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COVID-19 Prevention Plans Still Required of California Employers

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On February 28, 2023, California Governor Gavin Newsom issued a proclamation officially ceasing the three-year statewide emergency response to COVID-19 that began on March 4, 2020. Despite many emergency safety measures being decommissioned as a result of this announcement, the non-emergency COVID-19 workplace safety regulations posted by the Department of Industrial Relations Division of Occupational Safety and Health (Cal/OSHA) remain. All California employers are mandated to comply with these regulations.

Cal/OSHA non-emergency COVID-19 prevention standards are found in California Code of Regulations (CCR) Title 8, sections 3205-3205.3, as follows:

- 3205: General COVID-19 prevention measures required of employers
- 3205.1: COVID-19 workplace outbreaks, including definitions and mitigation/response requirements
- 3205.2: COVID-19 Prevention in Employer-Provided Housing
- 3205.3: COVID-19 Prevention in Employer-Provided Transportation

Employer Requirements Under the Non-Emergency Standards

Cal/OSHA regulations are legal requirements and are thus neither guidelines nor otherwise voluntary. Under these regulations, employers must do all of the following:

- Provide effective COVID-19 hazard prevention training to employees
- Provide face coverings when required by the California Department of Public Health (CDPH) and provide respirators upon request
- Identify COVID-19 health hazards and develop methods to prevent transmission in the workplace

- Investigate and respond to COVID-19 cases
- Notify affected employees of COVID-19 cases in the workplace
- Exclude people testing positive for COVID-19 from the workplace until they are no longer an infection risk and implement policies to prevent transmission after close contact
- Make testing available at no cost to employees, including to all employees in the exposed group during an outbreak or a major outbreak
- Review ventilation guidance provided by Cal/OSHA and CDPH and maintain effective methods to prevent COVID-19 transmission by improving ventilation
- Maintain records of COVID-19 cases and immediately report major outbreaks, employee deaths, serious injuries, and illnesses to Cal/OSHA
- Maintain a written COVID-19 Prevention Plan as a component of the workplace Injury and Illness Prevention Program

The current COVID-19 prevention regulations do not require employers to pay employees while they are excluded from work. Instead, the regulations require employers to provide employees with information regarding COVID-19-related benefits they may be entitled to under federal, state, or local laws, their employer's leave policies, or by contract.

The Cal/OSHA COVID-19 regulations are in effect now and will remain so for two years, unless Cal/OSHA undertakes efforts to alter this timeframe. The recordkeeping requirements set forth in these sections will remain in effect for three years. Veterinary employers should fulfill these legal requirements, including a written COVID-19 prevention plan, as soon as possible since the law does not provide a grace period for implementation.

Cal/OSHA offers a resource page to assist employers with COVID-19 workplace compliance: dir.ca.gov/dosh/coronavirus/Non_Emergency_Regulations/

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