

NEW COVID-19 WORKPLACE RULES

EDITOR’S NOTE: *The following article is intended to present only a few general rules as they exist as of this writing. Please consult your safety specialist, risk manager or legal counsel for questions and further guidance.*

More than eight months after the onset of the COVID-19 pandemic Cal-OHSA has issued emergency workplace rules. These rules will remain in place until at least May 2021, but may be extended or made permanent.

Although there are number of rules, here are just a few things you need to know. Let’s start with required safety prevention practices.

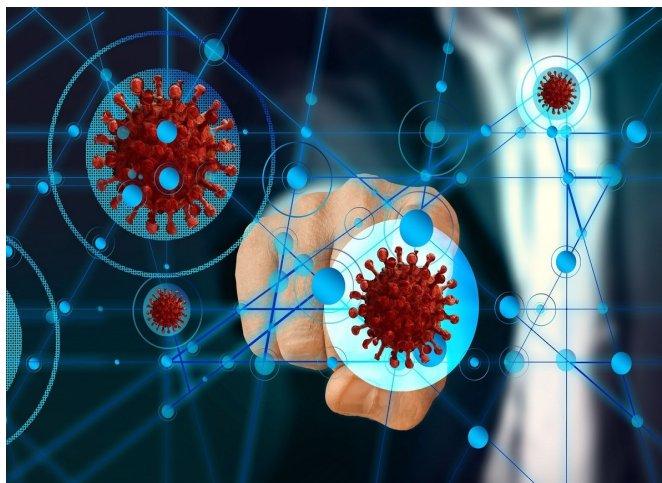
Physical Distancing. Employers should separate workers from one another by at least six (6) feet if possible. This may involve taking other measures such as staggering work schedules, arranging for those who can do so to work remotely, and so forth.

Remember, just because some of your employees work outdoors doesn’t mean that you can ignore reasonable safety precautions for those employees, including wearing masks.

Districts should also consider limiting free access to their enclosed work spaces. For example, a number of districts provide service by appointment only and no longer permit walk-ins. Service is provided only if masks are used and *properly* worn. You might also consider what sort of physical barriers you can place between your employees and the public, such as plastic partitions and the like.

Masks. Under the new rules employers must provide face coverings and ensure that your employees wear them *over the nose and mouth* when indoors, and outdoors if workers can’t maintain physical distancing of at least six (6) feet. Anyone not wearing a face covering, face shield with a drape or other effective alternative must remain separated from others by at least six (6) feet unless the employee is *tested at least twice a week*.

Training. Employers are required to provide training to employees on the agency’s COVID-19 policies and procedures, including COVID-19 related benefits such as worker’s compensation. This means, of course, you must have written policies and procedures.



Other Safety Rules.

Outside Air—Employers must maximize the amount of outside air coming into the workplace, provided the weather is not too cold or hot or the AQI (Air Quality Index) is not 100 or above. (*The AQI in your specific location is available at airnow.gov.*)

Cleaning—Employers must regularly disinfect frequently touched surfaces such as door handles, rest room facilities, vehicles and so forth. You should also prevent or minimize shared use of such items as phones, desks, chairs, tools and so forth. And employees should be encouraged to frequently wash their hands and given time to do so.

If an employee tests positive for COVID-19

Workplace Tracking—First, the employer must determine who may have been within six (6) feet of that person for at least 15 minutes during any 24-hour period which falls within any part of the “high-risk” exposure period. The high-risk exposure period starts two (2) days prior to the person developing symptoms and ends ten (10) days after the symptoms first appeared, as long as the person had one whole day without a fever. If the employee has no symptoms the period is two (2) days before and ten (10) days after the employee was tested for COVID-19.

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Notification—If the employer determines that an employee may have been exposed to COVID-19 the employee must be notified within one (1) business day. The employee must be offered COVID-19 testing at no cost and during working hours. *(If possible it's a good idea to identify and make arrangements with a testing location well in advance of needing it. See November 2020 "News & Notes" for a discussion of acceptable testing. Notably, the CDC also recommends against relying on "antibody" testing.)*

Employee Exposure or Positive Tests—If an employee is exposed to COVID-19 the employer must keep the employee out of the workplace for 14 days after the last known exposure. If an employee tests positive but has no symptoms, the employee must be kept out of the workplace for ten (10) days after the test. If the employee has symptoms, the employee cannot return to the workplace until ten (10) days after those symptoms first appeared and a full day with a temperature of **lower** than 100.4°.

(The CDC lists the following as common COVID-19 symptoms:

- Fever or 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
- Diarrhea)

Pay—The new rules provide that the employer must “continue and maintain” the employee’s earnings and other benefits under the above circumstances, through accrued sick leave or the FFCRA mandated sick leave. However, if the employer can show that the employee’s COVID-19 exposure was not work-related, paid leave **in addition to any sick leave** program isn’t required.

(Editor’s Note: At this time there seems to be some confusion regarding Cal-OSHA’s requirement that the employer “continue and maintain” pay and benefits, and whether and how that requirement meshes with existing sick leave programs, the Federal FFCRA’s additional sick leave benefit, and/or worker’s compensation benefits.)

Rule Exemptions—The new rules don’t apply to those who work remotely (from home, for example) or working at a place where they have no contact with others.

There are still many questions regarding the interpretation and application of the new rules. You are strongly advised to contact GSRMA or your agency’s safety specialist or risk manager for more information.

Of course, in addition to workplace rules our public cemetery districts must still deal with issues surrounding interment services, protecting employees, limiting attendance and so forth. Finally, in addition to the Governor’s orders, you should remain in contact with your county’s public health official for further guidance.

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Upcoming Zoominars

On January 21st PCA and GSRMA will offer:

10:00 a.m. ETHICS & PUBLIC SERVICE

Register at: https://us02web.zoom.us/webinar/register/WN_T6c41tyWSsuEJxXQeCZYyg

1:30 p.m. 2021 LEGISLATIVE UPDATE

Register at: https://us02web.zoom.us/webinar/register/WN_DD03WcFfSquJ7G3i9tIPUA

MINI-CONFERENCE CANCELLATION

As you know the PCA planned a one-day mini-conference to be held January 21, 2021 in Williams. GSRMA had also scheduled Ethics and Sexual Harassment Prevention training programs the day before. Obviously, in view of current circumstances those events cannot happen and have now been cancelled.