

# **UPDATE: COVID-19 Prevention – Non-Emergency Regulation**

## **What Employers Need to Know**

**May 22, 2024**

On January 9, 2024, the California Department of Public Health updated its **State Public Health Officer Order**. This change impacted Cal/OSHA's COVID-19 Prevention Non-Emergency Standards, in particular with respect to isolation of COVID-19 cases. 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.

Effective May 22, 2024, CDPH retired its COVID-19 Isolation and COVID-19 Testing Guidance. This change does not impact Cal/OSHA's COVID-19 Prevention Non-Emergency Standards, although we have updated our FAQs to reflect that the CDPH guidance is no longer in effect. **The State Public Health Officer Order remains in place** and is unchanged from January 9, 2024.

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

### **No change to definition of “infectious period”**

- “Infectious period” for the purpose of cases in the Cal/OSHA COVID-19 Prevention Non-Emergency Standards, is still 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.

### **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 take measures to prevent COVID-19 transmission and to identify and correct COVID-19 hazards in the workplace, including but not limited to remote work, physical distancing, reducing the density of people indoors, moving indoor tasks outdoors, implementing separate shifts and/or break times, and restricting access to the work area.
- 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.
- Employers must exclude COVID-19 cases from the workplace during the infectious period.
- 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. Employees 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 provide face coverings and ensure they are worn by employees when required by the Cal/OSHA COVID-19 Prevention Standard or CDPH.
- 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 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](mailto: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](http://www.dir.ca.gov/dosh/consultation.html)

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