

# COVID-19 Emergency Temporary Standards Frequently Asked Questions

Updated May 7, 2022

## **COVID-19 Prevention Emergency Temporary Standards**

The COVID-19 Prevention Emergency Temporary Standards remain in effect. The workplace standards were updated in May 2022. The revisions are in effect until December 31, 2022.

**Please note:** Footnotes describing the updates to these FAQs can be found at the bottom of this page.

## Table of Contents

[Scope of Coverage](#)

[The COVID-19 Prevention Program](#)

[Communication with Employees](#)

[Identifying, Evaluating and Correcting COVID-19 Hazards](#)

[Face Coverings and Other Controls](#)

[Ventilation](#)

[Vaccines](#)

[Training](#)

[Addressing COVID-19 Cases in the Workplace](#)

[Testing](#)

[Outbreaks](#)

[Exclusion Pay and Benefits](#)

[Waivers of Exclusion Requirements Based on Community Health and Safety](#)

[Recordkeeping and Reporting](#)

[Employer-Provided Housing](#)

[CDPH Isolation and Quarantine](#)

[Additional Resources](#)

[FAQ Revision and Updates](#)

**1. Q: Which employers must comply with the COVID-19 emergency temporary standards (ETS)?**

**A:** The ETS applies to all employers, employees, and places of employment with the following exceptions:

- Work locations where there is only one employee who does not have contact with other people.
- Employees who are working from home.
- Employees who are covered by the Aerosol Transmissible Diseases regulation ([Cal. Code Regs., tit. 8, § 5199](#)) (section 5199).
- Employees working from a location chosen by the employee that is not under the control of the employer (for instance, an employee teleworking from a café or a friend's home).

**2. Q: Does the ETS apply to employees who split their work time between home and the workplace?**

**A:** Yes. However, the ETS applies only when employees work at the workplace or are exposed at work, and not when they work from home.

**3. Q: Does the ETS apply to workplaces with only one employee who has brief contact with other persons?**

**A:** Yes, the ETS applies to such workplaces (unless they fall into one of the exceptions listed above). However, the measures that the employer must implement to comply with the ETS will reflect this type of limited exposure.

**4. Q: Does the ETS apply to employees who are working from remote locations other than their home?**

**A:** No, the regulations do not apply to employees an employer assigns to telework but who choose to work elsewhere, such as at a hotel or rental property. The regulation on employer-provided housing (Cal. Code Regs., tit. 8, § 3205.3) applies when a person is working from a hotel arranged for or provided by the employer. However, the rule does not apply to business travel by employees unless they are sharing a room or suite.

**5. Q: Does the ETS apply to any facility that is subject to the Aerosol Transmissible Diseases (ATD) standard?**

**A:** The ETS applies to employees at these facilities who are not identified in the employer's Aerosol Transmissible Diseases Exposure Control Plan, as required under California's Aerosol Transmissible Diseases standard (Cal. Code Regs., tit. 8, § 5199), as having occupational exposure to aerosol transmissible diseases (ATDs), such as employees who work only in an office environment separated from patient care facilities.

6. **Q: Can an employee in a single workplace be subject to both the ETS and section 5199 at different times?**

**A:** No. In a facility or operation that is covered by section 5199, employees with occupational exposure to ATDs are covered by the requirements of section 5199, and not the ETS. This is true even when an employee who has occupational exposure performs tasks that do not include exposure to ATDs, for example, when a hospital nurse who performs patient care spends time in the hospital's human resources office.

7. **Q: Can an employer at a workplace covered by section 5199 deem all employees on site to have occupational exposure to COVID-19 and exempt them from the ETS?**

**A:** If the employer provides all employees with protections under its ATD Exposure Control Plan and has incorporated those employees into the plan in accordance with section 5199 because they have an occupational exposure to COVID-19, then those employees would not be subject to the ETS.

8. **Q: Can a firefighter be subject to both the ETS and section 5199 at different times?**

**A:** No, a firefighter cannot be subject to both the ETS and section 5199. However, a firefighter must be protected from COVID-19 under one of the standards.

If the firefighter performs emergency medical services (EMS) duties such as those of a paramedic, emergency medical technician or first responder, or if the firefighter otherwise provides support in the field to those performing EMS duties, the firefighter has occupational exposure to ATDs as defined in section 5199 and is therefore covered by section 5199, not the ETS. This is true even when that firefighter performs tasks that do not necessarily involve potential exposure to ATDs, for example, responding to non-EMS calls and otherwise traveling in fire department vehicles; performing routine tasks, such as training and maintenance; and engaging in the normal routines of a fire station, including meals and sleeping.

Section 5199(e) requires employers to use feasible engineering and work practice controls to minimize employee exposures to aerosol transmissible pathogens (ATPs). This includes implementing COVID-19 protections in fire department vehicles and facilities, such as improving ventilation, physical distancing and mask use in accordance with CDPH requirements, including in facility sleeping quarters and other common areas.

Under section 5199(h)(6)-(9), covered employers must implement specific follow-up and medical services requirements in the event that an employee is exposed to an ATP. This includes fire departments when firefighters are potentially exposed to COVID-19, regardless of the source of the exposure.

If a firefighter is not identified as having occupational exposures to ATDs in the employer's ATD Prevention Plan or if a firefighter is not protected under that plan, the firefighter would be subject to the ETS.

9. **Q: Can employers follow the CDPH's "All Facilities Letter 21-08.8," (AFL) for employees covered by the ETS?**

**A:** No, the "All Facilities Letter 21-08.8" applies only to employees listed in the AFL. Those employees are covered by section 5199 not the ETS, as explained above.

## The COVID-19 Prevention Program [Back to top](#)

---

1. **Q: What are the main requirements of the ETS?**

**A:** To comply with the ETS, an employer must develop a written COVID-19 Prevention Program or ensure its elements are included in an existing [Injury and Illness Prevention Program](#) (IIPP). The employer must do the following in accordance with their written program:

- Communicate to employees about the employer's COVID-19 prevention procedures.
- Identify, evaluate, and correct COVID-19 hazards.
- Require and provide face coverings and respirators in the manner and in the circumstances specified in the ETS.
- Advise employees they can wear face coverings at work regardless of their vaccination status, and that retaliation by the employer is illegal.
- Use engineering controls, administrative controls and personal protective equipment under certain circumstances.
- Follow procedures to investigate and respond to COVID-19 cases in the workplace.
- Provide COVID-19 training to employees.
- Make testing available at no cost to employees:
  - With COVID-19 symptoms, regardless of vaccination status or recent infection.
  - Who had a "close contact" (as defined in the ETS) with a person with COVID-19 except for recently returned<sup>1</sup> employee COVID-19 cases ("returned cases") without symptoms
  - During an outbreak:
    - Make testing available weekly to all employees in the exposed group.
    - Test employees after close contact or exclude them from the workplace until the return to work requirements for

COVID-19 cases are met. Please see the CDPH Isolation & Quarantine section of this FAQ for information on when COVID-19 cases may return to work.

- During a major outbreak:
  - Test employees in the exposed group or exclude them from the workplace until the return to work requirements for COVID-19 cases are met. Please see the CDPH Isolation & Quarantine section of this FAQ for information on when COVID-19 cases may return to work.
  - Testing is required twice a week for all employees in the exposed group.
- Exclude from the workplace COVID-19 cases and certain employees after close contact until they are no longer an infection risk and follow return to work criteria. For more information on this topic, please refer to the section in this FAQ on CDPH's Isolation and Quarantine Guidance.
- Maintain records of COVID-19 cases, and report serious illnesses and outbreaks to Cal/OSHA and to the local health department when required.

Cal/OSHA has posted a [Model COVID-19 Prevention Program](#) on its website for employers to use.

---

<sup>1</sup> Employees who had COVID-19 and returned to work are considered “returned cases” for a period of 90 days after the initial onset of COVID-19 symptoms or, for COVID-19 cases who never developed symptoms, for a period of 90 days after the first positive test.

---

## Communication with Employees [Back to top](#)

### 1. **Q: What does the ETS require employers to communicate to employees?**

**A:** Employers must communicate the following information to employees:

- How to report to the employer, without fear of retaliation, COVID-19 symptoms, possible close contacts, and possible COVID-19 hazards.
- COVID-19 hazards in the workplace and the employer's policies and procedures to address them.
- Best practices for preventing the transmission of COVID-19, including information on respirators.
- When and how employees can request a respirator.

- That employees may wear face coverings or a respirator at work, regardless of their vaccination status, without fear of retaliation by their employer.
- How employees with elevated risk factors for COVID-19 (see the [CDC's website](#)) can request accommodations from their employer.
- How the employee can obtain testing for COVID-19, such as through the employer's workplace-based testing program; through the local health department, a health plan, or the federal government; or at a community testing site.
- Notice of potential exposure to COVID-19.
- How to participate in workplace hazard identification and evaluation.
- Information regarding COVID-related benefits to which the employee may be entitled under federal, state or local laws.

## Identifying, Evaluating and Correcting COVID-19 Hazards [Back to top](#)

---

### 1. **Q: What must an employer do to identify, evaluate and correct workplace hazards?**

**A:** Identifying, evaluating and correcting workplace hazards includes:

- Developing and implementing processes for screening employees for, and responding to employees with, COVID-19 symptoms.
- Reviewing existing state and local guidance and orders on hazard prevention, including those from CDPH, as well as other information and materials found on Cal/OSHA's website.
- Reviewing existing practices for controlling COVID-19.
- Conducting a site-specific evaluation of where COVID-19 transmission could occur, including interactions between employees and any other persons, and places employees might gather or interact with other employees or members of the public.
- Allowing employees and their authorized representatives to participate in hazard identification and evaluation.
- Ensuring a process is in place to immediately address COVID-19 cases.
- Conducting periodic inspections of the workplace to ensure compliance with the ETS and check for new hazards.
- Implementing procedures to correct identified hazards.

### 2. **Q: How does an employer allow employees or their representatives to participate in hazard identification or evaluation?**

**A:** The employer has flexibility in how it allows worker participation in hazard

identification and evaluation. Employers must allow employee participation. Cal/OSHA encourages the participation of employees and their authorized representatives in hazard identification and evaluation. Employers must train employees on how to participate.

## Face Coverings and Other Controls [Back to top](#)

---

1. **Q: What if an employee is not required to wear a face covering under the ETS, but wishes to do so?**

**A:** Employers must allow employees to wear face coverings if they voluntarily choose to do so, unless it would create a safety hazard, such as interfering with the safe operation of equipment.

2. **Q: May an employer require an employee to wear a face covering at work even if not required by CDPH guidance or the ETS?**

**A:** Yes, employers can have policies that are more protective than those required by the ETS. However, an accommodation must be made for those who cannot wear face coverings due to a medical or mental health condition or disability, who are hearing-impaired or communicating with a hearing-impaired person, or when an employee performs specific tasks which cannot be performed with a face covering.

3. **Q: What engineering controls, administrative controls, and personal protective equipment must an employer implement?**

**A:** Requirements include:

- Engineering controls
  - Maximize the amount of outside air to the extent feasible, unless there is poor outside air quality (an Air Quality Index of 100 or higher for any pollutant) or some other hazard to employees such as excessive heat or cold.
- Administrative controls
  - Provide for, encourage and allow time for frequent hand washing, and provide hand sanitizer.
  - Physical distancing where feasible during major outbreaks, when respirators cannot be worn.
  - When required by CDPH or during outbreaks and major outbreaks, face coverings to minimize the spread of the virus.
- Personal protective equipment (PPE)
  - Evaluate the need for PPE, including but not limited to gloves, eye protection and respiratory protection as required by Cal/OSHA standards.

- Upon request, provide respirators for voluntary use to all employees who are working indoors or in vehicles with more than one person ("respirator" means a respiratory protection device approved by the National Institute for Occupational Safety and Health (NIOSH) to protect the wearer from particulate matter, such as an N95 mask).
- When respirators are provided for voluntary use, provide instructions, encourage their use and ensure the respirator is the correct size for the employee.
- Provide and ensure use of eye and respiratory protection for employees exposed to procedures that aerosolize saliva or other potentially infectious materials, such as some dental procedures.

**4. Q: What are the face covering requirements in the ETS?**

**A:** Employers must provide face coverings and ensure they are worn when required by orders from the CDPH. [CDPH](#) requires that all workers in the following sectors wear face coverings indoors:

- [Emergency shelters](#) and [cooling and heating centers](#)
- [Healthcare settings](#) (applies to all healthcare settings, including those that are not covered by the [State Health Officer Order issued on July 26, 2021](#))
- State and local [correctional facilities and detention centers](#)
- [Homeless shelters](#)
- [Long Term Care Settings & Adult and Senior Care Facilities](#)

Employers must provide and ensure use of face coverings during outbreaks and major outbreaks.

Employers must provide and ensure use of face coverings when employees return to work after having COVID-19 or a close contact. Please refer to the section in this FAQ on [CDPH's Isolation and Quarantine Guidance](#).

In addition, employees can request face coverings from the employer at no cost to the employee and can wear them at work, regardless of vaccination status, without fear of retaliation, as specified in section 3205(c)(5)(J).

**5. Q: What requirements must an employer follow if providing N95s for voluntary use or if workers bring their own N95 to wear at work?**

**A:** Where respirator use is voluntary, the employer must provide respirators at the workers' request, or permit workers to use their own respirators. In this situation, employers are not required to have a written respiratory protection program or medically evaluate and fit test workers. However, the employer must ensure that the workers' use of a respirator will not create a hazard e.g. if the employee is engaged in strenuous physical activity like continuous



heavy lifting. The employer must also provide respirator users with the information contained in California Code of Regulations, Title 8, [section 5144, Appendix D](#). As mentioned in the [Training FAQs](#), employers who provide N95s for voluntary use must train employees on how to properly wear the N95, perform a seal check and the fact that facial hair interferes with a seal.

## Ventilation [Back to top](#)

---

1. **Q: What should be done about building ventilation?**

**A:** If a building or structure has natural or mechanical ventilation, or both, the employer should maximize as much as possible the quantity of outside air provided, except when the United States Environmental Protection Agency (EPA) Air Quality Index is greater than 100 for any pollutant or if opening windows or maximizing outdoor air by other means would cause a hazard to employees, for instance from excessive heat or cold.

2. **Q: How can employers who rent buildings or workspace in buildings over which they do not have control comply with the requirements regarding maximizing outdoor air?**

**A:** Employers in these circumstances should request that the building operator assist with compliance with the emergency regulation. It should be noted that if the building operator has employees that work on the premises, it is also subject to the rule. Even when the building operator has no employees in the building, a building operator is also responsible for providing a safe workplace as a controlling and/or correcting employer.

3. **Q: What if an employer has processes that prevent the use of outdoor air?**

**A:** With some exceptions, the ETS requires the employer to maximize the use of outdoor air to the extent feasible. Cal/OSHA will consider the processes or environments necessary to perform the work when assessing feasibility. The employer should filter recirculated air with the highest filtration efficiency compatible with the ventilation system. A Minimum Efficiency Reporting Values, or MERV, of 13 or better is recommended.

## Vaccines [Back to top](#)

---

1. **Q: Must the ETS still be followed for vaccinated persons?**

**A:** Yes, the requirements of the ETS are the same for vaccinated and unvaccinated employees.

2. **Q: Does the ETS require employers to document employee vaccination status?**

**A:** No, the ETS does not require employers to document employee vaccination status.

3. **Q: May an employer require employees to submit proof of vaccination?**

**A:** Yes. [As explained by the Department of Fair Employment and Housing](#), because the reasons that any given employee or applicant is not vaccinated may or may not be related to disability or religious creed, simply asking employees or applicants for proof of vaccination is not a disability-related inquiry, religious creed-related inquiry, or a medical examination. Employers may wish to instruct their employees or applicants to omit any medical information from such documentation. Any record of employee or applicant vaccination must be maintained as a confidential medical record.

4. **Q: May an employer require employees to be vaccinated against COVID-19?**

**A:** Yes. As explained by the Department of Fair Housing and Employment, an employer may require employees to receive an FDA approved vaccination against COVID-19 infection so long as the employer: does not discriminate against or harass employees or job applicants on the basis of a protected characteristic; provides reasonable accommodations related to disability or sincerely-held religious beliefs or practices; and does not retaliate against anyone for engaging in protected activity (such as requesting a reasonable accommodation). For guidance on this topic, employers may wish to refer to information provided in the following FAQ resources provided by the federal Equal Employment Opportunity Commission (EEOC) and the California Department of Fair Employment and Housing at the following webpages:

1. [EEOC FAQs regarding COVID-19](#)
2. [DFEH FAQs regarding COVID-19](#)

## Training [Back to top](#)

---

1. **Q: What training must an employer provide employees under the ETS?**

**A:** Employee training must cover:

- Employer policies and procedures to protect employees from COVID-19 hazards and how to participate in the identification and evaluation of those hazards.
- Information regarding COVID-19-related benefits, either from the employer or from federal, state or local government, that may be available to employees impacted by COVID-19. Information on COVID-19 benefits, such as paid sick leave and workers' compensation benefits, is posted on the [Department of Industrial Relations' Coronavirus Resources](#) webpage.
- The fact that COVID-19 is an infectious disease that can be spread through the air when an infectious person talks or vocalizes, sneezes, coughs or exhales; that COVID-19 may be transmitted when a person touches a contaminated object and then touches their eyes, nose or

mouth, although that is less common; and that an infectious person may show no symptoms.

- Proper use of face coverings and the fact that face coverings are not respiratory protective equipment.
- The conditions under which face coverings must be worn at the workplace.
- That employees can request face coverings from the employer at no cost to the employee and can wear them at work regardless of vaccination status, without fear of retaliation.
- That respirators such as N95s are more effective at preventing COVID-19, an airborne disease.
- The employer's policies for providing respirators, and the right of employees to request a respirator for voluntary use, without fear of retaliation and at no cost to employees.
- When respirators are provided for voluntary use, how to properly wear them and perform a seal check, and the fact that facial hair interferes with a seal.
- The importance of frequent hand washing for at least 20 seconds and use of hand sanitizer when handwashing facilities are not available.
- The symptoms of COVID-19 and the importance of not coming to work and of getting tested if an employee has symptoms.
- Information about the employer's COVID-19 policies; how to access COVID-19 testing and vaccination; and the fact that vaccination is effective at preventing COVID-19, protecting against both transmission and serious illness or death.

Cal/OSHA will provide training resources on its website for employers to use to supplement site- specific training to comply with the ETS.

## Addressing COVID-19 Cases in the Workplace [Back to top](#)

---

### 1. **Q: What must an employer do to investigate and respond to a COVID-19 case?**

**A:** Investigating and responding to a COVID-19 case in the workplace includes the following:

- Determining when the COVID-19 case was last in the workplace, and if possible the date of testing and onset of symptoms.
- Determining which employees may have been exposed to COVID-19 through a close contact.

- Providing written notification to all employees (and, if applicable, their union representatives) and independent contractors who were at the worksite at the same time as the COVID-19 case during the infectious period of any potential exposures within one business day (and notifying any other employer who has potentially exposed employees in the workplace).
- Making COVID-19 testing available to potentially exposed employees with a close contact at no cost and during working hours, with the exception of asymptomatic employees who recently recovered from COVID-19 (returned cases).
- Excluding COVID-19 cases and certain employees who had close contact from the workplace until they are no longer an infection risk and then providing and ensuring the use of face coverings. Please refer to the section in this FAQ on [CDPH's Isolation and Quarantine Guidance](#).
- Investigating the exposure, whether workplace conditions could have contributed to the risk of exposure, and what corrections would reduce exposure.

**2. Q: What is a "close contact"?**

**A:** An employee has had a close contact if they were within six feet of a COVID-19 case for a cumulative total of 15 minutes or more in any 24-hour period within or overlapping with the "infectious period." The definition of "close contact" will change if CDPH changes its definition of close contact in a regulation or order.

**3. Q: What is the "infectious period"?**

**A:** For COVID-19 cases who develop COVID-19 symptoms, the "infectious period" is from two days before they first develop symptoms until 10 days after symptoms first appeared, and 24 hours have passed with no fever, without the use of fever-reducing medications, and symptoms have improved.

For COVID-19 cases who test positive but never develop COVID-19 symptoms, the "infectious period" is from two days before until ten days after the specimen for their first positive test for COVID-19 was collected.

The definition of "infectious period" will change if CDPH changes its definition in a regulation or order.

**4. Q: What must an employer do if an employee claims a COVID-19 workplace exposure?**

**A:** An employer should take any reports of exposure seriously and should investigate any evidence of an exposure. It is the employer's responsibility to determine if a close contact occurred.

5. **Q: What are the criteria for a COVID-19 case to return to work?**  
**A:** Please refer to the section in this FAQ on [CDPH's Isolation and Quarantine Guidance](#).
6. **Q: What are the criteria for an employee who had a close contact to return to work?**  
**A:** Please refer to the section in this FAQ on [CDPH's Isolation and Quarantine Guidance](#).
7. **Q: Is a negative test required for an employee to return to work?**  
**A:** Please refer to the section in this FAQ on [CDPH's Isolation and Quarantine Guidance](#). In certain circumstances, a negative test will allow an employee to return to work in a shorter period of time with the use of a face covering. However, employees can still return to work without a negative test, if the criteria for returning to work are met.

## Testing [Back to top](#)

---

1. **Q: What are the testing requirements in the ETS?**  
**A:** With respect to testing, the ETS requires an employer to:
- Inform all employees on how they can obtain testing. This could be through the employer, local health department, the federal government, a health plan or at a community testing site.
  - Offer testing at no cost and during paid time:
    - To all employees with COVID-19 symptoms.
    - To employees who had a close contact at work, with an exception for symptom-free employees who recently recovered from COVID-19 (returned cases).
    - During an outbreak, to all employees within an exposed group, at least once a week, except for employees who were not at work during the relevant period and symptom-free employees who recently recovered from COVID-19 (returned cases). Employees who are not tested within 3-5 days after a close contact must be excluded from the workplace until the return to work requirements for COVID-19 cases in are met. Please see the CDPH Isolation & Quarantine section of this FAQ for information on when COVID-19 cases may return to work.
    - During a major outbreak, twice per week, except for employees who were not at work during the relevant period and symptom-free employees who recently recovered from COVID-19 (returned cases). Employees in the exposed group who are not tested must be excluded from the workplace until the return to

work requirements for COVID-19 cases are met. Please see the CDPH Isolation & Quarantine section of this FAQ for information on when COVID-19 cases may return to work.

- When following [CDPH's Isolation and Quarantine Guidance](#) to keep employees working or return them sooner, if tested. Please refer to the section in this FAQ on [CDPH's Isolation and Quarantine Guidance](#).

- Provide testing in a manner that ensures employee confidentiality.

**2. Q: How can an employer comply with the testing requirement?**

**A:** To comply with the testing requirements of the ETS, an over-the-counter (OTC) COVID-19 test may be both self-administered and self-read if verification of the results, such as a time and date stamped photograph of the result or an OTC test that uses digital reporting with time and date stamped results, is provided. .

**3. Q: Does the employer have to provide testing to employees at their work location?**

**A:** No. The employer may provide or make available testing to employees at a testing site separate from their work location.

**4. Q: Can employers send their employees to a free testing site for testing (e.g., run by their county) and is this considered to be "at no cost to employees?"**

**A:** Yes, as long as employees incur no cost for the testing. Ensuring that an employee does not incur costs would include paying employees' wages for their time to get tested, as well as travel time to and from the testing site. It would also include reimbursing employees for travel costs to the testing site (for example, mileage or public transportation costs).

**5. Q: What should employers do if employees refuse to take the tests required by various provisions of the emergency regulations?**

**A:** An employer that offers a test at no cost to the employee does not violate the regulation if an employee declines or refuses to take it. The employer is not required to obtain a signed declination from employees who refuse to take a COVID-19 test offered by the employer. Employers may require employees to undergo COVID-19 testing under certain circumstances. Please refer to the [Department of Fair Employment and Housing's FAQ on the topic](#) for further information.

**6. Q: What does "paid time" mean, in relation to providing COVID-19 testing?**

**A:** This means that the employer must make testing available during paid time. While the employee must be compensated for their time and travel

expenses, the employer is not obligated to provide the test during the employee's normal working hours.

**7. Q: What kinds of tests are acceptable to comply with the regulations' testing requirements?**

**A:** Tests approved by the United States Food and Drug Administration (FDA) or that have an Emergency Use Authorization (EUA) from the FDA to diagnose current infection with the SARS-CoV-2 virus may be used. These include both PCR and antigen tests. The test must be administered in accordance with the FDA approval or FDA EUA, as applicable.

**8. Q: In a non-outbreak setting, how does an employer determine which employees may have had close contact with a COVID-19 case?**

**A:** Employers must determine which if any employees were within six feet of a COVID-19 case for a cumulative total of 15 minutes within any 24-hour period during the COVID-19 case's "infectious period" as defined above.

**9. Q: In a non-outbreak setting, what are employers required to do when they learn that one or more of their employees had close contact with a COVID-19 case at the workplace?**

**A:** Employers must:

- Notify all employees and their authorized representatives who may have had close contact with a COVID-19 case within one business day in a manner that does not reveal the COVID-19 case's personal identifying information.
- Offer testing during paid time and at no cost to any employee with a close contact that occurred in the workplace, and provide applicable benefit information. There is an exception for recently recovered COVID-19 cases who remain symptom-free (returned cases).
- Exclude from the workplace employees who test positive for COVID-19 regardless of vaccination status. For more information on this topic, please refer to the section in this FAQ on [CDPH's Isolation and Quarantine Guidance](#).
- Exclude employees after a COVID-19 close contact when required. For more information on this topic, please refer to the section in this FAQ on [CDPH's Isolation and Quarantine Guidance](#).
- Follow the requirements for preserving their pay and benefits.
- Follow the return to work criteria for returning excluded employees to work.
- Investigate the exposure and address hazards.
- Follow all recordkeeping and reporting requirements for employee COVID-19 cases.

**10.Q: Where can I find COVID-19 testing for my employees?**

**A:** Some of the simplest ways to find free testing include the following:

- At the [California Department of Public Health](#) or the [National Association of County and City Health Officials](#) website, click on the county or city health department in the area where you would like employees to be tested. Many local health departments maintain websites with up-to-date information on testing locations. Click on the appropriate health department's website and search for testing sites. Follow instructions to identify testing locations and schedule a test. All counties offer free testing for individuals at designated testing sites.
  - Note that in most cases, prior to scheduling a testing appointment, the employee who will be getting tested is required to answer questions in an online form about whether or not they have symptoms, whether they have been exposed to someone with COVID-19, etc. To complete the online scheduling process, the employee also must provide their consent to receive the test.
- An employer can partner with a medical provider to establish a testing program. Some providers offer on-site testing of employees.

However testing is arranged, employers must ensure it is done on paid time and employees do not incur any costs for COVID-19 testing required by the ETS.

**11.Q: Are there resources available for employers who need to offer testing to a large number of employees on a regular basis?**

**A:** The State of California Valencia Branch Laboratory (VBL) opened on October 30, 2020 to increase the state's COVID-19 testing capacity and reduce test turnaround time.

- Large employers can partner with VBL to set up on-site testing of employees. Getting the testing site set up requires approximately 2-3 weeks to complete. Visit the [Valencia Branch Laboratory](#) website for more information. To set up a local testing site, get started by filling out the [PCR Testing Application](#).

**12.Q: May employers require employees to undergo COVID-19 testing?**

**A:** Employers may require employees to undergo COVID-19 testing under certain circumstances. Please refer to the [Department of Fair Employment and Housing's FAQ on the topic](#) for further information.



**1. Q: In an outbreak (three or more COVID-19 cases among employees in an "exposed group" within a 14-day period), what are an employer's obligations?**

**A:** In addition to the requirements for non-outbreak settings, an employer must:

- Exclude COVID-19 cases and certain employees who had close contact when required. For more information on this topic, please refer to the section in this FAQ on [CDPH's Isolation and Quarantine Guidance](#).
- Ensure all employees in the exposed group are tested for COVID-19; repeat the testing one week later; and continue to make tests available to employees at least weekly until the workplace no longer qualifies as an outbreak. However, an employer need not make testing available to employees who were absent from the workplace during the relevant 14-day period or who recently recovered from COVID-19 and do not have symptoms (returned cases).
- Exclude from the workplace employees who had close contacts, until they test negative or the return to work requirements for COVID-19 cases are met. Please see the CDPH Isolation & Quarantine section of this FAQ for information on when COVID-19 cases may return to work.
- Perform a review of potentially relevant COVID-19 policies, procedures, and controls and implement changes as needed to prevent further spread of COVID-19.
- Implement ventilation changes to mechanical ventilation systems including increasing filtration efficiency to at least MERV-13, or the highest efficiency compatible with the ventilation system. Evaluate whether HEPA air filtration units are needed.
- All employees in the exposed group regardless of vaccination status must wear face coverings when indoors, or when outdoors and less than six feet from another person, unless an exception applies.

**2. Q: What are an employer's requirements in a major outbreak (20 or more COVID-19 cases in an "exposed group" within a 30-day period)?**

**A:** In addition to the requirements in FAQ 1 above, an employer must:

- Ensure all employees in the exposed group are tested for COVID-19 at least twice weekly until there are no new cases detected for a 14-day period;
- Exclude from the workplace employees in the exposed group, until they test negative or the return to work requirements for COVID-19 cases

are met. Please see the CDPH Isolation & Quarantine section of this FAQ for information on when COVID-19 cases may return to work.

- Offer respirators to all employees, regardless of vaccination status, to use on a voluntary basis;
- Where respirators are not worn, separate employees in the exposed group from other persons by at least six feet where feasible;
- Determine the need for a respiratory protection program (non-voluntary, with fit testing and medical evaluation requirements), or for changes to an existing respiratory protection program under section 5144, to address COVID-19 hazards; and
- Consider halting all or part of operations to control the virus.

**3. Q: What is an "exposed group"?**

**A:** All employees at a work location, working area, or a common area at work, where an employee COVID-19 case was present at any time during the infectious period. A common area at work includes bathrooms, walkways, hallways, aisles, break or eating areas, and waiting areas. A place where persons momentarily pass through while everyone is wearing face coverings without congregating is not a work location, working area or a common area at work.

If the COVID-19 case was part of a distinct group of employees who are not present at the workplace at the same time as other employees, for instance a work crew or shift that does not overlap with another work crew or shift, only employees within that distinct group are part of the exposed group. If the COVID-19 case visited a work location, working area or a common area at work for less than 15 minutes during the infectious period, and all persons were wearing face coverings at the time the COVID-19 case was present, other people at the work location, working area or common area are not part of the exposed group.

**4. Q: Is the requirement to make testing available during outbreaks triggered by three or more employee cases in an entire building?**

**A:** No, the testing requirement is triggered by three or more employee cases in a 14-day period present in the same "exposed group" during the "infectious period." For other areas of the workplace, follow the requirements for employees who are exposed to COVID-19 cases.

**5. Q: Can an employer separate employees into cohorts to reduce the likelihood of COVID-19 cases occurring in the same work locations/areas?**

**A:** Yes, that is an acceptable strategy to reduce both risk and testing obligations. The ETS requirements must still be implemented in the cohort.

6. **Q: How can an employer measure the 14- or 30-day period in which to look for positive employee cases to determine if there has been an outbreak or major outbreak?**

**A:** The employer should look to the testing date of the employee cases. Any employee cases for which the tests occurred within a 14-day period of each other would be reviewed to see if the other criteria for an outbreak have been met.

7. **Q: Is the "three or more cases" outbreak requirement limited to employee cases, or do cases involving anyone that has been in the workplace count towards the requirement?**

**A:** The cases are only among employees. However, this may include employees of contractors, subcontractors, or other businesses or agencies.

## Exclusion Pay and Benefits [Back to top](#)

---

1. **Q: If an employee is excluded from work because of workplace exposure under the ETS, is the employee eligible for exclusion pay?**

**A:** Yes. An employee who was excluded from work because of a workplace COVID-19 exposure should receive exclusion pay if: 1) the employee was not assigned to telework during that time and 2) the employee did not receive Disability Payments or Workers' Compensation Temporary Disability Payments during the exclusion period.

2. **Q: How does 2022 COVID-19 Supplemental Paid Sick Leave (2022 SPSL) law interact with the ETS?**

**A:** 2022 SPSL entitles covered employees in the public or private sectors who work for employers with 26 or more employees to up to 80 hours of 2022 COVID-19 related paid sick leave from January 1, 2022 through September 30, 2022, with up to 40 of those hours available only when an employee or family member tests positive for COVID-19.

Employees need not have been exposed to COVID-19 at work for **2022 COVID-19** Supplemental Paid Sick Leave to apply. Unlike 2021 SPSL, employers may not require employees who are excluded from work under the ETS to first exhaust **2022 COVID-19** Supplemental Paid Sick Leave.

Additional information on **2022** COVID-19 Supplemental Paid Sick Leave is posted on [topic-specific FAQs](#).

3. **Q: Can employers require that employees who are excluded due to workplace exposure take paid sick leave under the ETS?**

**A:** Employers that provide a paid leave policy that is separate and in addition to the paid sick leave policy required by California's Paid Sick Leave law (section 246 of the Labor Code) may require their employees to use that separate sick leave as permitted by law. However, an employer cannot

require the employee to use the standard paid sick leave mandated under California's Paid Sick Leave law, even when there has been a workplace exposure and the employer is required to exclude employees under the ETS.

4. **Q: How long does an excluded employee receive pay while excluded from the workplace?**

**A:** An employee would receive pay for the period the employee is excluded which would typically be 5 to 10 days but may be longer in some circumstances. If an employee is out of work for more than the standard exclusion period based on a single exposure or positive test, but still does not meet the regulation's requirements to return to work, the employee may be entitled to other benefits, such as Temporary Disability or Disability.

5. **Q: What rights do employees have if their employer retaliates against them for requesting exclusion pay?**

**A:** Employees are protected under various California statutes prohibiting retaliation for exercising workplace rights. Employees should seek assistance from the Labor Commissioner's Office if they have questions about retaliation or want to file a retaliation complaint.

6. **Q: Does an employer have to maintain an employee's earnings and benefits under California Code of Regulations, title 8, section 3205(c)(9)(C) if the employer demonstrates that an employee is unable to work because of reasons other than COVID-19 exposure at work?**

**A:** No, the employer need not maintain the exposed employee's earnings and benefits if the excluded employee is unable to work because of reasons other than exposure to COVID-19 at work (e.g., a non-work exposure, business closure, caring for a family member, disability, or vacation). The employer has the burden of proof to demonstrate that an exposure to COVID-19 was not work related. Such employees may be eligible for other leave, including sick leave, or other benefits such as Disability Insurance, Paid Family Leave, or Unemployment Insurance Benefits.

7. **Q: The ETS states that an employer is not required to provide exclusion pay if the employer can demonstrate that an employee's "close contact" was not work-related. What does that mean?**

**A:** The ETS does not require employers to pay workers who are excluded from work if the employer can show that the employee's COVID-19 exposure was not work-related. In such circumstances, employers may have other legal or contractual payment obligations, but pay and benefits are not mandated by the ETS.

8. **Q: How does an employer show that a COVID-19 exposure is not work-related?**

**A:** Proving that COVID-19 exposure is not work-related to avoid the ETS'

exclusion pay requirement involves an employer conducting an investigation and producing evidence to show it is more likely than not that an employee's COVID-19 exposure did not occur in the workplace.

**9. Q: How is exclusion pay calculated for employees excluded from the workplace due to exposure to COVID-19 at work?**

**A:** The rate of pay for exclusion pay is an employee's regular rate of pay for the pay period in which the employee is excluded. Employees are entitled to exclusion pay depending on the length of the required exclusion period and how many days they were scheduled to work during that exclusion period. An employee must be paid no later than the regular payday for the pay period(s) in which the employee is excluded.

**10. Q: Can Cal/OSHA enforce the exclusion pay provision?**

**A:** As with any violation, Cal/OSHA has the authority to issue a citation and require abatement for violations of Cal/OSHA standards.

**11. Q: If an employee is excluded from work because of workplace exposure under the ETS and is not paid, where can the employee file a claim?**

**A:** If the employee did not receive pay for the exclusion period, the employee can file a wage claim with the Labor Commissioner's Office.

**12. Q: How can an employee file a claim for exclusion pay with the Labor Commissioner's Office?**

**A:** The employee may [file an individual wage claim for exclusion pay with the Labor Commissioner's Office](#). Alternatively, the employee may file a [Report of a Labor Law Violation \(RLLV\) with the Labor Commissioner's Office](#). An RLLV is a claim that alleges a systemic violation of law that affects several individuals. In such a case, the Labor Commissioner's Office would evaluate whether the report involved the whole workforce and whether the Labor Commissioner's Office should bring claims on behalf of the entire workforce or direct employees to file individual claims.

**13. Q: What if an employer does not exclude an employee from the workplace as required by the ETS?**

**A:** If an employer has improperly failed to exclude employees under the ETS, employees should contact Cal/OSHA and file a [Workplace Safety Complaint](#). For more information, see [Cal/OSHA's COVID-19 Guidance and Resources](#).

**14. Q: Can employees qualify for workers' compensation if they were exposed to COVID-19 in the workplace and test positive or are unable to work due to COVID-19 related symptoms?**

**A:** Employees who test positive for COVID-19 or are unable to work due to COVID-19 and believe they contracted COVID-19 at work should consider filing a workers' compensation claim with their employer. For more

information, see the [Division of Workers' Compensation COVID-19 Guidance and Resources](#).

Employees who have received Disability Payments or are covered by workers' compensation benefits and received temporary disability payments are not eligible for exclusion pay.

**15.Q: What pay or benefits may an employee be entitled to if they were exposed to COVID 19 outside the workplace?**

**A:** Employees may be entitled to other pay and benefits. Please see [additional resources on various programs administered by the Labor Commissioner's Office and other government agencies](#).

## Waivers of Exclusion Requirements Based on Community Health and Safety [Back to top](#)

---

**1. Q: What should an employer consider before seeking a waiver from Cal/OSHA from the return- to-work requirements of the ETS?**

**A:** The ETS allows employers to request a waiver of the requirement to exclude exposed or COVID- 19 positive employees from the workplace if excluding them would create an undue risk to public health and safety. Cal/OSHA will not grant a waiver in violation of any order issued by a local or state health official pertaining to isolation or quarantine. To qualify for a waiver, an employer: (1) must provide goods or services, the interruption of which would cause an undue risk to a community's health and safety; **AND** (2) must be facing a potential staffing shortage based on actual COVID-19 cases or exposures. This exception is narrower than the definition of "critical infrastructure," though such operations may qualify if there is an adverse impact on a community's health and safety.

Requests should not be made in anticipation of a future outbreak.

**2. Q: How can an employer submit a request for a waiver of the exclusion requirements?**

**A:** Employers should submit requests for waivers in writing, to [RS@dir.ca.gov](mailto:RS@dir.ca.gov). In the event of an emergency, an employer may request a provisional waiver by calling the local district office while it prepares its written request.

**3. Q: What information should an employer provide to Cal/OSHA in seeking a waiver of the requirement to exclude COVID-19 exposed and COVID-19 positive employees from the workplace?**

**A:** While there is no set criteria for granting a waiver in the ETS, a waiver request that includes the following information would constitute a complete waiver request that Cal/OSHA could quickly review and respond to:

- The name of the employer and a description of their business or service;
- The name, address, email, and phone number of the employer's point-of-contact;
- Statement that there are no local or state health officer orders for isolation or quarantine of the excluded employees;
- A statement describing how excluding the exposed or COVID-19 positive employees from the workplace would affect the employer's operation in a way that creates an undue risk to the community's health and safety;
- The number of employees required to be quarantined under the ETS, and whether each employee was exposed to COVID-19 or tested positive for COVID-19;
- The employer's control measures to prevent transmission of COVID-19 in the workplace if the employee(s) return or continue to work in the workplace, including the prevention of further exposures. These include measures such as isolating the returned employee(s) at the workplace, use of respiratory protection by other employees in the exposed workplace or other equally effective measures.
- Providing clear, specific responses when requesting a waiver will help Cal/OSHA respond as efficiently as possible.

## Recordkeeping and Reporting [Back to top](#)

---

### 1. **Q: What reporting and recordkeeping requirements are in the ETS?**

**A:** An employer's reporting and recordkeeping requirements under the ETS include the following:

- Following state and local health department reporting requirements.
- Reporting COVID-19 workplace outbreaks to the local health department and providing information requested by the local health department.
- Reporting serious occupational illnesses to Cal/OSHA, consistent with existing regulations.
- Maintaining records required by California Code of Regulations, title 8, [section 3203\(b\)](#), including inspection records, documentation of hazard corrections and training records (requirements vary by employer size).
- Making the written [COVID-19 Prevention Program](#) available upon request to Cal/OSHA, employees and employees' authorized representatives.

- Recording and tracking all COVID-19 cases with the employee's name, contact information, occupation, location where the employee worked, date of last day at the workplace and date of positive COVID-19 test. The information must be provided to the local health department, Cal/OSHA, the Department of Public Health, and the National Institute for Occupational Safety and Health immediately upon request. Otherwise, medical information must be kept confidential unless disclosure is required or permitted by law.

## Employer-Provided Housing [Back to top](#)

---

1. **Q: Does the section of the ETS regarding Employer-Provided Housing (Cal. Code Regs., tit. 8, § 3205.3) apply to housing in which all residents are fully vaccinated?**

**A:** Yes, the section of the ETS regarding employer-provided housing applies to residents regardless of vaccination status.

2. **Q: Is the Housing for the Harvest program covered by California Code of Regulations, title 8, section 3205.3, which addresses COVID-19 Prevention in Employer-Provided Housing?**

**A:** Housing for the Harvest is a program that offers temporary hotel housing to agricultural workers who need to isolate or quarantine due to COVID-19. The purpose of the ETS is to prevent transmission to workers who are working while living together in employer-provided housing. Once an employee is isolated or quarantined, the prevention elements of the regulation designed to protect employees living together are no longer applicable and the only part of section 3205.3 that would apply is subsection 3205.3(g), which addresses isolation of COVID-19 cases and quarantining persons with COVID-19 exposure.

3. **Q: Do the ETS' housing requirements apply to housing of H-2A employees subject to a federal agreement, even if that agreement allows for a greater number of employees in a given space?**

**A:** Yes, the ETS applies to housing subject to an H-2A contract. The H-2A program requires H-2A employers to comply with state laws, including health and safety laws.

4. **Q: How does an employer enforce physical distancing and face covering requirements in employer-provided housing?**

**A:** California Code of Regulations, title 8, section 3205.3 does not require employers to enforce physical distancing and face covering requirements. The employer obligations include:

- Providing face coverings to all residents along with information regarding when they should be used in accordance with state or local health officer orders or guidance.



- Instructing employees not to share unwashed dishes, drinking glasses, cups or eating utensils.
- Maximizing the quantity and supply of outdoor air and increasing filtration efficiency.
- Encouraging residents to report COVID-19 symptoms.
- Communicating to residents the policies and procedures for COVID-19 testing.

CDPH Isolation and Quarantine [Back to top](#)

---

1. **Q: How do the latest changes to the recommended [isolation and quarantine periods from CDPH](#) affect the ETS?**

**A:** The ETS’s required exclusion periods for employees with COVID-19 are the same as CDPH’s recommended isolation periods for positive COVID-19 cases. For exclusion requirements for employees who test positive for COVID-19, please refer to Table 1 below.

For employees who had a close contact, employers must review CDPH guidance and implement quarantine and other measures to prevent COVID-19 transmission in the workplace. Please refer to table 2 and table 3 below for CDPH quarantine guidance after close contact.

Where the tables refer to action to be taken on a specified day (e.g. “day 5” or “day 10”), day 1 is the first day following the onset of symptoms or, if no symptoms develop, the day following the first positive test.

<p>Requirements apply to <b>all</b> employees, regardless of vaccination status, previous infection, or lack of symptoms.</p>	<ul style="list-style-type: none"> <li>○ Employees who test positive for COVID-19 must be excluded from the workplace for at least 5 days after start of symptoms or after date of first positive test if no symptoms.</li> <li>○ Isolation can end and employees may return to the workplace after day 5 if symptoms are not present or are resolving, <b>and</b> a diagnostic specimen* collected on day 5 or later tests negative.</li> <li>○ If an employee’s test on day 5 (or later) is positive, isolation can</li> </ul>
---	--

**Table 1: Exclusion Requirements for Employees Who Test Positive for COVID-19**

	<p>end and the employee may return to the workplace after day 10 if they are fever-free for 24 hours without the use of fever-reducing medications.</p> <ul style="list-style-type: none"> <li>○ If an employee is unable or choosing not to test<sup>i</sup>, isolation can end and the employee may return to the workplace after day 10 if they are fever-free for 24 hours without the use of fever-reducing medications.</li> <li>○ If an employee has a fever<sup>ii</sup>, isolation must continue and the employee may not return to work until 24 hours after the fever resolves without the use of fever-reducing medications<sup>iii</sup>.</li> <li>○ If an employee's symptoms other than fever are not resolving, they may not return to work until their symptoms are resolving or until after day 10.</li> <li>○ Employees must wear face coverings around others for a total of 10 days. Please refer to the section in this FAQ on <a href="#">face coverings</a> for additional face covering requirements.</li> </ul> <p>* Antigen test preferred.</p>
--	--

**Table 2: CDPH Guidance for Close Contacts – Employees Who Are Exposed to Someone with COVID-19 (except for High-Risk Settings)**

<p>For employees who are <b>asymptomatic</b>. Applies to all employees, regardless of vaccination status.</p>	<ul style="list-style-type: none"> <li>○ Exposed employees must test within three to five days after their last close contact. Persons infected within the prior 90 days do not need to be tested unless symptoms develop.</li> </ul>
---	---

**Table 2: CDPH Guidance for Close Contacts – Employees Who Are Exposed to Someone with COVID-19 (except for High-Risk Settings)**

	<ul style="list-style-type: none"> <li>○ Employees must wear face coverings around others for a total of 10 days after exposure. Please refer to the section in this FAQ on <a href="#">face coverings</a> for additional face covering requirements.</li> <li>○ If an exposed employee develops symptoms, they must be excluded pending the results of a test.</li> <li>○ If an exposed employee who develops symptoms is unable to test or choosing not to test, they must be excluded until 10 days after the date of symptom onset.</li> <li>○ If an exposed employee tests positive for COVID- 19, they must follow the isolation requirements above in Table 1.</li> <li>○ Employees are strongly encouraged to get vaccinated and boosted.</li> </ul>
<p>For employees who are <b>symptomatic</b>. Applies to all employees, regardless of vaccination status.</p>	<ul style="list-style-type: none"> <li>○ Symptomatic employees must be excluded and test as soon as possible. Exclusion must continue until test results are obtained.</li> <li>○ If the employee is unable to test or choosing not to test, exclusion must continue for 10 days.</li> <li>○ If the employee tests negative and returns to work earlier than 10 days after the close contact, the employee must wear a face covering around others for 10 days following the close contact.</li> <li>○ CDPH recommends continuing exclusion and retesting in 1-2</li> </ul>

**Table 2: CDPH Guidance for Close Contacts – Employees Who Are Exposed to Someone with COVID-19 (except for High-Risk Settings)**

	<p>days if testing negative with an antigen test, particularly if tested during the first 1-2 days of symptoms.</p> <ul style="list-style-type: none"> <li>○ For symptomatic employees who have tested positive within the previous 90 days, using an antigen test is preferred.</li> </ul>
--	---

**Table 3: CDPH Guidance for Close Contacts – Specified High-Risk Settings**

<p>For employees who are:</p> <ul style="list-style-type: none"> <li>○ Not fully vaccinated, OR</li> <li>○ Not infected with SARS-CoV-2 within the prior 90 days.</li> </ul> <p>AND who work in the following settings in which transmission risk is high and populations served are at risk of more serious COVID-19 disease consequences including hospitalization, severe illness, and death:</p> <ul style="list-style-type: none"> <li>○ Emergency Shelters</li> <li>○ Cooling and Heating Centers</li> <li>○ Long Term Care Settings &amp; Adult and Senior Care Facilities*</li> <li>○ Local correctional facilities and detention centers*</li> <li>○ Healthcare settings*</li> </ul> <p>* Please note that some employees in these high risk settings are covered by the Aerosol Transmissible Diseases standard (section 5199) and are subject to different requirements. Please see the Scope of Coverage section of this FAQ for</p>	<ul style="list-style-type: none"> <li>○ Exposed employees must be excluded from work for at least five days after the last known close contact.</li> <li>○ Exclusion can end and exposed employees may return to the workplace after day 5 if symptoms are not present <b>and</b> a diagnostic specimen collected on day 5 or later tests negative.</li> <li>○ If an employee is unable to test or choosing not to test, and symptoms are not present, work exclusion can end and the employee may return to the workplace after day 10.</li> <li>○ Employees in these settings must wear a face covering while indoors and around others in accordance with CDPH’s universal masking guidance.</li> <li>○ Employees are strongly encouraged to get vaccinated or boosted.</li> <li>○ If employees develop symptoms after returning to work, they must be excluded from the workplace and test as soon as possible. If employees test positive, they must have</li> </ul>
--	--

information on which employees are covered by section 5199.	follow the isolation requirements in Table 1.
---	---

<sup>i</sup> Employers may require employees submit to viral testing for COVID-19. Please refer to the [FAQ from DFEH](#) for further information.

<sup>ii</sup> A fever is a measured body temperature of 100.4 degrees Fahrenheit or higher.

<sup>iii</sup> A fever resolves when 24 hours have passed with no fever, without the use of fever-reducing medications.

<sup>iv</sup> According to CDPH, individuals are considered fully vaccinated for COVID-19: two weeks or more after they have received the second dose in a 2-dose series (Pfizer-BioNTech or Moderna or vaccine authorized by the World Health Organization), or two weeks or more after they have received a single-dose vaccine (Johnson and Johnson [J&J]/Janssen).

In addition to the above, pursuant to section 3205(c)(10)(E), when an order to isolate, quarantine, or exclude an employee is issued by a local or state health official, the employee shall not return to work until the period of isolation or quarantine is completed or the order is lifted even if the order exceeds the specified exclusion requirements in the ETS or CDPH recommendation.

**2. Q: What happens if a COVID-19 case returns to work in compliance with the ETS and CDPH guidance but is still within the definition of "infectious period"?**

**A:** In some circumstances, a COVID-19 case can return to work in compliance with the ETS and CDPH guidance while still within the definition of "infectious period." As long as that person complies with the return to work requirements, then people who spend 15 minutes or more within six feet of that person will not be considered to have a "close contact" under the ETS.

## Additional Resources [Back to top](#)

---

**1. Q: What additional resources are available for employers and workers to understand the rule and comply?**

**A:** Cal/OSHA has a number of resources in place and in development to assist with compliance with the ETS:

- These FAQs will be expanded on an ongoing basis to assist stakeholders in understanding the ETS.
- The Consultation Services Branch will be available to answer employer questions about the ETS.
- Cal/OSHA is updating its training on the ETS to provide in a webinar format.
- Cal/OSHA has developed a Model Program to assist employers in developing a [COVID-19 Prevention Program](#).

- Materials will continue to be posted and updated on [Cal/OSHA's COVID-19 webpage](#).
- [COVID-19 Sick Leave and Employment Law](#)
- For questions on paid sick leave, retaliation protections, filing a wage claim, or retaliation complaint, call 833-LCO-INFO (833-526-4636)
- [COVID-19 Workplace Safety and Health Information](#)
- You can file a [workplace safety and health complaint with Cal/OSHA online](#), or by telephone at the [district office closest to you](#).
- [COVID-19 Resources for Workers' Compensation](#)
- Call 1-800-736-7401 for recorded information on workers' compensation benefits from Information and Assistance staff 24 hours a day, or [contact a local Division of Workers' Compensation office](#) during business hours to reach a live person.
- [Department of Fair Employment and Housing COVID-19 Resources and Guidance](#) (Includes Information on COVID-19 Vaccinations in the Workplace)

## FAQ Revision and Updates [Back to top](#)

---

- January 8, 2021:
  - Added seven new subheadings, and added the following new Q&A:
    - Scope of Coverage Q&A number(s): 3, 4, 6, and 7
    - Enforcement Q&A number(s): 1
    - The COVID-19 Prevention Program Q&A number(s): 1
    - Communication with Employees Q&A number(s): 1
    - Physical Distancing, Face Coverings and Other Controls Q&A number(s): 2, 3, 4, and 5
    - Ventilation Q&A number(s): 1 and 2
    - Vaccines Q&A number(s): 1
    - Testing Q&A number(s): 2, 3, and 4
    - Outbreaks and the "Exposed Workplace" Q&A number(s): 5, 7, 8, 9, 10, and 14
    - Exclusion Pay and Benefits Q&A number(s): 2, 3, 4, 5, 6, 7, 8, 9, and 10
    - Waivers of Exclusion Requirements Based on Community Health and Safety Q&A number(s): 1 and 2
    - Employer-Provided Housing Q&A number(s): 1, 2, 3, and 4

- January 26, 2021
  - Added new [Testing](#) Q&A number(s): 10 and 11
- February 26, 2021
  - Added new [Scope of Coverage](#) Q&A: 8
- March 10, 2021
  - Added new [Exclusion Pay and Benefits](#) Q&A: 11
- March 26, 2021
  - Added new [Exclusion Pay and Benefits](#) Q&A: 12, 13, 14, 15, 16, 17, 18, 19, and 20.
- May 5, 2021
  - Updated language in [Outbreaks and the "Exposed Workplace"](#) Q&A 12 answer section.
  - Added link in [Outbreaks and the "Exposed Workplace"](#) Q&A 14 answer section: created hyperlink to [EO N-84-20](#)
  - Added new [Outbreaks and the "Exposed Workplace"](#) Q&A 15
  - Previous [Outbreaks and the "Exposed Workplace"](#) Q&A 15 was moved to 16
  - Updated language in [Testing](#) Q&A 9 answer section third bullet
- June 18, 2021
  - Revised entire FAQ to reflect COVID-19 ETS approved by Standards Board on June 17, 2021
- September 21, 2021
  - Added section: [CDPH Isolation and Quarantine](#)
- October 5, 2021
  - Added new [Vaccines](#) Q&A 9
- October 7, 2021
  - Revised [Exclusion and pay](#) Q&A 2
- October 27, 2021
  - Revised [CDPH Isolation and Quarantine](#) answer only
- December 15, 2021
  - Added [Face Coverings and Other Controls](#) Q&A 5
- January 6, 2022
  - Revised [CDPH Isolation and Quarantine](#) section
- January 7, 2022

- Revised [CDPH Isolation and Quarantine](#) section, removed table 4 to determine when a person is "booster-eligible" and instead provided direct link to CDC recommendation
- January 12, 2022
  - Revised [CDPH Isolation and Quarantine](#) section, removed \*Antigen test preferred from table 2
- January 24, 2022
  - Entire FAQ page updated to reflect revisions effective January 14, 2022 to the COVID-19 ETS
- January 27, 2022
  - Added [Scope of Coverage](#) Q&A number 9
  - Updated [Identifying, Evaluating and Correcting COVID-19 Hazards](#) Q&A number 2 answer
  - Removed asterisk in table 2 in [CDPH's Isolation and Quarantine Guidance](#)
  - Removed asterisk in first bullet under table 2 in [CDPH's Isolation and Quarantine Guidance](#)
- January 28, 2022
  - Added [Face Coverings and Other Controls](#) Q&A number 6
- February 22, 2022
  - Updated [Testing](#) Q&A number 2
- February 25, 2022
  - Updated [Exclusion Pay and Benefits](#) Q&A number 2
- March 1, 2022
  - Removed [Face Coverings and Other Controls](#) Q&A number 1
  - Updated [Exclusion Pay and Benefits](#) Q&A number 2
- March 2, 2022
  - Updated [Face Coverings and Other Controls](#) Q&A number 4
- May 7, 2022
  - Entire FAQ page updated to reflect revisions effective May 6, 2022 to the COVID-19 ETS