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Employment Update: Cal/OSHA's Revised Emergency Regulations . . . Finally!

Today Cal/OSHA Board approved its latest set of proposed revisions to the (Cal/OSHA) COVID-19 Emergency Temporary Standards (Revised ETS). Governor Newsom immediately issued an executive order for the revisions to take effect upon their filing with the Secretary of State, which we expect to be no later than tomorrow, June 18, 2021. These rules are meant to align with California's June 15 re-open rules for businesses. Below is a summary of the key provisions of the new rules.

- Face coverings:
 - **Face coverings are not required by fully vaccinated employees at work.** *Employees who are not fully vaccinated are required to wear them indoors and in vehicles (or when required by order from CDPH, such as in health care settings).*
 - “Fully vaccinated” means that 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. This can be by self-attestation of the employee.
 - If an unvaccinated employee is not wearing a face covering due to disability/medical condition/or because they are doing a task that cannot be completed with a face covering, they must be at least 6 feet apart from all others unless they get tested at least weekly for COVID (during paid time).
 - Even though face coverings are not required for vaccinated employees, they must still be provided by employer upon employee request, regardless of vaccination status
 - Employers must provide respirators (N95) to unvaccinated employees working indoors or in vehicles with others for voluntary use *upon request only* (rather than must provide them regardless)
- Employers are no longer required to enforce physical distancing in the workplace (except for unvaccinated employees who can't wear face masks)
- Employers are no longer required to install physical partitions at fixed work locations where physical distancing can't be maintained. The plastic can come down.
- Vaccinated employees will not be considered an “exposed group” when there is COVID-19 exposure in the workplace.
- COVID testing for unvaccinated employees only:
 - “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.”
 - COVID testing must be made available to employees who had close contact in the workplace – except not necessary if employee was fully vaccinated before the close contact and has no symptoms, or returned to work after COVID and has remained symptom free for 90 days.

Non-Cal/OSHA Regulation, but important:

As to non-employees who enter your business, such as clients, customers, vendors and suppliers. You have choices as to whether they wear masks.

- Provide information to all patrons, guests, and attendees regarding vaccination requirements and allow vaccinated individuals to self-attest that they are in compliance prior to entry.
- Implement vaccine verification to determine whether individuals are required to wear a mask. OR
- Require all patrons to wear masks.

As always, if you have any questions please do not hesitate to contact us.