

UPDATE: COVID-19 Prevention – Non-Emergency Regulation

What Employers Need to Know

January 9, 2024

On January 9, 2024, the California Department of Public Health updated its COVID-19 Isolation Guidance, COVID-19 Testing Guidance, and State Public Health Officer Order. These changes impact Cal/OSHA's COVID-19 Prevention Non-Emergency Standards, in particular with respect to isolation of COVID-19 cases and testing of close contacts. Cal/OSHA's regulations took effect on February 3, 2023, and will remain in effect for two years after the effective date, except for the recordkeeping subsections that will remain in effect for three years.

Note: These regulations apply to most workers in California who are not covered by the **Aerosol Transmissible Diseases standard**.

Important changes to definitions

- “Infectious period” for the purpose of cases the Cal/OSHA COVID-19 Prevention Non-Emergency Standards, is now defined as:
 - For COVID-19 cases with symptoms, it is a minimum of 24 hours from the day of symptom onset:
 - COVID-19 cases may return if 24 hours have passed with no fever, without the use of fever-reducing medications, AND
 - Their symptoms are mild and improving.
 - For COVID-19 cases with no symptoms, there is no infectious period for the purpose of isolation or exclusion. If symptoms develop, the criteria above will apply.

Note on changes to testing recommendations

- CDPH no longer recommends testing for all close contacts and instead recommends testing only for:
 - All people with new COVID-19 symptoms.
 - Close contacts who are at higher risk of severe disease or who have contact with people who are at higher risk of severe disease.
- Regardless of CDPH recommendations, employers must continue to make COVID-19 testing available at no cost and during paid time to all employees with a close contact, except for asymptomatic employees who recently recovered from COVID-19.
- In workplace outbreaks or major outbreaks the COVID-19 Prevention regulations still require testing of all close contacts in outbreaks, and everyone in the exposed group in major outbreaks. Employees who refuse to test and have symptoms must be excluded for at least 24 hours from symptom onset, and can return to work only when they have been fever-free for at least 24 hours without the use of fever-reducing medications, and symptoms are mild and improving.

Important requirements in the COVID-19 Prevention regulations that remain the same:

- Employers must address COVID-19 as a workplace hazard under the requirements found in **section 3203 (Injury and Illness Prevention Program, IIPP)**, and include their COVID-19 procedures to prevent this health hazard in their written IIPP or in a separate document.
- Employers must provide face coverings and ensure they are worn by employees when CDPH requires their use.
 - COVID cases who return to work must wear a face covering indoors for 10 days from the start of symptoms or if the person did not have COVID-19 symptoms, 10 days from the date of their first positive COVID-19 test.

Note: Employees still have the right to wear face coverings at work and to request and receive respirators from the employer when working indoors and during outbreaks.

- Employers must report information about employee deaths, serious injuries, and serious occupational illnesses to Cal/OSHA, consistent with existing regulations.
- Employers must notify all employees, independent contractors, and employers with an employee who had close contact with a COVID-19 case.
- Employers must exclude COVID-19 cases during the infectious period from the workplace.
- Employers must review CDPH and Cal/OSHA guidance regarding ventilation, including **CDPH and Cal/OSHA Interim Guidance for Ventilation, Filtration, and Air Quality in Indoor Environments**. Employers must also develop, implement, and maintain effective methods to prevent COVID-19 transmission by improving ventilation.

This guidance is an overview, for full requirements see Title 8 sections **3205**, **3205.1**, **3205.2**, and **3205.3**



For assistance with developing a COVID-19 Prevention Program, employers may contact Cal/OSHA Consultation Services at 1 800 963 9424 or InfoCons@dir.ca.gov
For Consultation information or publications, access the following link or copy the site address: www.dir.ca.gov/dosh/consultation.html

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