

# CAL/OSHA COVID-19 WORKPLACE SAFETY REGULATIONS

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## Background

On 11/30/2020, the Office of Administrative Law (OAL) approved [Cal/OSHA's proposed temporary emergency regulations](#) regarding COVID-19 prevention and outbreaks. These regulations are effective immediately and are located in the new Title 8 sections 3205 (COVID-19 Prevention), 3205.1 (Multiple COVID-19 Infections and Outbreaks), 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. Sections 3205.1 and 3205.2 set forth requirements for notifying public health departments of workplace outbreaks defined as three or more cases in a workplace in a 14-day period, and major outbreaks defined as 20 or more cases within a 30-day period.

These regulations apply to most workers in California, with some exceptions. They do not apply to employees working from home, sites where one employee does not have contact with others, and employees when covered by Cal/OSHA's Aerosol Transmissible Diseases standard. Emergency regulations generally remain in place for 180 days unless OAL readopts them.

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## Summary

Under section 3205, employers must establish, implement, and maintain a written COVID-19 Prevention Program that addresses the following:

- System for communicating information to employees about COVID-19 prevention, hazards in the workplace, testing, policies and procedures for accommodation, and reporting without fear of reprisal
- Identification and evaluation of COVID-19 hazards
- Investigating and responding to COVID-19 cases in the workplace
- Correction of COVID-19 hazards
- Training for employees on COVID-19 policies/procedures and employee benefits
- Mandatory face coverings and physical distancing
- Employer-provided PPE
- Other engineering/administrative controls, cleaning/disinfection protocols, and personal protective equipment
- Providing no-cost COVID-19 testing to all employees at exposed workplace
- Reporting, recordkeeping, and tracking for COVID-19 cases
- Exclusion of employees with COVID-19 from workplace
- Maintaining an employee's earnings, seniority, and all other employee rights and benefits while an employee is excluded from work due to COVID-19 exposure
- Return to work criteria

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## Overview

These regulations generally apply to all employers in California. The table below provides the general requirements and applicability for each section.

Section	General Requirements	Applies to
3205 Written prevention program	Establish, implement, and maintain an effective, written COVID-19 Prevention Program that includes: <ul style="list-style-type: none"> <li>• System for communicating</li> <li>• Identification and evaluation of COVID-19 hazards</li> <li>• Investigating and responding to COVID-19 cases in the workplace</li> <li>• Correction of COVID-19 hazards</li> <li>• Training and instruction</li> <li>• Physical distancing</li> <li>• Face coverings</li> <li>• Other engineering controls, administrative controls, and personal protective equipment</li> <li>• Reporting, recordkeeping, and access</li> <li>• Exclusion of COVID-19 cases from the workplace</li> </ul>	All employees and places of employment, <i>with the following exceptions</i> : <ul style="list-style-type: none"> <li>• Places of employment with one employee who does not have contact with other persons</li> <li>• Employees working from home</li> <li>• Employees when covered by <a href="#">section 5199</a> (Aerosol Transmissible Disease)</li> </ul>
3205.1 Multiple infections and small outbreaks	Mitigate the effects of multiple COVID-19 infections and outbreaks by <ul style="list-style-type: none"> <li>• Providing no-cost COVID-19 testing to all employees at an exposed workplace               <ul style="list-style-type: none"> <li>○ Initial test, then test again one week later</li> <li>○ After the first two COVID-19 tests provide continuous COVID-19 testing of employees who remain at the workplace at least once per week or more frequently.</li> </ul> </li> <li>• Excluding COVID-19 cases and employees who had COVID-19 exposure from the workplace</li> <li>• Investigating workplace COVID-19 illness</li> <li>• Ensuring completion of COVID-19 Investigation, review and hazard correction</li> <li>• Notifying the local health department</li> </ul>	<ul style="list-style-type: none"> <li>• A place of employment covered by section 3205 if it has been identified by a local health department as the location of a COVID-19 outbreak or when there are <i>three</i> or more COVID-19 cases in an exposed workplace within a 14-day period</li> <li>• A place of employment until there are no new COVID-19 cases detected in a workplace for a 14-day period</li> </ul>

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Section	General Requirements	Applies to
<p>3205.2 Major outbreaks</p>	<ul style="list-style-type: none"> <li>• Mitigate the effects of major COVID-19 outbreaks.</li> <li>• Provide no-cost COVID-19 testing twice per week to all employees exposed at the workplace during the relevant 30 day period until no new employee cases for a 14-day period</li> <li>• Exclude COVID-19 cases and employees who had COVID-19 exposure from the workplace</li> <li>• Investigate of workplace COVID-19 illness</li> <li>• COVID-19 hazard correction</li> <li>• Notify the local health department</li> </ul>	<ul style="list-style-type: none"> <li>• Any place of employment covered by section 3205 when there are 20 or more COVID-19 cases in an exposed workplace within a 30-day period.</li> <li>• A place of employment until there are no new COVID-19 cases detected in a workplace for a 14-day period.</li> </ul>
<p>3205.3 Employer provided housing</p>	<p>Enact COVID-19 Prevention Measures in Employer Provided Housing.</p> <ul style="list-style-type: none"> <li>• Prioritize the assignment of shared housing units</li> <li>• Ensure physical distancing and controls</li> <li>• Provide face coverings to all residents and provide information to residents on when they should be used</li> <li>• Ensure cleaning and disinfection</li> <li>• Encourage residents to report COVID-19 symptoms to the employer</li> <li>• Establish, implement, and maintain effective policies and procedures for COVID-19 testing of occupants</li> <li>• Isolate COVID-19 cases and persons with COVID-19 exposure.</li> </ul>	<p>Employer-provided housing <i>with the following exceptions:</i></p> <ul style="list-style-type: none"> <li>• Housing provided for the purpose of emergency response, including firefighting, rescue, and evacuation, and support activities directly aiding response such as utilities, communications, and medical operations, <i>if:</i> (a) the employer is a government entity or ( b) the housing is temporarily provided by a private employer and is necessary to conduct the emergency response operations.</li> <li>• Some subsections not apply to occupants who maintained a household together prior to residing in employer-provided housing, such as family members, when no other persons outside the household are present.</li> </ul>

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Section	General Requirements	Applies to
3205.4 Employer provided transportation	Enact COVID-19 prevention measures in employer-provided transportation to and from work. <ul style="list-style-type: none"> <li>• Prioritization of shared transportation assignments</li> <li>• Physical distancing and face coverings when waiting for transportation or during transport</li> <li>• Develop, implement, and maintain effective procedures for screening and excluding drivers and riders with COVID-19 symptoms</li> <li>• Cleaning and disinfection</li> <li>• Ensure vehicle windows are kept open and ventilation system is set to maximize outdoor air.</li> <li>• Employers shall provide hand sanitizer in each vehicle and ensure that all drivers and riders sanitize their hands before entering and exiting the vehicle</li> </ul>	Employer-provided motor vehicle transportation to and from work with the following exceptions: <ul style="list-style-type: none"> <li>• The driver and all passengers are from the same household outside of work, such as family members</li> <li>• When necessary for emergency response</li> </ul>