

THE COVID-19 LAWS EVERY CALIFORNIA EMPLOYER SHOULD BE AWARE OF

California has updated laws and regulations to protect workers and to prevent the spread of COVID-19 infection at workplaces. Here are the key laws every California employer should be aware of:

- The [COVID-19 Emergency Temporary Standards \(ETS\)](#) first became effective in November 2020. In May 2022, the ETS was revised. In summary, there were changes to face covering, testing and other requirements. Here's what you need to know.
 - The ETS applies to all employers, employees, and to all places of employment with three exceptions:
 - Workplaces where there is only one employee who does not have contact with other people.
 - Employees who are working from home or teleworking from a location of the employee's choice that is not under the control of the employer.
 - Employees who are covered by the [Aerosol Transmissible Diseases](#) regulation.
 - The ETS requires all employers to establish an effective written COVID-19 Prevention Program (CPP). The employer must include in their written program and implement the following:
 - System for communicating with employees and other persons in the workplace about the employer's COVID-19 prevention procedures.
 - Identification, evaluation, and correction of COVID-19 hazards.
 - Physical distancing is not required in the workplace except where an employer determines there is a hazard and for certain employees during outbreaks.
 - For face coverings, employers must:
 - Provide and ensure the use of face coverings by all individuals required by the CDPH to wear one.
 - Provide face coverings to employees who request one when they are not required.
 - Provide employees with a respirator, upon their request, for voluntary use.
 - Follow the CDPH requirement that businesses allow any individual to wear a face covering if they prefer and prevent any retaliation against employees because they wear a face covering.

- Engineering controls, administrative controls and personal protective equipment that will be used to reduce transmission risk.
- Procedures to investigate and respond to COVID-19 cases in the workplace.
- Provide COVID-19 training and instruction to employees.
- Provide testing to employees who develop symptoms and those who come into close contact with a COVID-19 case. In the case of multiple infections or a major outbreak, implement regular testing for employees in the exposed group, and ensure employees incur no cost for the testing. This means the employer must compensate employees at their regular rate of pay for the time to get tested, as well as travel time and travel costs to and from the testing site.
- Exclusion of COVID-19 cases and employees who come into close contact and develop symptoms from the workplace until they are no longer an infection risk.
- Maintain records of COVID-19 cases, and report serious illnesses to Cal/OSHA and cases and outbreaks to the local health department, as required.

Cal/OSHA has posted a [Model COVID-19 Prevention Program](#) on its website to assist employers with establishing their own COVID-19 Prevention Program for their workplace.

- In addition to the ETS you should be aware of [COVID-19 infection prevention and reporting requirements](#) from AB 685:
 - Within one business day, employers must notify all employees, their authorized representative, and independent contractors and other employers at a worksite of potential exposures, COVID-19-related benefits and protections, and disinfection and safety measures that will be taken at the worksite in response to the potential exposure.
 - Employers must notify local public health agencies of all workplace outbreaks, which is defined as three or more laboratory-confirmed COVID-19 cases among employees who live in different households within a two-week period.
- Additionally, AB 685 enhanced Cal/OSHA's enforcement powers:
 - From January 1, 2021 until January 1, 2023, Cal/OSHA can issue an Order Prohibiting Use (OPU) to shut down an entire worksite or a specific worksite area that exposes employees to an imminent hazard related to COVID-19.
 - From January 1, 2021 until January 1, 2023, Cal/OSHA can issue citations for serious violations related to COVID-19 without giving employers 15-day notice before issuance.
- [Workers' Compensation Presumption \(SB 1159\)](#): This law creates two rebuttable presumptions that COVID-19 illnesses contracted by specific categories of employees are work related and therefore eligible for workers' compensation, including medical treatment.

- The first presumption applies to COVID-19 workers' compensation claims filed by peace officers, firefighters, first responders, and health care workers.
- The second presumption, for employers with five or more employees, applies to employees who test positive for COVID-19 during an outbreak at the employee's specific place of employment. An outbreak occurs when a set number of employees - depending on the number of employees at the workplace - test positive for COVID-19 during a continuous 14-day period.
 - Employers are required to report all employee infections at a specific workplace to their workers' compensation insurer, regardless of whether the infection appears to be work related.
 - This is a rebuttable presumption meaning that an employer can present evidence regarding measures they have taken to reduce potential transmission of COVID-19 in the workplace.
- [2022 COVID-19 Supplemental Paid Sick Leave](#) provides covered employees up to 80 hours of COVID-19 related paid leave. Up to 40 of those hours can be used for isolation and quarantine, receiving vaccines and caring for a child whose school or place of care is closed. The additional 40 hours are available only when an employee, or family member for whom the employee provides care, tests positive for COVID-19. Read more about this supplemental paid sick leave that is available in 2022 in the [Labor Commissioner's frequently asked questions](#).

More Resources:

- [Cal/OSHA FAQs on emergency temporary COVID-19 prevention requirements](#)
- [COVID Workers Compensation FAQs](#)
- [Cal/OSHA FAQs on AB 685 notification requirements](#)
- 2022 SPSL poster ([English](#)); ([Spanish](#))
- 2022 SPSL Frequently Asked Questions ([English](#))