



NORTHERN CALIFORNIA ALLIED TRADES CHECKLISTS FOR CAL/OSHA'S EMERGENCY TEMPORARY STANDARD AND AB 685

The following checklists are drawn from Cal/OSHA's Emergency Temporary Standard "COVID-19 Prevention Program", and Assembly Bill No. 685.

EMERGENCY TEMPORARY STANDARD (the standard is comprised of five parts:

California Code of Regulations Title 8, Section 3205 COVID-19 Prevention Program;

Section 3205.1 Multiple COVID-19 Infections and COVID-19 Outbreaks;

Section 3205.2 Major COVID-19 Outbreaks;

Section 3205.3 Prevention in Employer-Provided Housing;

Section 3205.4 COVID-19 Prevention in Employer-Provided Transportation to and from Work.)

A. WRITTEN COVID-19 PREVENTION PROGRAM (Title 8, Section 3205)

- Contractor has established, implemented and maintained a written COVID-19 Prevention Program (CPP) containing the following elements:**
- System for communicating**
 - Employees are asked to report, without fear of reprisal, COVID-19 symptoms, possible exposure and possible hazards
 - Contractor has procedures or policies for accommodating employees with medical or other conditions that might lead to higher risk of severe COVID -19 illness
 - Provide information about access to COVID-19 testing
 - Communicate information about COVID-19 hazards and the contractor's policies and procedures to employees and others on the jobsite
- Identification and evaluation of COVID-19 hazards**
 - Contractor shall allow for employee and authorized employee representative participation in the identification and evaluation of COVID-19 hazards

- The contractor shall develop and implement a process for screening employees for and responding to employees with COVID-19 symptoms. If the contractor conducts screening at the jobsite, face coverings must be worn and if temperatures are checked, non-contact thermometers are used
- The contractor shall develop COVID-19 policies and procedures to respond effectively to individuals at the workplace who are a COVID-19 case to prevent or reduce the risk of the virus
- The contractor shall conduct a workplace-specific identification of all interactions, areas, activities, processes, equipment and materials that could potentially expose employees to virus-related hazards
- For indoor locations, the contractor shall evaluate how to maximize the quantity of outdoor air and whether it is possible to increase filtration to the maximum extent possible
- The contractor shall review applicable orders and guidance from the State of California and the local health department related to COVID-19 hazards and prevention
- The contractor shall evaluate existing COVID-19 prevention controls at the jobsite and the need for different or additional controls
- The contractor shall conduct periodic inspections as needed to identify unhealthy conditions, work practices, and work procedures to ensure compliance with the contractor's policies

- **Investigating and responding to COVID-19 cases at the jobsite**
 - Contractors shall have an effective procedure to investigate COVID-19 case at the jobsite
 - Contractors shall take the following actions when there has been a COVID-19 case at the jobsite:
 - Determine the day and time of the COVID-19 case was last present and, to the extent possible, the date of the positive COVID-19 test(s) and/or diagnosis, and the date the COVID-19 case first had one or more symptoms
 - Determine who may have had COVID-19 exposure.
 - Give notice of the potential COVID-19 exposure, within one business day, in a way that does not reveal any personal identifying information of the case to the following:
 - All employees who may have had COVID-19 exposure and their authorized representatives
 - Independent contractors and other employers present at the jobsite during high-risk exposure period

- Offer COVID-19 testing at no cost to employees during their working hours to all employees who had potential COVID-19 exposure during working hours and provide them with information on benefits described later in this checklist
 - Investigate whether any jobsite conditions could have contributed to the risk of COVID-19 and what steps could be taken to mitigate the risk
 - Personal identifying information of COVID-19 cases or persons with COVID-19 symptoms shall be kept confidential.
 - The contractor shall ensure that all employee medical records required by this section and other sections of this standard are kept confidential
- **Correction of COVID-19 hazards**
 - Contractors 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.
- **Training and instruction – the contractor shall provide effective training and instruction to employees including the following:**
 - The contractor’s policies and procedures to protect employees from the virus
 - Information regarding COVID-19-related benefits to which the employee may be entitled under applicable federal, state and local laws (may include benefits under workers’ compensation law, the federal Families First Coronavirus Response Act, Labor Code sections 248.1 and 248.5, Labor Code sections 3212.86 through 3212.88, local governmental requirements, the employer’s own leave policies, and leave guaranteed by contract).
 - The fact that the virus is an infectious disease that can be spread through the air; that the virus may be transmitted when a person touches a contaminated object and then touches their eyes, nose, mouth
 - Methods of physical distancing of at least six feet and the importance of combining physical distancing and wearing a mask
 - The fact that particles containing the virus can travel more than six feet so physical distancing must be combined with other controls, including face coverings and hand hygiene
 - The importance of frequent hand washing with soap and water for at least 20 seconds and using hand sanitizer when access to soap and water is not available

- Proper use of face coverings
- COVID-19 symptoms, and the importance of not going to the jobsite and obtaining a COVID-19 test if the employee has symptoms

- Physical distancing**
 - All employees shall be separated from other persons by at least six feet, except where an employer can demonstrate that six feet of separation is not possible, and except for momentary exposure while persons are in movement.
 - When it is not possible to maintain a distance of at least six feet, individuals shall be as far apart as possible.

- Face coverings**
 - Contractors shall provide face coverings and ensure they are worn by employees over the nose and mouth when indoors, when outdoors and less than six feet away from another person, and where required by orders from the California Department of Public Health or local health department
 - Contractors shall ensure face coverings are clean and undamaged.
 - Face shields are not a replacement for face coverings, although they may be worn together
 - Employees exempted from wearing face coverings due to a medical condition, mental health condition, or disability shall wear an effective non-restrictive alternative, such as a face shield with a drape on the bottom, if their condition permits
 - Any employee not wearing a face covering, face shield with a drape or other effective alternative shall be at least six feet apart from all other persons unless the unmasked employee is tested at least twice weekly for the virus.
 - Contractors shall communicate to non-employees on the jobsite of the requirement to wear a face mask
 - Contractors shall develop COVID-19 policies and procedures to minimize employee exposure to COVID-19 hazards originating from any person not wearing a face covering, including a member of the public.

- Other engineering controls, administrative controls, and personal protective equipment**
 - At fixed work locations where it is not possible to maintain physical distancing, the contractor shall install cleanable solid partitions

- For buildings with mechanical or natural ventilation, contractors shall maximize the quantity of outside air
- Contractors shall implement cleaning and disinfecting procedures to include:
 - Identifying and regularly cleaning and disinfecting frequently touched surfaces and objects. Employees and authorized representatives of cleaning and disinfection protocols
 - Prohibiting the sharing of personal protective equipment
 - When it is not possible to prevent sharing of equipment/tools, they shall be disinfected between users
 - Cleaning and disinfection of areas, material, and equipment used by a COVID-19 case during the high-risk exposure period.
- The contractor shall evaluate the handwashing facilities, determine the need for additional facilities, encourage and allow time for employee handwashing and provide an effective hand sanitizer
- Personal protective equipment
 - Contractors shall evaluate the need for PPE to prevent exposure to the virus
 - Contractors shall evaluate the need for PPE, and its proper use in accordance with the Cal/OSHA regulation on respiratory protection
 - Contractors shall provide and ensure the use of eye protection and respiratory protection when employees are exposed to procedures that may aerosolize potentially infectious material
 - Contractors shall provide and ensure use of eye protection and respiratory protection according to Cal/OSHA's regulation (Title 8, Section 5144) when employees are exposed to procedures that may aerosolize potentially infectious material such as saliva or respiratory tract fluids.
- **Reporting, recordkeeping and access**
 - The contractor shall report information about COVID-19 cases at the jobsite to the local health department whenever required by law
 - The contractor shall report immediately to Cal/OSHA any COVID-19-related serious illnesses or death, of an employee occurring on the jobsite
 - The contractor shall maintain records of the steps taken to implement the written COVID-19 Prevention Program
 - The CPP shall be made available at the jobsite
 - The contractor shall keep a record of and track all COVID-19 cases with:

- The employee's name
 - Employee contact information
 - Employee occupation
 - Location where the employee worked
 - Date of the last day at the jobsite
 - Date of a positive COVID-19 test
- **Exclusion of COVID-19 cases** – to limit the transmission of the virus at the jobsite, the contractor:
 - Shall ensure that COVID-19 cases are excluded from the jobsite until the return-to-work requirements identified in the next section are met
 - Contractors shall exclude employees with virus exposure from the jobsite for 10 days after the last known exposure to a case
 - For employees excluded from work and otherwise able and available to work, contractors shall continue and maintain an employee's earnings, seniority, and all other employee rights and benefits, including the employee's right to their former job status.
 - Contractors may use employer-provided employee sick leave benefits for this purpose and consider benefit payments from public sources in determining how to maintain earnings, rights and benefits, where permitted by law and when not covered by workers' compensation
 - EXCEPTION 1: this overall section does not apply to any period of time during which the employee is unable to work for reasons other than protecting persons at the jobsite from virus transmission
 - EXCEPTION 2: this overall section does not apply where the contractor demonstrates that the virus exposure is not work related
 - This overall section does not limit any other applicable law, employer policy, or collective bargaining agreement that provides for greater protections
 - At the time of exclusion, the contractor shall provide the employee benefits information
- **Return to work criteria**
 - COVID-19 cases with symptoms shall not return to work until:
 - At least 24 hours have passed since a fever of 100.4 or higher has resolved without the use of fever-reducing medications,
 - COVID-19 symptoms have improved; and

- At least 10 days have passed since COVID-19 symptoms first appeared
- COVID-19 cases who tested positive but never developed COVID-19 symptoms shall not return to work until a minimum of 10 days have passed since the date of specimen collection of their first positive COVID-19 test
- A negative test shall not be required for an employee to return to work
- If an order to isolate or quarantine is issued by a local health department, the employee shall not return to work until the period of isolation or quarantine is completed, or the order is lifted
- If there are no violations of local or state health officer orders for isolation or quarantine, Cal/OSHA may allow employees to return to work

B. MULTIPLE COVID-19 INFECTIONS AND COVID-19 OUTBREAKS (Section 3205.1)

This section applies to a jobsite covered by the CPP if it has been *identified by a local health department as the location of a COVID-19 outbreak or when there are three or more COVID-19 cases in an exposed jobsite within a 14-day period. This section shall apply until there are no new COVID-19 cases detected in a workplace for a 14-day period.*

- COVID-19 Testing
 - The contractor shall provide COVID-19 testing to all employees at the exposed jobsite except for employees who were not present during the period of an outbreak
 - COVID-19 testing shall be provided at no cost to the employees during employees' working hours
- COVID-19 testing shall consist of the following:
 - Immediately upon being covered by this section, all employees in the exposed jobsite shall be tested and then tested again one week later. A negative test shall not impact the duration of any quarantine period
 - After the first two COVID-19 tests, contractors shall provide continuous testing of employees who remain at the jobsite at least once per week until this section no longer applies (no new cases for a 14-day period).
 - Contractors shall provide additional testing if requested by Cal/OSHA.
- Exclusion of COVID-19 cases
 - Contractors shall ensure COVID-19 cases and employees who had COVID-19 exposure are excluded from the jobsite

- Investigation of jobsite COVID-19 illness
 - The contractor shall immediately investigate and determine possible workplace related factors that contributed to the outbreak
 - Contractors shall review relevant COVID-19 policies, procedures and controls – the investigation shall be documented and include:
 - Investigation of new or unabated COVID-19 hazards
 - The review shall be updated every thirty (30) days that the outbreak continues
 - The contractor shall implement changes to reduce the transmission of COVID-19 based on the investigation
- COVID-19 Investigation, review and hazard correction
 - The contractor shall immediately perform a review of potentially relevant COVID-19 policies, procedures and controls and implement changes necessary
- Notifications to the local health department
 - The contractor shall contact the local health department immediately but no longer than 48 hours after the employer knows, or with diligent inquiry would have known, of three (3) or more COVID-19 cases for guidance
 - The contractor shall provide to the local health department the total number of COVID-19 cases and for each case:
 - Name
 - Contact information
 - Occupation
 - Jobsite location
 - Business address
 - The hospitalization and/or fatality status
 - North American Industrial Classification System code of the jobsite

C. MAJOR COVID-19 OUTBREAKS (Section 3205.2)

This section applies to any place of employment covered by the CPP when there are 20 or more COVID-19 case in an exposed jobsite within a 30-day period. This section will apply until there are no new COVID-19 case detected at the jobsite for a 14-day period.

- COVID-19 testing – contractors shall provide twice a week to all employees during the relevant 30-day period.
- COVID-19 testing shall be provided at no cost to employees during employees' working hours

- Exclusion of COVID-19 case – contractors shall that COVID-19 cases and employees with exposure are excluded from the jobsite
- Investigation of jobsite COVID-19 illnesses – contractors shall follow the investigation guidelines in the CPP
- COVID-19 hazard correction
 - In buildings or structures with mechanical ventilation, contractors shall filter recirculated air with a Minimum Efficiency Reporting Value (MERV) 13 or higher efficiency filters. Other filtration systems and/or air cleaning systems shall be evaluated
 - Contractors shall determine the need for respiratory protection
 - Contractors shall determine whether to halt some or all operations at the jobsite until the COVID-19 hazards have been abated.
 - Contractors shall comply with the requirements in the CPP

D. COVID-19 PREVENTION IN CONTRACTOR-PROVIDED HOUSING

If the contractor provides housing to workers, they must comply with the provisions of Title 8, Section 3205.3:

https://www.dir.ca.gov/title8/3205_3.html

E. COVID-19 PREVENTION IN EMPLOYER-PROVIDED TRANSPORTATION TO AND FROM WORK

If contractors provide transportation to and from work, they must comply with the provisions of Title 8, Section 3205.4:

https://www.dir.ca.gov/title8/3205_4.html

COVID-19 INFECTION PREVENTION REQUIREMENTS (AB 685) – ENHANCED ENFORCEMENT AND EMPLOYER REPORTING REQUIREMENTS

This law requires contractors to notify all employees who were at the jobsite of all potential exposures to COVID-19 and notify the local public health agency of outbreaks.

It also enhances Cal/OSHA’s enforcement of COVID-19 infection prevention requirements by allowing for Orders Prohibiting Use (OPU – essentially a stop-work order). Citations for alleged serious violations may also be issued more quickly than violations of non-COVID-19 regulations.

What did Assembly Bill No. 685 change?

- Contractors are required to notify all employees at a jobsite of potential exposures, COVID-19- related benefits and protections, and disinfection

and safety measures that will be taken at the jobsite in response to potential exposure. This notice must be in writing to all employees, and the employers of subcontracted employees. After becoming aware a potential exposure because someone at the jobsite was infectious with COVID-19 or is ordered by a public health official to isolate due to COVID-19 concerns, contractors must immediately (within 1 business day) provide the notice to employees and the employers of subcontracted employees

- Contractors are required to notify local public health agencies of all jobsite outbreaks, which are defined as three (3) or more laboratory-confirmed cases of COVID-19 among employees who live in different households within a two (2) week period. This notice must take place within 48 hours of becoming aware of the number of cases that meets the definition of an outbreak. The contractor must provide:
 - the names,
 - phone number,
 - occupation
 - jobsite of employees who may have COVID-19 or who are under an isolation order from a public health official
 - business address and NAICS industry code of the jobsite where the infected or quarantined individuals work.
- From January 1, 2021 to January 1, 2023, Cal/OSHA can issue an OPU to shut down an entire jobsite or a specific area of a jobsite that exposes employees to an imminent hazard related to COVID-19. (An imminent danger is defined as any condition or practice that could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such hazard can be eliminated through normal enforcement actions)
- From January 1, 2021 to January 1, 2023, Cal/OSHA can issue serious violations related to COVID-19 without giving employers a 15-day notice before issuance.

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