



December 17, 2021

California Issues New Statewide Mask Mandate

California's Department of Public Health (CDPH) issued a [new mandate](#). Under the order, masks are required for all individuals in all indoor public settings, regardless of vaccination status from December 15, 2021 through January 15, 2022.

CDPH has updated [its guidance](#) to clarify the application of the indoor mask mandate. Previously, the mandate by the CDPH referenced "indoor public settings" without further definition. In the updated guidance, the CDPH clarifies that "the guidance applies to all workplaces, regardless of whether they serve the public, or are open to the public. Masks may be removed, "if the workplace consists of a single employee, or may be removed while an employee is alone in a closed office or room."

Cal/OSHA has also updated its FAQ for the COVID-19 Emergency Temporary Standard (ETS) to state that 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."

Cal-OSHA Standards Board Adopts Revised COVID-19 ETS

The Occupational Safety and Health Standards Board has approved revisions to the [COVID-19 Prevention Emergency Temporary Standards \(ETS\)](#) based on the latest recommendations from the California Department of Public Health. The revised ETS are effective on January 14, 2022 and will be in effect for 90 days

The revisions include the following:

- **Investigating and responding to COVID-19 cases in the workplace:** Employers must continue to properly notify employees, employee representatives and any other workers at a worksite of possible COVID-19 exposures within one business day. This section was updated to give employers more clear instructions on how to notify exposed workers.
- **Face Coverings:** Masks must fit snugly over the nose, mouth, and chin with no large gaps on the outside of the face. Additionally, the definition was updated to include more detail on the different types of acceptable face coverings, including the use of fabrics that do not allow light pass through when held up to a light source.
- **Testing and Exclusion:** The following revisions were made to conform with CDPH recommendations:

- Employers are required to make COVID-19 testing available at no cost and during paid time to all employees, including those who are fully vaccinated, who have a “close contact” with a COVID-19 case, even if they are asymptomatic.
 - “Covid-19 Test” is now expanded beyond viral tests to include home tests, over-the-counter tests, and point-of-care tests. Importantly, a test cannot be self-administered and self-read unless the employer or an authorized telehealth provider observes.
 - During outbreaks and major outbreaks, employers must now make weekly testing (outbreaks) or twice-weekly testing (major outbreaks) available to asymptomatic fully vaccinated employees in the exposed group.
 - Employees who have recently recovered from COVID-19 and those who are fully vaccinated are not required to be excluded from the workplace after “close contact” but must wear a face covering and maintain six feet of physical distancing for 14 calendar days following the last date of contact.
 - “Worksite” was clarified to not include locations where the worker worked by themselves without exposure to other employees, or to a worker’s personal residence or alternative work location chosen by the worker when working remotely.
- Please note that the definition of “fully vaccinated” was **NOT** changed to require booster shots.
 - **Return to Work Criteria:** The period of time before an employee can return to work after close contact or COVID-19 infection has been revised to be consistent with current CDPH guidelines. These time frames will automatically update if CDPH updates their guidelines pursuant to the Governor’s executive order ([N-84-20](#)). Under the re-adoption, employees who had a close contact but never developed symptoms may return to work after 14 days unless one of the following applies:
 - 10 days have passed since the close contact and the person wears a face covering and maintains six feet of distance from others for 14 days; or
 - Seven days have passed since the close contact, the person tests negative at least five days after the close contact, and the person wears a face covering and maintains six feet of distance from others for 14 days.

Please also note, employers must continue to maintain an effective COVID-19 Prevention Program that includes identifying and evaluating employee exposures to COVID-19 health hazards, training employees on how to prevent hazards and implementing procedures to correct unsafe conditions.

Cal/OSHA is updating its resources to assist employers with understanding their obligations required by the revised ETS. The [COVID-19 webpage](#) contains an [updated fact sheet](#), which describes revisions to the ETS. When the revised ETS become effective, Cal/OSHA will publish updated FAQs. Cal/OSHA’s model [COVID-19 Prevention Program in English and Spanish](#) is a helpful resource for employers to develop and maintain an effective written program.