Keeping our workforce, and our customers safe is a shared priority. As such, this guide will outline the rules and best practices employers should be implementing to keep their business, and the people that make it successful, safe.

Generally, businesses are under the jurisdiction of the state’s Division of Occupational Safety and Health, otherwise known as Cal/OSHA. Cal/OSHA sets safety standards for the workforce, and also has the authority to enforce those standards and issue penalties when businesses have been found to be out of compliance.

Cal/OSHA has released Emergency Temporary Standards (ETS) that provide rules specific to COVID-19 and worker safety. These rules are updated from time to time and businesses should regularly check in for guidance and additional resources. The current version of the ETS will be in effect beginning May 2022, through the end of the year. Below, you can find out exactly what those rules are, and how you might implement them in your business.

**Injury & Illness Prevention Program (IIPP):** All employers are required to have an IIPP, regardless of size, industry or operation. A model IIPP can be found in this toolkit and can be easily adjusted to your business. However, all IIPP’s must include COVID-19 considerations. These are: conducting a site-specific evaluation of possible COVID-19 transmission, a written procedure to address COVID-19 cases, and conducting periodic inspections for compliance and any new hazards.

**Employee Training & Education:** Employers must give trainings to their staff about their policies around COVID, including their policies to provide respirators to any employee who requests one. Employers must also provide a training on when masks are required in their workplace.

**Masks:** Employers must provide respirators to any employee who asks. A respirator is defined as a respiratory protection device that has been approved by the National Institute for Occupational Safety and Health (NIOSH). An example is an N95 mask. A full list of approved respirators is available [here](https://www.cdc.gov/niosh/npptl/topics/respirators/disp_part/default.html). Respirators are a form of a mask, but are specially defined. Generally, masking is not required in California, however it may be required if an order is issued from the California Department of Public Health (CDPH), and you may visit their site for direction [here.](https://www.cdph.ca.gov/programs/cid/dcdc/pages/covid-19/guidance-for-face-coverings.aspx#:~:text=Masks%20are%20required%20for%20all,good%20fit%20are%20highly%20recommended.&text=*In%20certain%20healthcare%20situations%20or,higher%20filtration%20masks)%20are%20required.)

**Testing:** Employers have to make testing available during paid time to all employees who have had a close contact. Employers cannot charge employees and must handle the cost of testing. A close contact is defined as when someone has been within six-feet of a COVID-19 positive person for a total of 15 minutes in any 24 hour period, regardless of whether or not they are wearing a mask. This means that if an employee was around a person who was positive for five minutes at three different points throughout the day, then they are a close contact, and would need testing.

Employers can choose from PCR tests or antigen tests, so long as they are approved by the FDA.

If a test is self-administered and self-read, meaning no other person is around to verify the results, verification of results can be provided in the form of a time stamped photograph or other means.

The other guiding document is the California [SMARTER](https://covid19.ca.gov/smarter/) plan. When the state moved away from the tiers used previously to determine restrictions, it didn’t do away entirely with planning for COVID-19 and possible surges in the future.

If an employer chooses, they *can* require testing of employees, but would be required to cover the cost and time.

An employer must keep the results of tests confidential. Sharing the names of positive individuals is not allowed.

**Positive Employees:** An employee who tests positive must be “excluded from the workplace” or in other words, isolated, for at least five days. Employers must provide exclusion pay, meaning continue paying that individual. Employees can access paid time off, or supplemental paid time off as outlined in this toolkit, for this purpose.

-**Returning to Work After Testing Positive**: An employee can return after day 5 if their symptoms are improving AND they have tested negative on day 5 or later. If they cannot or will not test, and their symptoms are improving, they may return after day 10. However, I fan employee has a fever, they must continue to stay home. Even after returning to work, an employee must wear a face covering for ten days AFTER their positive test.

**Worksite Considerations:** Employers do not have to use partitions in the workplace or other walls to separate staff if they do not exist currently. However, employers should identify the ways to maximize the amount of outside air and regularly clean the worksite.

The other governing document for the state is the SMARTER plan, which was published in February 2022 and lays out the broad policies and practices that the state has implemented regarding COVID-19.

SMARTER stands for:

* S- shots
* M- masks
* A- awareness
* R- readiness
* T- testing
* E- education
* R- Rx

To determine when policies or procedures have to change regarding COVID-19, the state is continuously monitoring certain data pints like hospitalizations and whether COVID-19 is appearing more or less in wastewater. When, or if, surges or new variants, occur then testing will ramp up and masking will likely return.

Businesses should not assume that the level of public information will be maintained into the future, however, and should be proactive in having adequate supply of PPE, tests, and cleaning equipment should case numbers rise.