls, and personal protective equipment.

(A) For buildings with mechanical or natural ventilation, or both, employers shall maximize the quantity of outside air provided to the extent feasible, except when the United States Environmental Protection Agency (EPA) Air Quality Index is greater than 100 for any pollutant or if opening windows or maximizing outdoor air by other means would cause a hazard to employees, for instance from excessive heat or cold.

(B) Employers shall implement cleaning and disinfecting procedures, which require:

1. Identifying and regularly cleaning frequently touched surfaces and objects, such as doorknobs, elevator buttons, equipment, tools, handrails, handles, controls, phones, headsets, bathroom surfaces, and steering wheels. The employer shall inform employees and authorized employee representatives of cleaning and disinfection protocols, including the planned frequency and scope of cleaning and disinfection.

2. Cleaning of areas, material, and equipment used by a COVID-19 case during the high-risk exposure period, and disinfection if the area, material, or equipment is indoors and will be used by another employee within 24 hours of the COVID-19 case.

NOTE: Cleaning and disinfecting must be done in a manner that does not create a hazard to employees. See Group 2 and Group 16 of the General Industry Safety Orders for further information.

(C) To protect employees from COVID-19 hazards, the employer shall evaluate its handwashing facilities, determine the need for additional facilities, encourage and allow time for employee handwashing, and provide employees with an effective hand sanitizer. Employers shall encourage employees to wash their hands for at least 20 seconds each time. Provision or use of hand sanitizers with methyl alcohol is prohibited.

(D) Personal protective equipment.

1. Employers shall evaluate the need for personal protective equipment to prevent exposure to COVID-19 hazards, such as gloves, goggles, and face shields, and provide such personal protective equipment as needed.

2. Upon request, employers shall provide respirators for voluntary use in compliance with subsection 5144(c)(2) to all employees who are not fully vaccinated and who are working

indoors or in vehicles with more than one person. Whenever an employer makes respirators for voluntary use available, under this section or sections 3205.1 through 3205.4, the employer shall encourage their use and shall ensure that employees are provided with a respirator of the correct size.

3. Employers shall provide and ensure use of respirators in compliance with section 5144 when deemed necessary by the Division through the Issuance of Order to Take Special Action, in accordance with title 8, section 332.3.

4. Employers shall provide and ensure use of eye protection and respiratory protection in compliance with section 5144 when employees are exposed to procedures that may aerosolize potentially infectious material such as saliva or respiratory tract fluids.

NOTE: Examples of work covered by subsection (c)(7)(D)4. include, but are not limited to, certain dental procedures and outpatient medical specialties not covered by section 5199.

(E) Testing of symptomatic employees. Employers shall make COVID-19 testing available at no cost to employees with COVID-19 symptoms who are not fully vaccinated, during employees' paid time.

(8) Reporting, recordkeeping, and access.

(A) The employer shall report information about COVID-19 cases and outbreaks at the workplace to the local health department whenever required by law, and shall provide any related information requested by the local health department. The employer shall report all information to the local health department as required by Labor Code section 6409.6.

(B) The employer shall maintain records of the steps taken to implement the written COVID-19 Prevention Program in accordance with section 3203(b).

(C) The written COVID-19 Prevention Program shall be made available at the workplace to employees, authorized employee representatives, and to representatives of the Division immediately upon request.

(D) The employer shall keep a record of and track 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.

(9) Exclusion of COVID-19 cases and employees who had a close contact. The purpose of this subsection is to limit transmission of COVID-19 in the workplace.

(A) Employers shall ensure that COVID-19 cases are excluded from the workplace until the return to work requirements of subsection (c)(10) are met.

(B) Employers shall exclude from the workplace employees who had a close contact until the return to work requirements of subsection (c)(10) are met, with the following exceptions:

1. Employees who were fully vaccinated before the close contact and who do not develop COVID-19 symptoms; and
2. COVID-19 cases who returned to work pursuant to subsection (c)(10)(A) or (B) and have remained free of COVID-19 symptoms, for 90 days after the initial onset of COVID-19 symptoms or, for COVID-19 cases who never developed COVID-19 symptoms, for 90 days after the first positive test.

(C) For employees excluded from work under subsection (c)(9), employers shall continue and maintain an employee's earnings, wages, 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 for this purpose to the extent permitted by law. Wages due under this subsection are subject to existing wage payment obligations and must be paid at the employee's regular rate of pay no later than



the regular pay day for the pay period(s) in which the employee is excluded. Unpaid wages owed under this subsection are subject to enforcement through procedures available in existing law. If an employer determines that one of the exceptions below applies, it shall inform the employee of the denial and the applicable exception.

EXCEPTION 1: Subsection (c)(9)(C) does not apply where the employee received disability payments or was covered by workers' compensation and received temporary disability.

EXCEPTION 2: Subsection (c)(9)(C) does not apply where the employer demonstrates that the close contact is not work related.

(D) Subsection (c)(9) does not limit any other applicable law, employer policy, or collective bargaining agreement that provides for greater protections.

(E) At the time of exclusion, the employer shall provide the employee the information on benefits described in subsections (c)(5)(B) and (c)(9)(C).

(10) Return to work criteria.

(A) COVID-19 cases with COVID-19 symptoms shall not return to work until:

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

(B) COVID-19 cases who tested positive but never developed COVID-19 symptoms shall not return to work until a minimum of 10 days have passed since the date of specimen collection of their first positive COVID-19 test.

(C) Once a COVID-19 case has met the requirements of subsection (c)(10)(A) or (B), as applicable, a negative COVID-19 test shall not be required for an employee to return to work.

(D) Persons who had a close contact may return to work as follows:

1. Persons who had a close contact but never developed any COVID-19 symptoms may return to work when 10 days have passed since the last known close contact.
2. Persons who had a close contact and developed any COVID-19 symptom cannot return to work until the requirements of subsection (c)(10)(A) have been met, unless all of the following are true:
  - a. The person tested negative for COVID-19 using a polymerase chain reaction (PCR) COVID-19 test with specimen taken after the onset of symptoms; and
  - b. At least 10 days have passed since the last known close contact; and
  - c. The person has been symptom-free for at least 24 hours, without using fever-reducing medications.
3. During critical staffing shortages, when there are not enough staff to provide safe patient care, essential critical infrastructure workers in the following categories may return after Day 7 from the date of last exposure if they have received a negative PCR COVID-19 test result from a specimen collected after Day 5:
  - a. Health care workers who did not develop COVID-19 symptoms;
  - b. Emergency response workers who did not develop COVID-19 symptoms; and
  - c. Social service workers who did not develop COVID-19 symptoms and who work face to face with clients in child welfare or assisted living.

(E) If an order to isolate, quarantine, or exclude an employee is issued by a local or state health official, the employee shall not return to work until the period of isolation or quarantine is completed or the order is lifted. If no period was specified, then the period shall be in accordance with the return to work periods in subsection (c)(10)(A), (c)(10)(B), or (c)(10)(D), as applicable.

(F) If no violations of local or state health officer orders for isolation, quarantine, or exclusion would result, the Division may, upon request, allow employees to return to work on the basis that the removal of an employee would create undue risk to a community's health and safety. In such cases, the employer shall develop, implement, and maintain effective control measures to prevent transmission in the workplace including providing isolation for the employee at the workplace and, if isolation is not feasible, the use of respirators in the workplace.

Note: Authority cited: Section 142.3, Labor Code. Reference: Sections 142.3, 144.6 and 6409.6, Labor Code.

### **HISTORY**

1. New section filed 11-30-2020 as an emergency; operative 11-30-2020. Emergency expiration extended 60 days (Executive Order N-40-20) plus an additional 60 days (Executive Order N-71-20) (Register 2020, No. 49). A Certificate of Compliance must be transmitted to OAL by 10-1-2021 or emergency language will be repealed by operation of law on the following day. For prior history, see Register 74, No. 43.
2. Governor Newsom issued Executive Order N-84-20 (2019 CA EO 84-20), dated December 14, 2020, which suspended certain provisions relating to the exclusion of COVID-19 cases from the workplace.
3. Editorial correction of punctuation errors in subsections (b)(1), (c)(3)(D), (c)(10)(C) and (c)(10)(E) (Register 2021, No. 24).
4. New section refiled with amendments 6-17-2021 as an emergency; operative 6-17-2021 pursuant to Executive Order N-09-21 (Register 2021, No. 25). Exempt from the APA pursuant to Government Code sections 8567, 8571 and 8627 (Executive Order N-09-21). Emergency expiration extended 60 days (Executive Order N-40-20) plus an additional 60 days (Executive Order N-71-20). A Certificate of Compliance must be transmitted to OAL by 1-13-2022 or emergency language will be repealed by operation of law on the following day.