The California Division of Occupational Safety and Health (“Cal/OSHA”) has made revisions to its June 2021 COVID-19 Prevention Emergency Temporary Standards (“ETS”). The new revisions have been incorporated below, and they become effective on January 14, 2022.

On January 5, 2022, the California Department of Public Health (“CDPH”) extended the requirement for universal masking indoors until February 15, 2022. Masks must be worn in all indoor public settings statewide regardless of vaccine status. This does not change more restrictive local guidance, and C.A.R. recommends that you check your local rules.

**Sample COVID-19 Prevention Plan for Re-opening a California Real Estate Office or AOR Office**

 **(Updated January 12, 2022)**

[Insert company name] (“Company”) has established this COVID-19 Prevention Plan to maintain the overall goals of preventing illness in the workplace and halting spread of COVID-19 in the community. The Company continues to keep apprised of changes to guidance from the State of California, in addition to standards for compliance under our county’s health orders, Cal/OSHA, the Centers for Disease Control and Prevention (CDC), and the California Department of Public Health (CDPH).

**1. Contact Information for Local Health Department.** The contact information for our local health department to communicate about any COVID-19 cases is listed here:

[Insert phone number, address, email address of local health department]. (You can find the contact information for your county here):

<https://www.cdph.ca.gov/Pages/LocalHealthServicesAndOffices.aspx>)

**2. Office Location(s) and Designated Staff.** Addresses for each of our office locations are listed here, with contact information for the person(s) in our Company who will implement the Company’s COVID-19 Prevention Plan:

[Insert physical office address, name, email address and phone number of designated person(s) who will implement the COVID-19 Prevention Plan]

**3. Cal/OSHA ETS.** The company is following the Cal/OSHA Covid-19 Prevention Emergency Temporary Standards (“ETS”). Accordingly, the Company will:

1. Communicate to employees about the employer's COVID-19 prevention procedures.
2. Identify, evaluate, and correct COVID-19 hazards in the workplace.
3. Require and provide face coverings and respirators as specified in the ETS.
4. Advise employees they can wear face coverings at work, regardless of their vaccination status, without fear of retaliation from the employer.
5. Use engineering controls, administrative controls, and personal protective equipment under certain circumstances to prevent risk of COVID-19.
6. Follow procedures to investigate and respond to COVID-19 cases in the workplace.
7. Provide COVID-19 training to employees.
8. Make testing available at no cost, on paid time, to employees who have had a “close contact” (as defined in the ETS) with a person with COVID-19, and in the case of multiple infections or a major outbreak, make testing available at no cost on a regular basis for employees in the exposed work areas. Testing must be provided to all employees who had a “close contact,” regardless of vaccination status. However, “naturally immune” employees (who have recently recovered from COVID-19) do not need to be provided with testing after a “close contact.”
9. Follow exclusion rules for COVID-19 cases and exclude COVID-exposed employees from the workplace until they are no longer an infection risk.
10. Follow criteria for employees who are returning to work after a COVID-19 case.
11. Maintain records of COVID-19 cases and report serious illnesses to Cal/OSHA and to the local health department when required.

**4.**  **Identification, Evaluation, Correction of COVID-19 Risk Areas.** The Company performed a COVID-19 risk assessment of each office to identify and evaluate any items to be corrected for COVID-19 prevention. The items we identified, and actions taken, are documented on **Exhibit A** with description(s) and date(s). The Company will continue to evaluate the office work areas on a regular basis for compliance with this Plan and the current guidelines and will correct deficiencies if identified.

**5. Employee Training.** Training for the Company’s employees on this COVID-19 Prevention Plan and other COVID-19 related topics was provided on [insert date]. Training included the topics and information described in **Exhibit B**.

**6. Face Coverings. \*[Review and make appropriate revisions to the below section based on your company’s policy regarding face coverings (i.e., if your company will allow fully vaccinated employees to work indoors without masks, or if your company will require all employees (regardless of vaccination status) to wear face coverings indoors instead of completing the vaccination documentation process]**

**Requirements if Using Cloth Face Coverings:** If a cloth face covering is used, it must pass the “light test” and not let light pass when held up to a light source. The cloth face covering must be “a solid piece of material without slits, visible holes, or punctures, and must fit snugly over the nose, mouth, and chin with no large gaps on the outside of the face.” Neck gaiter style face coverings may be used but must have two layers of fabric or be folded to make two layers.

**When Indoors:** All unvaccinated persons must wear face coverings indoors. This includes independent contractors and customers. The Company will allow fully vaccinated employees to work without masks indoors and will document their vaccination status. We will keep a record of the vaccination status of employees who are not wearing a face covering indoors and keep these records confidential. In order to document vaccination status, the Company will [choose one]: 1) Have vaccinated employees provide proof (e.g., vaccine card) and the Company maintains a copy; 2) Have vaccinated employees provide proof (e.g., vaccine card) and the Company maintains a list of which employees presented proof but does not keep a copy of each vaccine record itself; or 3) have vaccinated employees self-attest to vaccination status and the Company maintains a record of who self-attests.

**When Outdoors:** Face coverings are not required outdoors (except during an “outbreak”). The Company will advise employees of the CDPH’s recommendation on face coverings for unvaccinated persons outdoors when 6 feet of physical distancing cannot be maintained (included in Employee Training).

**Employees who cannot wear a mask:** If an employee cannot wear a mask (e.g., due to a medical condition), and the employee also cannot wear a nonrestrictive alternative such as a face shield with a drape, then the employee must maintain physical distancing, and either be fully vaccinated or tested weekly at no cost to the employee.

**During any “outbreaks”:** All employees must wear face coverings indoors and outdoors when 6-feet physical distancing cannot be maintained, regardless of vaccination status.

**Provide face coverings when requested:**  The Company will provide face coverings to employees upon request, regardless of their vaccination status.

**Exceptions:** Exceptions to the face covering requirement for unvaccinated persons include the following: when they are alone in a room or vehicle, when eating and drinking, when an accommodation is required, and when the job duties make a face covering infeasible or create a hazard.

**7. Respirators.**  The Company will provide respirators (e.g., N95 mask) to any unvaccinated employee who is working with other persons indoors or in a vehicle, if the employee requests a respirator. The Company will provide instruction to employees on how to get a good “seal” or “fit.” If an employee prefers to select and purchase their own respirator, as an alternative, the Company may permit this and reimburse the employee.

In addition, if there is a “major outbreak,” the Company will provide respirators to all employees in the exposed group (regardless of vaccination status) for voluntary use.

**8.** **Symptom** **Screening for COVID-19.** **\*[Review and make appropriate revisions to the below section based on your company’s policy. You may make additions, e.g., whether employees will provide confirmation to the Company that they self-screened for COVID-19 symptoms, whether the Company chooses to provide temperature and/or symptom screenings for visitors entering the office, etc.]** The Company will: 1) require employees to self-screen for COVID-19 symptoms at home, before coming to work; or 2) provide temperature and/or symptom screenings for all employees at the beginning of their shift (or before they enter the Company’s office). If the Company conducts symptom screening indoors, all persons are required to wear face coverings during the screening.

**9.** **Cleaning.** The Company has made suitable arrangements for regular cleaning and disinfecting of commonly touched surfaces, such as doorknobs, elevator buttons, equipment, tools, handrails, etc. If there is a COVID-19 case in the office and the person used office areas and materials during their “high risk exposure period,” then those areas and materials will be cleaned and disinfected if they will be used by others within 24 hours.

**10. COVID-Testing for Employees.**  The Company will offer COVID-19 testing at no cost to employees during paid time, for: 1) any employee who has had a “close contact,” even if the employee is fully vaccinated and asymptomatic; 2) all employees in the exposed group, weekly, during an “outbreak;” and 3) all employees in the exposed group, twice-weekly, during a “major outbreak.” However, “naturally immune” employees (who have recently recovered from COVID-19) do not need to be provided with testing after a “close contact.”

\*Under the ETS definition of “COVID-19 test,” the COVID-19 test cannot be “self-administered and self-read unless observed by the employer or an authorized telehealth proctor.” Accordingly, the employee cannot administer an over-the counter test by themselves at home, for purposes of Cal/OSHA ETS employee COVID-19 testing.

**11. Responding to a COVID-19 Case.** The Company will take the following steps if it becomes aware of a COVID-19 illness at the workplace:

1) Determine when the person with COVID-19 was last in the office and, if possible, determine the dates of COVID-19 testing and onset of symptoms.

2) Determine which co-workers may have been exposed to COVID-19.

3) Notify workers (all employees present at the same worksite as the COVID-19 case), in writing, of any potential exposures within one business day (and notify any other employer who has potentially exposed employees, e.g., a temp agency).

4) Provide COVID-19 testing to potentially exposed employees at no cost and during paid time, with the limited exception of employees who recently recovered from COVID-19 and have not developed COVID-19 symptoms since returning to work.

 5) Keep persons with COVID-19 and exposed employees from the workplace until they are no longer an infection risk.

6) Investigate and assess whether workplace conditions could have contributed to the COVID-19 risk, and determine whether corrections are needed to reduce future possible COVID-19 exposure.

**12.** [Include additional information here if there is Company-provided housing or Company-provided transportation to and from work. See: https://www.dir.ca.gov/dosh/coronavirus/ETS.html]

**Exhibit A: Risk Assessment-- Items Identified**

**and Actions Taken by Company**

**[Insert Office Location, Date of Action, Description]** Example: 123 Main Street, El Segundo: On June 25, 2021, the Company posted a sign at the building’s entrance stating that all unvaccinated persons must wear face coverings indoors. The Company added hand sanitizer stations, stocked face coverings and respirators, and checked the ventilation system.

**Exhibit B: Employee** **Training on COVID-19 Prevention**

**(Per Cal/OSHA ETS 1.14.22)**

Employee training on COVID-19 includes:

1) How employees should report COVID-symptoms, possible “close contacts,” and COVID-19 hazards to the employer, without fear of reprisal.

2) The company’s policies and procedures to protect employees from COVID-19 risks/hazards and how employees can participate in identifying and evaluating risks/hazards.

3) Best practices for preventing transmission of COVID-19, including information on respirators (e.g., COVID-19 is an infectious disease that can be spread through the air when an infectious person talks or vocalizes, sneezes, coughs, or exhales; 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, use of face coverings and respirators).

4) When and how unvaccinated persons can request a respirator (Employees who are not fully vaccinated may request a respirator for voluntary use, without fear of retaliation and at no cost to the employee). How to properly wear a respirator and perform a seal check, and the fact that facial hair interferes with the seal. Inform employees that respirators such as N95s are more effective at preventing COVID-19, an airborne disease.

5) Information on the proper use of face coverings and the fact that face coverings are not respiratory protective equipment (Explain the conditions under which face coverings must be worn at work, and that face coverings are additionally recommended outdoors for people who are not fully vaccinated if 6 feet of distance between people cannot be maintained). Inform employees that they may wear face coverings at work, regardless of vaccination status, without fear of retaliation by the employer. Inform employees that they can request face coverings from the employer at no cost to the employee.

6) The importance of frequent hand washing for at least 20 seconds and use of hand sanitizer when handwashing facilities are not available.

7) The symptoms of COVID-19 and the importance of not coming to work and getting tested if an employee has symptoms.

8) How employees can access COVID-19 testing and vaccination, such as through the local health department or at a community testing center. Inform employees that vaccination is effective at preventing COVID-19, protecting against both transmission and serious illness or death.

9) Advise employees that the employer will notify employees of potential exposure to COVID-19.

10) How employees with elevated risk factors for COVID-19 (information may be found on the CDC website) can request accommodations from the employer.

 11) Information about COVID-19 related benefits that may be available to employees, such as paid sick leave and workers’ compensation available from the employer and/or from federal, state, or local government. Information on COVID-19 benefits is posted on the Department of Industrial Relations’ Coronavirus Resources webpage.