

This packet was issued December 2, 2020

Please carefully read through all the included materials

California approved emergency temporary Cal/OSHA standards on COVID-19 infection prevention on November 30, 2020. These new temporary standards apply to most workers in California, including the Construction industry.

COVID-19 cases are increasing in Kern County. Employers must develop and implement policies and procedures that meet the requirements of Cal/OSHA's new standards in order to reduce risks and prevent infection.

These regulations require that employers implement a site-specific written COVID-19 prevention program to address COVID-19 health hazards, correct unsafe or unhealthy conditions, and provide face coverings. When there are multiple confirmed COVID-19 cases or major outbreaks at the worksite, employers must provide COVID-19 testing and notify public health departments. The regulations also require accurate recordkeeping and reporting of COVID-19 cases.

Read on for more information on what employers need to know.

For more COVID-19 safety guidance and Injury and Illness Prevention Program development, please contact Arthur & Hansen LLC.

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3205. General Industry Safety Orders Summary

Written COVID-19 Prevention Plan

Employers shall establish, implement, and maintain an effective, written COVID-19 Prevention Program, which may be integrated into the employer's Injury Illness and Prevention Program, or be maintained in a separate document. The written elements of a COVID-19 Prevention Program shall include:

1. System for Communicating

- a. Must be in a form readily understandable by employees.
- b. This system includes asking employees to report to the employer any symptoms, possible exposures, and possible workplace hazards.
- c. Procedures or policies for employees with medical or other conditions putting them at higher risk.
- d. Provide information on COVID-19 testing along with reasons for the testing and consequences of a positive result.
- e. Communicate COVID-19 hazards, procedures, and policies to other employers and entities within or in contact with the employer's workplace.

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2. Identification and Evaluation of COVID-19 Hazards

- a. Employers must allow employees (or the representative) in participation of identifying and evaluating COVID-19 hazards.
- b. Employers must develop and implement a process for screening employees for and responding to employees with COVID-19 symptoms.
- c. Employers must develop procedures and policies to prevent or reduce risk of spread.
- d. Employers must conduct a workplace-specific identification of all interactions, areas, activities, processes, equipment, and materials that could potentially expose employees to COVID-19 hazards.
- e. Indoor locations shall evaluate how to maximize outdoor air and whether it is possible to increase filtration efficiency with existing ventilation system
- f. Employers must review applicable orders and guidance from CA and local health departments regarding COVID-19 hazards and prevention.
- g. Employers must evaluate existing controls and make appropriate accommodations, and conduct periodic inspections.

3. Investigating and Responding to COVID-19 Cases in the Workplace

- a. Have a procedure in place to identify and record COVID-19 cases, and how to receive test results and onset of symptoms.
- b. When there has been a case at the workplace, employers must determine the day and time the case was last present, date of test(s) and/or diagnosis, and the date that case first had one or more symptoms.
- c. Determine who may have had a COVID-19 exposure and give notice of potential exposure to all who may have been exposed at the workplace.
- d. Offer COVID-19 testing to all who were potentially exposed at no cost, during working hours.
- e. Investigate if workplace conditions contributed to exposure.
- f. Keep cases and medical information confidential.

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4. Correction of COVID-19 Hazards Based on Severity of Hazard

- a. Employers shall implement effective policies and/or procedures for correcting unsafe or unhealthy conditions, work practices, policies and procedures in a timely manner based on the severity of the hazard.

5. Employer Shall Provide Effective Training and Instruction to Employees on Policies and Procedures, Information on the Virus, Prevention Methods, and Proper Use of PPE.

6. Six Feet Physical Distance Must be Implemented (unless it's not feasible)

- a. When 6 feet is not feasible, maintain employees as far away as possible.
- b. Methods for physical distances include: telework or other remote work arrangements; reducing number of persons in an area at one time; visual cues such as signs and floor markings; staggered work shifts; adjusted work practices; and more.

7. Employers Must Provide Face Coverings and Ensure They are Worn Correctly

- a. Employers shall ensure face coverings are clean and undamaged.
- b. Face shields should be used in combination with face covering, **not as a substitute**.
- c. Exceptions for face coverings include: employees working alone in room; while eating and drinking in the workplace; employees wearing respiratory protection; employees who cannot wear covering due to medical or mental health conditions or disability; and specific tasks that cannot feasibly be performed with a face covering.

8. Other Engineering Controls, Administrative Controls, and PPE Must be Implemented When Necessary

- a. At fixed work locations where it is not possible to maintain the physical distancing requirements at all times.
- b. Employers shall implement cleaning and disinfecting procedures for frequently touched surfaces.
- c. Prohibiting the sharing of PPE.
- d. Employer shall evaluate hand-washing facilities and determine the need for additional facilities.
- e. Employers shall encourage the frequency of hand-washing.

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9. **Reporting, Recordkeeping and Access**

- a. Employers shall report information about cases at the workplace to the local health department whenever required.
- b. Employers shall report any COVID-19-related serious illnesses or death.
- c. Employers shall maintain records of the steps taken to implement the writing COVID-19 Prevention Program.
- d. Written program shall be made available at the workplace upon request.
- e. Employers shall keep a record of and track all cases with the employee's name, contact information, occupation, location where the employee worked, last date in the workplace, and date of positive test.

10. **Exclusion of COVID-19 Cases**

- a. To limit transmission of COVID-19, employers shall ensure that COVID-19 cases are excluded from the workplace until return-to-work criteria is met.
- b. Employers shall exclude employees with exposure from the workplace for 14 days after the last known exposure to the virus.
- c. For employees excluded from work shall, the employer shall continue and maintain an employee's earnings, seniority, and all other employee rights and benefits.

11. **Return to Work Criteria**

COVID-19 positive cases shall not return to work until:

- a. At least 24 hours have passed since a fever of 100.4 or higher has resolved without the use of fever-reducing medications;
- b. COVID-19 symptoms have improved; and
- c. At least 10 days have passed since COVID-19 symptoms first appeared.

Cases who test positive but never developed symptoms shall not return to work until a minimum of 10 days have passed since the date of specimen collection of their positive test.

A negative is not required for employee to return to work.

This guide was updated on December 2, 2020. We will make updates as new information is confirmed.

3205.1. Multiple COVID-19 Infections and COVID-19 Outbreaks

How to proceed if your company has been identified as a location of a COVID-19 outbreak (3 or more cases at a workplace within 14-week period). These practices shall apply until there are no new COVID-19 cases detected for a 14-week period at your workplace.

Testing

1. Employers must provide COVID-19 testing to all employees at the exposed workplace except for those who weren't present during the outbreak or within the 14-day period.
 - a. COVID-19 testing must be provided at no cost to employees during work hours.
2. COVID-19 Testing consists of the following:
 - a. All exposed employees must be tested then tested again one week later.
 - b. After the first two tests, employers must provide weekly testing until there are no new cases within a 14-day period.
 - c. Employers must provide additional testing when necessary.

Reporting and Recordkeeping

Employers must investigate and determine possible workplace related factors that contributed to the outbreak. They should also review relevant COVID-19 policies, procedures and controls and implement changes as needed to prevent further spread. The investigation and review should be documented and include:

1. Investigation of new or unmitigated COVID-19 hazards including the employer's leave policies and whether employees are discouraged from remaining home when sick; testing policies, insufficient outdoor air, insufficient air filtration and lack of physical distancing.
2. The review must be updated every 30 days that the outbreak continues, or if a new hazard is recognized.
3. Employers must implement changes to reduce transmission based on the investigation; increasing outdoor air filtration, improving air filtration, increasing physical distancing as much as possible, respiratory protection and other controls.
4. **Effective January 1, 2021, employers must notify the health department within 48 hours of knowing 3 or more confirmed COVID-19 cases within the workplace.**

This guide was updated on December 2, 2020. We will make updates as new information is confirmed.

3205.2. Major COVID-19 Outbreaks (20+ confirmed cases)

How to proceed if your company has been identified as a location of a COVID-19 outbreak (20 or more cases at a workplace within 30-day period). These practices shall apply until there are no new COVID-19 cases detected for a 14-week period at your workplace.

Testing

1. Employers must provide COVID-19 testing twice a week at no cost to all employees at the exposed workplace during the 30-day period and who remain at the workplace.
 - a. Employees with COVID-19 or exposed to COVID-19 should be excluded from the workplace for 14 days.

Reporting and Recordkeeping

Employers must investigate and determine possible workplace related factors that contributed to the outbreak. They should also review relevant COVID-19 policies, procedures and controls and implement changes as needed to prevent further spread. The investigation and review should be documented and include requirements outlined in Reporting, Recordkeeping and Access on page 4.

1. **Effective January 1, 2021, employers must notify the health department within 48 hours of knowing 3 or more confirmed COVID-19 cases within the workplace**

Hazard Correction

In addition to the requirements outlined in Correction of COVID-19 Hazards Based on Severity of Hazard on page 3, employers must:

1. Use higher efficiency filters, such as MERV 13, or other air cleaning systems for ventilation systems in buildings to better reduce the risk of transmission.
2. Determine if there is a need for a respiratory protection program or make changes to an existing program.
3. Evaluate whether to halt some or all operations until COVID-19 hazards have been corrected.

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3205.3. COVID-19 Prevention in Employer-Provided Housing

Assignment of Housing Units Should be Prioritized in this Order:

1. Family members and residents who maintain a household outside of work shall be housed together.
2. Residents who work in the same crew or at the same worksite
3. Employees who do not usually maintain a common household, work crew or worksite shall be housed together when there are no other alternatives.

Physical Distancing and Controls

1. Employers must ensure the premises and housing units can allow at least six feet of distancing between residents; including common areas, beds, kitchen spaces. In housing units, employers must maximize the quantity and supply of outdoor air and increase air filtration to the highest level.
2. Employers must provide face coverings.
3. Ensure common areas are cleaned and disinfected at least once a day and unwashed utensils and other items are not shared.
4. Encourage residents to report COVID-19 symptoms.
5. Develop and implement a policy for COVID-19 testing of those who had a COVID-19 exposure and who display symptoms.

Isolation

1. Effectively isolate COVID-19 exposed residents from all other occupants and provide a separate bathroom, sleeping area and cooking and eating facility.
2. Isolate COVID-19 cases only with those who also have a confirmed COVID-19 case; these occupants should not share any common areas with non-COVID-19 occupants.
3. Employers must ensure all personal medical information regarding COVID-19 is kept confidential.
4. End isolation after a 14-day period with no confirmed cases.

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3205.4. COVID-19 Prevention in Employer-Provided Transportation To and From Work

Assignment of Transportation Should be Prioritized in this Order:

1. Employees from the same household can be transported in the same vehicle.
2. Employees working in the same crew or worksite.
3. Employees who do not share the same household, work crew or worksite when no alternatives are possible.

Physical Distancing and Controls

1. Employers must ensure employees stay at least six feet apart while waiting for transportation and provide face coverings.
2. Ensure vehicle operator and any passengers are separated by at least 3 feet.
3. Vehicle operators and riders must always wear face coverings in the vehicle.
4. Develop and implement procedures for screening and excluding drivers and riders with COVID-19 symptoms prior to boarding.

Cleaning and Disinfecting

1. Employers must provide sanitizing materials and ensure all high-contact surfaces used by drivers and riders are cleaned and disinfected before each trip (handles, seat belts, armrests, steering wheel, shifter, etc.).
2. Employers must provide hand sanitizer and ensure drivers and riders sanitize their hands before entering and exiting the vehicle (methyl alcohol is prohibited).

Ventilation

1. Ensure windows are kept open, ventilation maximizes outdoor air and is not recirculated.
2. Windows do not have to be kept open if one or more of the following exist:
 - a. It's more than 90 degrees outside and the vehicle has functioning air conditioning.
 - b. It's less than 60 degrees outside and the vehicle has functional heating.
 - c. Need protection from weather conditions such as rain or snow.
 - d. The vehicle has a cabin air filter and AQI is greater than 100.