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Cal-OSHA Eases Emergency COVID Workplace Standards

For the third time, California has re-adopted and revised its COVID-19 Prevention Emergency Temporary Standards (“ETS”), mirroring current State and local regulations easing pandemic-related restrictions. While the ETS still require employers to establish and train employees on written prevention programs, Cal-OSHA has now removed several protocols including indoor masking, cleaning and disinfection, and vaccination status distinctions.

Vaccinated vs. Unvaccinated Employees

Cal-OSHA has now removed the definition of “fully vaccinated” from the ETS, thereby eliminating any distinction between vaccinated or unvaccinated employees. Because of this, employers must offer testing to all symptomatic and exposed employees and provide N95 masks or similar respirator to employees upon request, both at no cost to the employee and regardless of the employee’s vaccination status.

Indoor Face Covering Requirement

Face coverings while indoors are no longer required for employees, also regardless of vaccination status. However, employers will have to provide masks to employees if (1) the California Department of Public Health (“CDPH”) issues orders requiring them; (2) an employee is returning to work less than 10 days after a positive test result; or (3) employees are part of an exposed group during a workplace outbreak.

Cleaning and Disinfection Protocols

The revised ETS also do away with cleaning and disinfections requirements for employers. During a workplace outbreak, partitions are also no longer required for exposed groups who cannot maintain distance while working together.

[Questions? Contact Stokes Wagner.](#)

Self-Administered Tests

Employees may now self-administer any COVID-19 tests and read the test themselves, rather than require reading by the employer or health care professional. The results must still be verified, which may be done by taking a time-stamped photo of the results.

Isolation and Quarantine Guidelines

The revised standards also now reflect the most recent isolation and quarantine guidelines from the CDPH. Under such guidelines, employees who test positive can return to work after five days if they receive a negative test result, their symptoms are improving, and they wear a face covering at work for an additional five days.

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As COVID-19 safety guidelines continue to evolve, and loosen, on a state-wide level, employers should take time to revisit current protocol and practice to ensure continuing compliance. Questions on your COVID safety policies? Contact your Stokes Wagner attorney.

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