

COVID-19 UPDATE

UPDATED COVID-19 GUIDANCE FOR FACE COVERINGS

MESSAGE FROM THE ASSISTANT CEO/HR DIRECTOR

With the reopening of the state of California on June 15, 2021, the California Division of Occupational Safety and Health (Cal/OSHA) has provided updated guidance regarding the impacts on employers for the foreseeable future. The purpose of this bulletin is to provide clarity regarding changes to the Cal/OSHA Emergency Temporary Standards (ETS) that were voted on and approved on June 17, 2021.

As an employer in California, the County is subject to the standards set by Cal/OSHA. On June 17, 2021, Cal/OSHA voted to adopt [revisions](#) to their November 2020 Emergency Temporary Standards (ETS) to reflect the availability of COVID-19 vaccinations¹ to limit workplace transmission, to revise requirements in light of updated Centers for Disease Control (CDC) and California Department of Public Health (CDPH) face covering guidance, and to provide options for employers to make a safe transition from physical distancing and face covering mandates to more normal operations. Please note, the ETS do not apply to employees with occupational exposure as defined by section [5199](#) (e.g. Riverside University Health System – Medical Center and Correctional Facilities), who will be subject to separate requirements. Below is a high-level overview of the changes put forth in the revised ETS including the County's application related to the ETS.

- Employers may allow fully vaccinated² employees not to wear face coverings³ indoors. County employees will be asked to disclose their vaccination status and can decline to indicate their status, however, will be treated as unvaccinated and subject to all the rules for unvaccinated individuals.
- The employer must document and record the vaccination status for any employee not wearing a face covering indoors and this record must be kept confidential.

¹ References to vaccinations in this bulletin are to COVID-19 vaccinations only.

² "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.

³ "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.

- Face coverings are required indoors (including elevators) and in vehicles for unvaccinated employees. Exceptions include:
 - When alone in a room or vehicle.
 - When eating and drinking.
 - When an accommodation is required.
 - When job duties make a face covering infeasible or create a hazard.
- No face covering requirements outdoors (except during outbreaks), regardless of vaccination status.
- Employers must provide unvaccinated employees with approved N95 or comparable respirators for voluntary use when working indoors or in a vehicle with others (employees must be “fit tested” for an N95 or comparable mask by the Occupational Health Office), upon request.
- Employers are required to communicate about transmittable particles and the use of N95’s or comparable respirators to the unvaccinated.
- Employers may not retaliate against vaccinated employees for voluntarily wearing face coverings.
- No physical distancing or barrier requirements regardless of employee vaccination status with the following exceptions:
 - Employers must evaluate whether it is necessary to implement physical distancing and barriers during an outbreak (3 or more cases in an exposed group of employees).
 - Employers must implement physical distancing and barriers during a major outbreak (20 or more cases in an exposed group of employees).
 - Physical distancing is not required in elevators; however, elevator load limits should be followed.
- Employers must evaluate ventilation systems to maximize outdoor air and increase filtrations efficiency and evaluate the use of additional air cleaning systems.
- Fully vaccinated employees without symptoms do not need to be tested or quarantined after close contacts with COVID-19 cases unless they have symptoms.
- Employers must offer testing at no cost to employees during paid time to:
 - Symptomatic unvaccinated employees, regardless of whether there is a known exposure.
 - Unvaccinated employees after an exposure.
 - Vaccinated employees after an exposure if they develop symptoms.
 - Unvaccinated employees in an outbreak.
 - All employees in a major outbreak.

Please note, in the event of an outbreak, additional precautions as stated in the ETS will be implemented.

Some important requirements from the November 2020 COVID-19 Emergency Temporary Standard that remain in the June 17, 2021 revised ETS include:

- Employers must establish, implement, and maintain an effective written COVID-19 Prevention Program that includes:
 - Identifying and evaluating employee exposures to COVID-19 health hazards.
 - Implementing effective policies and procedures to correct unsafe and unhealthy conditions.
 - Allowing adequate time for handwashing and cleaning frequently touched surfaces and objects.
- Employers must provide effective training and instruction to employees on how COVID-19 is spread, infection prevention techniques, and information regarding COVID-19-related benefits that affected employees may be entitled to under applicable federal, state, or local laws.
- Employers must exclude employees who have COVID-19 symptoms and/or are not fully vaccinated and have had a close contact from the workplace and, if that close contact is work related, ensure continued wages.

Further, following the vote by the Occupational Safety and Health Standards Board to adopt revised COVID-19 Prevention Emergency Temporary Standards that reflect the state's latest COVID-19 public health order, Governor Gavin Newsom today signed an [executive order](#) enabling the revisions to take effect without the normal 10-day review period by the Office of Administrative Law. As such, Cal/OSHA guidance provided under the revised ETS is effective immediately.

We encourage each of you to continue to protect yourselves by practicing physical distancing, washing, and/or sanitizing your hands regularly and taking good care of yourselves during these challenging times.

Thank you for your service and your assistance in keeping both yourself and others safe.


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Additional Resources:

- Proposed Revisions to the COVID-19 Prevention Emergency Temporary Standards Frequently Asked Questions <https://www.dir.ca.gov/dosh/coronavirus/Revisions-FAQ.html>
- What Employers Need to Know About the Recommended Revisions https://www.dir.ca.gov/dosh/dosh_publications/06-16-21-ETS-Revisions.pdf
- Cal/OSHA Proposed Text for Readoption (approved 6-17-21) <https://www.dir.ca.gov/OSHSB/documents/Jun172021-COVID-19-Prevention-Emergency-txtcourtesy-Readoption.pdf>
- Cal/OSHA Proposed Text for Readoption (approved 6-17-21, showing changes from previous guidance) <https://www.dir.ca.gov/OSHSB/documents/Jun172021-COVID-19-Prevention-Emergency-txtbrdconsider-Readoption.pdf>