

February 14, 2022

TO : All Chabot - LPCCD Staff
FROM : The CLPCCD Senior Leadership Team
RE : **COVID-19 Employer, Employee and Supervisor requirements effective immediately**

The information below addresses the January 14, 2022 revision of the ETS. You may also refer to the set of FAQs at the end of this memorandum that highlight the changes between the original November 30, 2020 ETS, the revised ETS from June 17, 2021 and the new 2022 updates.

CLPCCD Safe Work Practice are still Effective and Required

COVID-19 Prevention Emergency Temporary Standards

The COVID-19 Prevention Emergency Temporary Standards are still in effect. The workplace standards were updated in December 2021 to include minor revisions related to returning to work after close contact. The revisions are effective starting on January 14, 2022. In addition to these requirements, employers must follow public health orders on COVID-19. The [latest order from the California Department of Public Health](#) on January 5, 2022 requires the use of face coverings by all employees when indoors. More information on the COVID-19 Prevention Emergency Temporary Standards is available in [Cal/OSHA's Frequently Asked Questions](#).

The CLPCCD COVID-19 Safe Work Practices are still in effect and have shown to be effective in limiting workplace transmission of the virus. Examples of our SWPs include, but are not limited to, maintaining distance of 6 feet or more from others whenever feasible, wearing well-fitted, 2-layer face coverings when around others and washing or sanitizing your hands frequently.

Vaccinations are Effective and in Strongly Encouraged

Data shows that vaccinations reduce the likelihood of contracting and spreading infections and reduce the severity of illness should you experience a breakthrough infection. CLPCCD has mandated vaccinations for all staff which is currently defined as the primary dosage as approve by the CDC, we are strongly encouraging everyone that can get boosted to do so. Employees are permitted to obtain vaccination and booster shots during paid time. There are valid reasons for why some employees may not choose to get vaccinated. Information about the vaccines is available at numerous sites including [this link provided](#). If you have questions about the safety or effectiveness of the vaccine, talk with your medical provider.

Face Coverings Requirements

- Fully vaccinated employees are required to wear face coverings while indoors, with some limited exemptions.
- Under the revised [California COVID-19 Emergency Standards](#) (CA ETS), employers still must provide face coverings to employees who are not fully vaccinated, all individuals

must wear face coverings while indoors or in shared vehicles, subject to some exceptions:

- *When an employee is alone in a room or vehicle.*
- *While eating or drinking at the workplace, provided employees are at least six feet apart and outside air supply to the area, if indoors, has been maximized to the extent feasible.*
- *Employees wearing respirators required by the employer and used in compliance with section 5144.*
- *Employees who cannot wear face coverings due to a medical or mental health condition or disability, or who are hearing-impaired or communicating with a hearing-impaired person.*
- *Specific tasks which cannot feasibly be performed with a face covering. This exception is limited to the time period in which such tasks are actually being performed.*
- Face coverings will be provided to any employee upon request, regardless of the employee's vaccination status.
- An acceptable "face covering" has been revised to state that face coverings may be tightly woven fabric or non-woven material of at least two layers, but such masks should not let light pass through when held up to a light source. Gaiters may be worn but must have two layers of fabric or be folded to make two layers. A face covering must completely cover the nose and mouth and be secured to the head, cannot have any slits or holes, and must fit snugly.
- Employees seeking exemption from the face covering requirements due to a medical or mental health condition or disability should contact Human Resources for additional information.
 - *In circumstances where the employee would otherwise be required to wear a face covering but for this exemption and where the employee cannot wear a non-restrictive alternative (e.g., face shield with a drape on the bottom), the CA ETS requires that employee to (1) remain six feet apart from others; and (2) be fully vaccinated or be tested at least weekly for COVID-19.*
- Face covering orders from the California Department of Public Health (CDPH), or applicable local public health order supersede the CA ETS but do not supersede the local CLPCCD requirements.

Testing Requirements and Supervisor/Employee Responsibilities

The CA ETS definition of "COVID-19 test" has been expanded to include home tests and over-the-counter tests. Home tests that are self-administered and self-read are not permitted unless observed by the employer or authorized telehealth proctor. If an employee tests positive on a home test they should notify their supervisor and take a qualifying test. Some self-administered telehealth proctored test kits are available from CLPCCD and City Health, please contact your supervisor for additional information.

Self-test kits may be unavailable or difficult to obtain. The Federal Government, through the US Postal Service, is allowing residential households to order one set of 4 at-home COVID19 tests. Please follow the link to order yours: <https://special.usps.com/testkits>.

Employers must make COVID-19 testing available at no cost to all employees, regardless of vaccination status, who:

- had a close contact in the workplace

- a COVID-19 outbreak or major outbreak, are within the “exposed group”, when notified by the District or Alameda County Public Health that outbreak testing is required.

Testing may occur weekly for outbreaks and twice-weekly for major outbreaks until no longer required under the CA ETS.

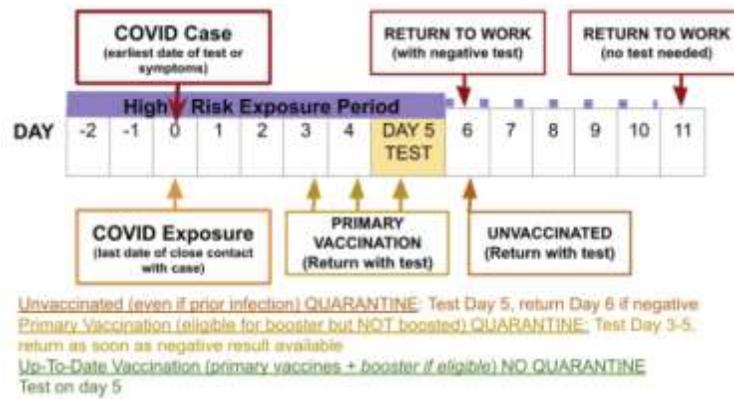
Changes to the Quarantine and Isolation Requirements

Under certain conditions, the time recommended by CDC and CDPH for quarantine has been reduced to 0-5 days. While these updates and changes in guidance are not reflected in the revised CA ETS, Cal/OSHA has confirmed that the local health orders and state public health mandates supersede the CA ETS.

The CA ETS definition of “fully vaccinated” has also been updated to account for certain additional scenarios under which an employee may have been vaccinated, including vaccine trials, and mixing of vaccine manufacturers. The third shot or booster dose is not included in the CA ETS definition of “fully vaccinated,” however the CDPH quarantine and isolation guidance includes considerations for booster shots. The current CDPH guidance regarding quarantine and isolation considers an individual “fully vaccinated” if they are “up to date” on their vaccinations. The table below provides a summary of the CDPH guidance:

If you...	Then...
Have symptoms at any time, regardless of vaccination status.	<ul style="list-style-type: none"> • Stay home and test ASAP • Self-isolate until result is known, and if test is positive continue to isolate and contact your medical provider for advice or treatment
Test positive for COVID-19 (Isolation) <ul style="list-style-type: none"> • Regardless of vaccine status 	<ul style="list-style-type: none"> • Stay home and isolate for at least 5 days. Return (with masking) when ALL the following are met: <ul style="list-style-type: none"> <input type="checkbox"/> At least 24 hours with no fever (100.4 or greater) without fever-reducing medication AND <input type="checkbox"/> Other symptoms of COVID-19 are improving AND <input type="checkbox"/> To return days 6-10, the antigen test must be negative. No testing is needed to return after 10 days.
Have a Close Contact to Someone with COVID-19 AND <ul style="list-style-type: none"> • Are fully vaccinated, including BOOSTER* if eligible 	<ul style="list-style-type: none"> • No Quarantine • Test on day 5 (if positive follow isolation instructions here) • Mask around others for 10 days • If symptoms develop at any time, stay home, self-isolate, test, and reach out to HR
Have a Close Contact to Someone with COVID-19 (Quarantine) AND <ul style="list-style-type: none"> • Have primary vaccination(s) and are eligible for but do not have a BOOSTER* 	<ul style="list-style-type: none"> • Quarantine for 3-5 days and test no earlier than Day 3 (if positive follow isolation instructions here) • Return as soon as test result is available and negative • Mask around others for 10 days • If symptoms develop at any time, stay home, self-isolate, test, and reach out to HR
Have a Close Contact to Someone with COVID-19 (Quarantine) AND <ul style="list-style-type: none"> • Are unvaccinated -OR- less than 14 days after first vaccination series -OR- recovered from COVID but unvaccinated 	<ul style="list-style-type: none"> • Quarantine for 5 days and test no earlier than Day 5 (if positive follow isolation instructions here) • On Day 6 if test result is available and negative • Mask around others for 10 days • If symptoms develop at any time, stay home, self-isolate, test, and reach out to HR

BOOSTER* eligibility: 6 months after 2nd dose of Moderna/Pfizer, or 2 months after single J&J dose



Employer Notifications and the “Worksite”

The revised CA ETS has updated the definition of “worksite” excludes locations where an employee worked by themselves and personal residences and other locations from which an employee was working remotely. Employers must provide notice within one business day to employees who worked at worksites where there has been a COVID-19 case. Employers must also provide the required notice to the authorized representative of: (1) the employee who tested positive or was diagnosed with COVID-19; (2) any employee who had close contact with the COVID-19 case; and (3) any employee who was at the same worksite as a COVID-19 case during the high-exposure period. The employee notice must be provided “in the manner the employer normally uses to communicate employment-related information,” which can include email or text message.

Please see the attached CA ETS FAQs for more information regarding the California ETS requirements.

Excerpts from the CA ETS FAQs:

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

A: Requirements include:

- How to report COVID-19 symptoms, possible close contacts, and hazards to the employer without fear of reprisal
- 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 unvaccinated persons can request a respirator
- That employees may wear face coverings at work, regardless of their vaccination status, without fear of retaliation by their employer
- How employees with elevated risk factors for COVID-19, which can be found on 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, or through the local health department, a health plan, or at a community testing center
- 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

Face Coverings and Other Controls

2. Q: What are the face covering requirements of the ETS?

A: The ETS requires employers to provide employees who are not fully vaccinated with face coverings of at least 2 layers or more and ensure they are worn over the nose and mouth when indoors, in vehicles and when required by orders from the CDPH. Outdoors, no employees need to use face coverings, regardless of vaccination status, unless there is an outbreak.

Exceptions include: when an employee is alone in a room or vehicle, while eating or drinking provided employees are six feet apart or outside, employees wearing respirators, employees who cannot wear face coverings due to a medical or mental health condition or disability or 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. Employers must also provide face coverings to employees upon request, regardless of their vaccination status.

3. 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.

4. Q: May an employer require an employee to wear a face covering at work even if the employee provides documentation verifying that they are fully vaccinated?

A: Yes, employers can have policies that are stricter 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.

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

A: Requirements include:

- Engineering controls
 1. Maximize the amount of outside air to the extent feasible, unless there is poor outside air quality (an AQI of 100 or higher for any pollutant) or some other hazard to employees such as excessive heat or cold
- Administrative controls

1. Implement effective cleaning procedures of commonly touched surfaces, such as doorknobs, elevator buttons, equipment, tools, handrails, handles, controls, phones, headsets, bathroom surfaces, and steering wheels
2. Clean areas and material where a COVID-19 case has been during the "high risk exposure period," as defined in these FAQs, and disinfect if indoors and used by another employee within 24 hours
3. Provide for, encourage, and allow time for frequent hand washing, and provide hand sanitizer
- Personal protective equipment (PPE)
 1. Evaluate the need for PPE, including but not limited to gloves, eye protection and respiratory protection as required by Cal/OSHA standards
 2. Upon request, provide respirators for voluntary use to all employees who are not fully vaccinated and 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)
 3. When respirators are provided for voluntary use, encourage their use, and ensure the respirator is the correct size for the employee
 4. Provide eye and respiratory protection for employees exposed to procedures that aerosolize saliva or other potentially infectious materials, such as some dental procedures.
6. **Q: What impact does CDPH's [Guidance for the Use of Masks](#), revised as of December 13, 2021, have on the COVID-19 Prevention Emergency Temporary Standards (ETS)?**
A: Cal/OSHA's face covering requirements are detailed in the ETS. The ETS requires that employers "provide face coverings and ensure they are worn by employees when required by orders" of the California Department of Public Health (CDPH). (8 CCR § 3205(c)(6)(B).) The [December 13, 2021 CDPH guidance](#) is such an order.

Vaccines

7. **Q: When is an employee considered vaccinated under the ETS?**
A: An employee is considered fully vaccinated if the employer has documented that the employee received, at least 14 days prior, either the second dose in a two-dose COVID-19 vaccine series or a single-dose COVID-19 vaccine.
8. **Q: What COVID-19 vaccines are acceptable under the ETS?**
A: Vaccines must be FDA approved; have an emergency use authorization from the FDA; or, for persons fully vaccinated outside the United States, be listed for emergency use by the World Health Organization (WHO).
9. **Q: Must the ETS still be followed for vaccinated persons?**
A: Yes, some of the requirements of the ETS must still be followed by vaccinated employees, as discussed in the Face Covering, Testing, and Outbreak sections of this FAQ.
10. **Q: May an employer require employees to submit proof of their being "fully vaccinated"?**
A: Yes. As explained by the Department of Fair Employment and Housing, https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2020/03/DFEH-Employment-Information-on-COVID-19-FAQ_ENG.pdf 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.
 Under the ETS, an employer is not obligated to require employees to submit proof of being fully vaccinated.
11. **Q: May an employer require employees to be vaccinated against COVID-19?**
A: This is an issue outside the scope of the ETS. For guidance, employers may wish to refer to information provided by the federal Equal Employment Opportunity Commission (EEOC) and/or the California Department of Fair Employment and Housing at the following webpages. Both of these "FAQ" resources address this question.
 EEOC FAQ's regarding COVID-19: <https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws>
 DFEH FAQs regarding COVID-19: https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2020/03/DFEH-Employment-Information-on-COVID-19-FAQ_ENG.pdf

12. Q: What is the employer required to do if it does not want to ask employees whether they are vaccinated?

A: If the employer does not wish to ask about and document the vaccination status of their employees, the employer must treat all employees as unvaccinated.

13. Q: After asking about an employees' vaccination status, how can an employer document that an employee is "fully vaccinated"?

A: An employer is not compelled to use any specific method of documenting their employees' vaccination status, though whichever method is used, the information must be kept confidential. Acceptable options include:

- Employees provide proof of vaccination (vaccine card, image of vaccine card or health care document showing vaccination status) and employer maintains a copy.
- Employees provide proof of vaccination. The employer maintains a record of the employees who presented proof, but not the vaccine record itself.
- Employees self-attest to vaccination status and employer maintains a record of who self-attests.

Nothing in the ETS prevents an employer from treating all employees as unvaccinated and taking the most protective steps under the ETS (such as requiring all employees to wear a face covering) instead of having a documentation process.

14. Q: How long are employers required to maintain documentation of employee vaccination status?

A: Vaccination records created by the employer under the ETS need to be maintained for the length of time necessary to establish compliance with the regulation, including during any Cal/OSHA investigation or appeal of a citation.

In order to encourage documentation using vaccination records, Cal/OSHA has determined that it would not effectuate the purposes of the Labor Code to subject such records to the thirty (30) year record retention requirements that apply to some medical records.

15. Q: If federal OSHA adopts a standard obligating employer with 100 or more employees to require COVID-19 vaccines or weekly testing, what will happen in California?

A: California maintains an occupational safety and health plan that is approved and monitored by federal OSHA. As a "state plan state," California is required to adopt occupational safety and health standards "at least as effective" as federal OSHA's, in accordance with Section 18 of the federal Occupational Safety and Health Act of 1970 (29 USC § 667(c)(2)).

If federal OSHA adopts a standard obligating employer with 100 or more employees to require either vaccines or weekly testing for employees, the State will have 30 days after the date of promulgation of the federal standard to adopt a comparable standard.

Training

16. 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.
- COVID-19 related benefit information, from either 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 and that face coverings are additionally recommended outdoors for people who are not fully vaccinated if six feet of distance between people cannot be maintained.
- 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 who are not fully vaccinated 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 getting tested if an employee has symptoms. Information on 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

17. 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.
- Notifying employees, in writing, of any potential exposures within one business day (and notifying any other employer who has potentially exposed employees in the workplace).
- Make 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 were fully vaccinated before the close contact and—for a limited period—employees who recently recovered from COVID-19 and have not developed COVID-19 symptoms since returning to work.
- Exclude COVID-19 cases and exposed employees from the workplace until they are no longer an infection risk. Exposed employees who are fully vaccinated or who recently recovered from COVID-19 and have no symptoms do not need to be excluded.
- Investigate the exposure, whether workplace conditions could have contributed to the risk of exposure, and what corrections would reduce exposure.

18. 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 greater in any 24-hour period within or overlapping with the “high risk exposure period.”

19. Q: What is the “high risk exposure period”?

A:

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

20. Q: Must an employer exclude an employee who 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.

Testing

21. Q: What are the testing requirements in the ETS?

A: An employer's testing obligations are the following:

- Inform all employees on how they can obtain testing. This could be through the employer, local health department, a health plan, or at a community testing center. The only obligation to all employees is to provide information. Offer testing to employees who are not fully vaccinated or who are vaccinated with symptoms at no cost *to all employees of the employer who had a close contact in the workplace* and during paid time in the event of a close contact at work, with an exception for certain symptom-free employees who recently recovered from COVID-19.
- Make available at no cost periodic (at least weekly or twice per week depending on the magnitude of the outbreak) COVID-19 testing to all employees within an exposed group during an outbreak, except for those employees who were not at work during the relevant period; for vaccinated employees without symptoms; and—for a limited period—employees who recently recovered from COVID-19 and have not developed COVID-19 symptoms since returning to work.
- Testing must be provided in a manner that ensures employee confidentiality.

22. 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.

23. 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 (e.g., mileage or public transportation costs).

24. Q: What do 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.

25. 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

26. 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.

27. 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 employee was within 6 feet of a COVID-19 case for a cumulative total of 15 minutes within any 24-hour period during the COVID-19 case's "high risk exposure period," defined above.

28. 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 employees' 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 which occurred in the workplace and provide applicable benefit information. There is an exception for an employee who was fully

vaccinated before the close contact and has no symptoms. There is also an exception for an employee who had COVID-19, returned to work after the end of the required exclusion period, and have had no symptoms since returning—but that exception lasts only 90 days after the employee’s original onset of symptoms or, if the recovered COVID-19 case never developed symptoms, 90 days following the first positive test.

- Exclude from the workplace employees who test positive for COVID-19.
- Exclude employees after a COVID-19 close contact, unless they were fully vaccinated before the close contact, or recently recovered from COVID-19 as described above, and do not show any symptoms of COVID-19. 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.

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

A: Some of the simplest ways to get 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.
 1. 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 employees do not incur any costs for COVID-19 testing required by title 8 of the California Code of Regulations, sections 3205 through 3205.4.

30. 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 [Valencia Lab Interest Form](#).

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

A: The ETS requires employers to make testing available to employees at no cost to all employees of the employer who had a close contact in the workplace. Employers should consult EEOC and/or DFEH “FAQ” resources referenced above regarding their ability to mandate testing.

Recordkeeping and Reporting

32. 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 serious occupational illnesses to Cal/OSHA, consistent with existing regulations.
- Maintaining records required by 8 CCR [section 3203\(b\)](#), which include 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, the date of the last day at the workplace, and the date of a 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.
- Documenting those employees who do not wear face coverings indoors or in vehicles with others are fully vaccinated.