

COVID-19 Ongoing Requirements for Employers

Los Angeles County Department of Public Health

PREVENT COVID-19 TRANSMISSION AND PROTECT WORKERS AND THE COMMUNITY

Employers must be vigilant and continue to protect their workforce and the community by following infection control measures and reporting COVID-19 cases to Public Health.

5/18/22: Updated to align with the revised Cal/OSHA ETS, effective 5/6/22. Revised Cal/OSHA standards require employers to provide respirators upon request to any employee who works indoors or in vehicles with others regardless of vaccination status. The revised standards also require employers to offer testing to any employee who is symptomatic.

This document summarizes ongoing requirements that employers must continue to follow in accordance with state and County rules. Please see the links below for more detailed information about the requirements.

REQUIREMENTS:

Employers with locations in Los Angeles County are required to adhere to:

- 1 The County Health Officer Order (HOO) at ph.lacounty.gov/media/Coronavirus/reopening-la.htm#orders.
- 2 Cal/OSHA Emergency Temporary Standards (ETS) at dir.ca.gov/covid.

Please note that where the requirements differ, the more stringent (more protective) directives apply.

1 COUNTY HEALTH OFFICER ORDER REQUIREMENTS:

Reporting of COVID-19 Cases at the Worksite:

- When any business knows of three (3) or more cases of COVID-19 among their employees (or onsite independent contractors or temporary workers) within 14 days, the employer (owner/manager/operator of the business) must report this outbreak to the Department of Public Health at (888) 397-3993 or (213) 240-7821, or online at <http://www.redcap.link/covidreport>.

When one or more employees, assigned or contracted workers, or volunteers of the business has tested positive for or has symptoms consistent with COVID-19 (case), the employer must have a protocol to require the isolation of case(s) and to identify and appropriately manage all workers exposed in the workplace. See [Responding to COVID-19 in the Workplace](#).

Face Masks:

- Face masks are strongly recommended for all individuals in indoor public settings and businesses. In these settings, businesses may continue to require indoor masking for their worksite.
- Face masks must continue to be worn indoors in certain high-risk settings, including public transit, transportation hubs, all healthcare settings, including long term care and adult and senior care facilities, correctional facilities and detention centers, homeless shelters and emergency shelters. See [Mask Wearing Rules and Recommendations](#).

Ongoing Requirements for Employers

- Employers instituting optional masking must provide well-fitting medical masks and respirators, such as an N95, KN95, or KF94, for voluntary use to employees¹ who work indoors or in vehicles with other employees and/or customers. If the employer chooses to maintain the universal indoor masking requirement, they must provide medical masks to employees.

Vaccination for locations with low-risk food permits:

- It is strongly recommended that employees at nightclubs, lounges, and bars, breweries, distilleries, and wineries that have a low-risk food permit be fully vaccinated and boosted against COVID-19.
- It is strongly recommended that customers utilizing the indoor portions of these businesses present proof of full vaccination against COVID-19 prior to entry.

Vaccination/Testing for Mega Events:

- It is strongly recommended that Operators of Mega Events (outdoor events with more than 10,000 attendees and indoor events with more than 1,000 attendees) continue to require customers to show that they are fully vaccinated against COVID-19 or show a negative COVID-19 viral test result taken within 2 days prior to entry (PCR) or 1 day prior to entry (antigen).

Ventilation:

- Employers must evaluate both ventilation systems to maximize outdoor air and increase filtration efficiency and the use of additional air cleaning systems.

2 CAL/OSHA COVID-19 EMERGENCY TEMPORARY STANDARDS:

Employers must have a written [COVID-19 Prevention Program](#), which includes:

- Employee training and instruction on COVID-19 hazards;
- Employee symptom screening process;
- Employee access to COVID-19 testing;
- Plan to respond to COVID-19 cases in the workplace;
- Employee face mask protocol;
- Plan for excluding COVID-19 cases from the workplace until the return-to-work criteria requirements are met.

Face Masks:

- Employers must provide employees, upon request, with face masks that have at least two layers. PLEASE NOTE that per the County Health Officer Order, all employees must be provided with well-fitting medical masks and respirators for voluntary use if they work indoors or in vehicles with other employees or customers. Employers must follow the County Health Officer Order when it is more protective.
- Employers must advise employees they can wear face coverings at work regardless of their vaccination status, and that retaliation by the employer is illegal. Employers must not discourage any employees from wearing a face mask.

Personal Protective Equipment:

- Use of N95 respirators is voluntary but employers must provide them to any employee who works indoors or in vehicles with others upon request. N95 respirators must fit the employee, and the employee must receive [basic instruction](#) on how to [properly wear a respirator and how to](#) get a good “seal,” or fit. Details on what should be included in the N95 training for employees are available on in the Cal/OSHA [FAQ page](#).
- N95 respirators must be replaced if they get damaged, deformed, dirty, or difficult to breathe through.

Hand Hygiene:

- Encourage and allow time for employee handwashing. Provide approved hand sanitizers for employees to use.

¹ Some independent contractors are considered to be employees under the State Labor Code. For more details, check the California Department of Industrial Relations’ [Independent Contractor Versus Employee](#) webpage.

Ventilation:

- Employers must evaluate ventilation systems to maximize outdoor air and increase filtration efficiency, and evaluate the use of additional air cleaning systems.

COVID-19 Testing Protocol and Notification of Workplace Exposures:

- Offer testing free of charge and during work hours to any workers who:
 - Have been exposed to COVID-19 at work, except for those who have recovered from COVID-19 in the past 90 days and are symptom-free.
 - Need a test to keep working or to return to work sooner, if tested when following isolation and quarantine guidance.
 - Are symptomatic, regardless of whether they had a workplace exposure.
- Testing may be offered through the employer, a health plan, or at a community testing site.
- Notify employees, employee representatives, and any other workers at the worksite of possible COVID-19 exposures within one business day.

Pay and Leave Rights of Workers:

- Maintain and continue the wages, earnings, and the rights and benefits of employees while they are required to be away from the worksite because they are either a COVID-19 case or were exposed to COVID-19 in the workplace.
- Provide information to workers about the availability of paid sick leave via the [Supplemental Paid Leave](#) program.

COVID-19 Outbreak Reporting and Mitigation Requirements:

- Report information about COVID-19 cases and outbreaks at the workplace to the local health department and provide any COVID-19 related outbreak information requested by the local health department.
 - When there are **3 or more employee COVID-19 cases at the worksite**, evaluate the need to implement physical distancing and partitions between and among employees and the public.
 - When there are **20 or more employee COVID-19 cases**, which constitutes a major outbreak, employers must immediately:
 - Make testing available to all employees in the exposed group, regardless of vaccination status, twice a week or more frequently if recommended by the local health department. **Employees who have recovered from COVID-19 in the past 90 days and are not symptomatic do not need to be tested.**
 - Use physical distancing for all employees, regardless of vaccination status.
 - Offer respirators for voluntary use to all employees, regardless of vaccination status, and without waiting for a request from the employee.



FOR MORE INFORMATION:

Cal/OSHA: For information about COVID-19, heat illness prevention and wildfire smoke protections in the workplace or to speak with a bilingual Cal/OSHA representative during normal business hours, please call 833-579-0927.

LA County Department of Public Health: For any questions, please contact our Industry Engagement program at (626) 430-5320.