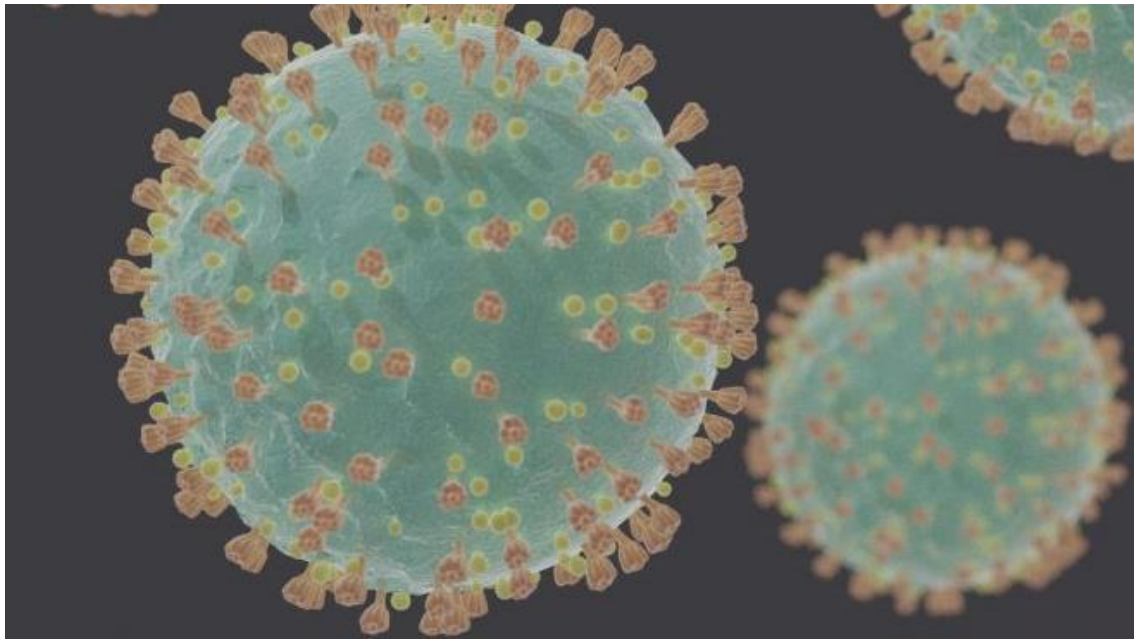

DEPARTMENT OF LABOR AND INDUSTRY

INFECTIOUS DISEASE PREVENTION: SARS-COV-2 VIRUS THAT CAUSES COVID-19 16 VAC 25-220

EMERGENCY TEMPORARY STANDARD

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7/27/20

DISCLAIMER

This guidance is not a standard or regulation, and it creates no new legal obligations. Refer to §16VAC25-220 for specific standard requirements.

The information provided is intended to assist employers in providing a safe and healthful workplace to employees.

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§10 PURPOSE & APPLICABILITY

- Designed to establish **requirements** for **employers** to **control, prevent, and mitigate** the **spread** of SARS-CoV-2, the virus that causes coronavirus disease 2019 (COVID-19) **to** and **among employees** and **employers.**

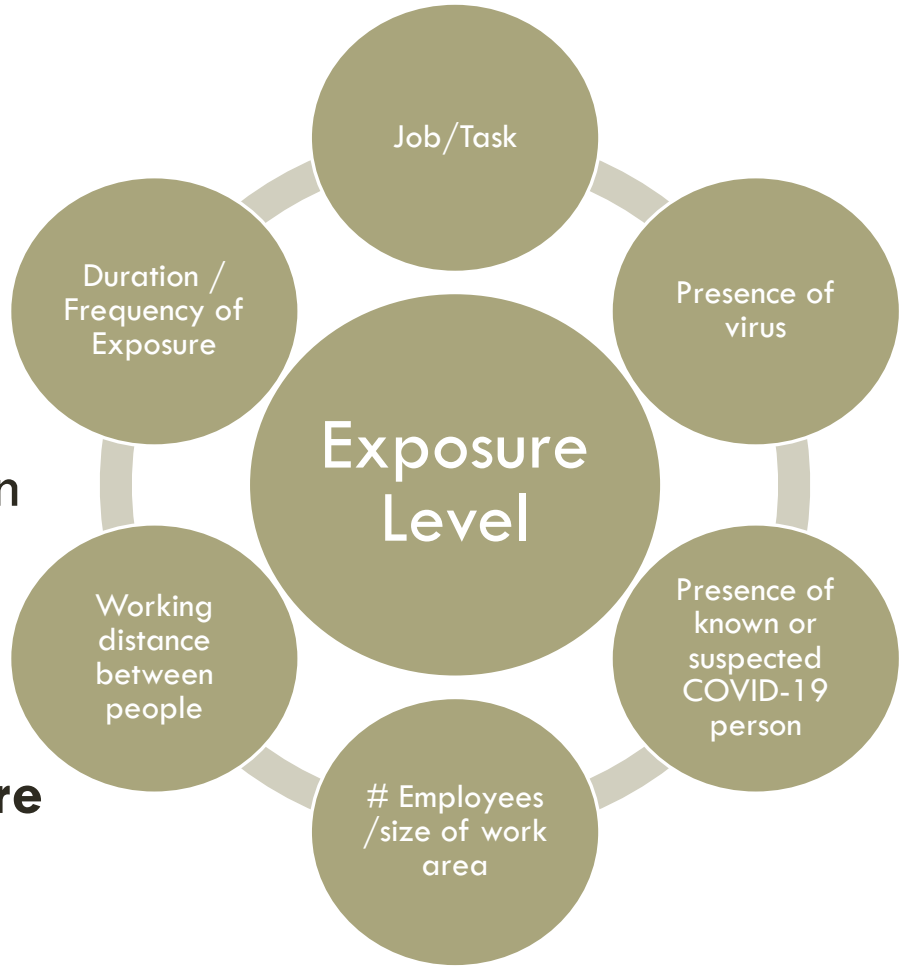
- **Applies** to every **employer, employee,** and **place** of **employment** in the **Commonwealth of Virginia** within the **jurisdiction** of the **VOSH** program as described in §§ 16VAC25-60-20 and 16VAC25-60-30.

- Application of this standard to a place of employment is **based** on **exposure risk level** presented by SARS-CoV-2 virus-related and COVID-19 disease-related **hazards present** or **job tasks** undertaken by employees at the place of employment as defined in this standard as **Very High, High, Medium, and Lower.**

The four exposure risk levels represent probable distribution of risk.

DETERMINING EXPOSURE RISK LEVEL

- The **job** tasks being **undertaken;**
- The **work environment** (e.g. indoors or outdoors);
- The known or suspected **presence** of the virus;
- The **presence** of a person **known** or **suspected** to be infected with SARS-CoV-2 virus;
- The number of **employees** and/or **other persons** in **relation** to the **size** of the work **area;**
- The **working distance between** employees and other employees or person;
- The **duration** and **frequency** of employee **exposure** though contact (**inside of six feet**) with other employees or persons (e.g., including shift work **exceeding 8 hours per day**);



DETERMINING EXPOSURE RISK LEVEL

- The type of **hazards encounter**, including potential **exposure** to the **airborne** transmission of SARS-CoV-2 virus;
- **Contact with contaminated surfaces** or objects (tools, break room tables, rest rooms, workstations, entrances/exits, etc.);
- **Employer sponsored shared transportation** is a common practice, such as ride-share vans or shuttle vehicles, car-pools, etc.

COMPLIANCE

- This standard **shall not conflict** with **requirements** and **guidelines** applicable to businesses set out in any **applicable Virginia executive order** or order of **public health emergency.**

- To the extent that an **employer** actually **complies** with a **recommendation** contained in **CDC guidelines,** whether **mandatory** or **non-mandatory** to **mitigate** SARS-CoV-2 virus and COVID-19 related **hazards** or **job tasks** addressed by this standard, and **provided** that the CDC **recommendation** provides **equivalent or greater** protection than provided by a provision of this standard, the **employer's actions shall be considered in compliance with this standard.**

COMPLIANCE

- An employer's **actual compliance** with a **recommendation** contained in **CDC guidelines,** whether mandatory or non-mandatory, to mitigate SARS-COV-2 and COVID19 related hazards or job tasks addressed by this standard **shall** be considered evidence of **good faith in any enforcement proceeding related to this standard**.

COMPLIANCE – EDUCATION

- **Public** and **private** institutions **of higher education** that have **received certification** from the *State Council of Higher Education of Virginia* that their **re-opening plans** are in **compliance** with guidance documents, whether mandatory or non-mandatory, developed by the *Governor's Office* in conjunction with the *Virginia Department of Health* **shall** be considered in **compliance** with this **standard, provided** the institution **operates** in compliance with their **certified reopening plans** and the certified reopening plans provide **equivalent** or **greater** levels of **employee protection** than this standard.

COMPLIANCE - EDUCATION

- **Public school** divisions and **private schools** that submit their plans to the *Virginia Department of Education* to move to **Phase II and Phase III** that are **aligned** with **CDC guidance** for reopening of schools that provide **equivalent** or **greater** levels of employee **protection** than a provision of this standard **and** who operate in **compliance** with the public school division's or private school's **submitted plans shall** be considered **in compliance** with this standard.

- An institution's **actual compliance** with recommendations contained in **CDC guidelines** or the *Virginia Department of Education* guidance, whether **mandatory** or **non-mandatory,** to mitigate SARS-COV-2 and COVID19 related hazards or job tasks addressed by this standard **shall** be considered **evidence** of **good faith** in any **enforcement** proceeding related to this standard.

CONTACT TRACING

Nothing in the standard shall be construed to require employers to conduct contact tracing of the SARS-CoV-2 virus or COVID-19 disease

Effective and Expiration Date:

- **Effective immediately** upon **publication** in a **newspaper** of general circulations published in **the City of Richmond.**
- **Expires** within **six months** of its effective date, **or**
- Upon **expiration of the Governor's State of Emergency, or**
- When **superseded** by a **permanent** standard, **whichever occurs first, or**
- When **repealed** by the Virginia Safety and Health Codes Board.

Training Dates:

- With the **exception** of **§16VAC25-220-80.B.10** regarding **training** required on infectious disease preparedness and response plans, the **training requirements** in **§16VAC25-220-80** **shall** take effect **thirty (30) days after** the **effective date** of this standard.

- The **training requirements** under **§16VAC25-220-80.B.10** **shall** take effect **sixty (60) days after** the **effective date** of this standard.

- The **requirements** for **§16VAC25-220-70**, Infectious Disease Preparedness and Response Plan, **shall** take effect **sixty (60) days** after the **effective date** of this standard.

§30 IMPORTANT DEFINITIONS

- **Administrative Control** means any **procedure** which significantly **limits** daily **exposure** to SARS-CoV-2 virus and COVID-19 disease related **workplace hazards** and job **tasks** by control or manipulation of the **work schedule** or **manner** in which work is performed. ***The use of personal protective equipment is not considered a means of administrative control***.

- **Asymptomatic** means a person who **does not** have **symptoms.**

- **Building/facility owner** means the **legal entity,** including a lessee, which exercises **control over management** and **record keeping functions** relating to a **building** and/or **facility** in which **activities covered** by this standard take place.

- **Cleaning** means the **removal** of **dirt** and **impurities,** including **germs, from surfaces.** Cleaning alone **does not kill germs.** But by **removing** the **germs,** it **decreases** their number and therefore any **risk** of **spreading** infection.

§30 IMPORTANT DEFINITIONS

- **COVID-19** means **Coronavirus Disease 2019,** which is **primarily** a **respiratory** disease **caused** by the **SARS-CoV-2 virus.**

- **Disinfecting** means using **chemicals approved** for use against SARS-CoV-2, for example, **EPA-registered disinfectants,** to **kill germs** on surfaces. This process does **not** necessarily **clean dirty surfaces or remove germs.** But **killing** germs **remaining** on a **surface** after **cleaning** further **reduces** any risk of **spreading** infection.

§30 IMPORTANT DEFINITIONS

- **Duration and frequency of employee exposure** means how long ("**duration**") and how often ("**frequency**") an employee is **potentially exposed** to the SARS-CoV-2 or COVID-19 disease. Generally, the **greater** the **frequency** or **length** of **exposure**, the **greater** the **probability** is for **potential infection** to occur.

  Frequency of **exposure** is generally **more significant for acute acting agents** or **situations**, while **duration of exposure** is generally **more significant for chronic acting agents or situations.**

  - An **example** of an **acute situation** would be an **unprotected** customer, patient, or other **person** coughing or sneezing **directly** into the **face** of an employee.
  - An **example** of a **chronic situation** would be a **job task** that **requires** an employee to **interact** either for an **extended period of time inside six feet with a smaller static group of other employees or persons**; or for an **extended period of time inside six feet** with a **larger group** of other **employees** or **persons** in **succession** but for **periods of shorter duration.**

§30 IMPORTANT DEFINITIONS

- **Economic Feasibility** means the **employer** is **financially able** to undertake the measures necessary to **comply** with one or more **requirements** in this standard. The **cost** of corrective **measures** to be taken will **not usually** be considered as a **factor** in **determining** whether a **violation** of this **standard has occurred.** *If an employer's level of compliance lags significantly behind that of its industry, an employer's claim of economic infeasibility will not be accepted.*

- **Elimination** means a **method** of exposure control that **removes** the **employee completely from exposure** to SARS-CoV-2 virus and COVID-19 disease related workplace **hazards and job tasks.**

§30 IMPORTANT DEFINITIONS

- **Employee** means an **employee** of an **employer** who is **employed** in a **business** of his employer. **Reference** to the term "**employee**" in this standard also **includes**, but is **not limited to**, **temporary** employees and **other joint employment** relationships, as well as **persons** in **supervisory** or **management positions** with the employer, etc., in accordance with Virginia occupational safety and health laws, standards, regulations, and court rulings.

- **Engineering control** means the use of **substitution**, **isolation**, **ventilation**, and **equipment modification** to **reduce exposure** to SARS-CoV-2 virus and COVID-19 disease related workplace **hazards** and job **tasks**.

§30 IMPORTANT DEFINITIONS

- **Exposure risk level** means an **assessment** of the **possibility** that an employee **could** be **exposed** to the **hazards associated** with SARS-CoV-2 virus and the COVID-19 disease. ***The exposure risk level assessment should address all risks and all modes of transmission including airborne transmission, as well as transmission by asymptomatic and presymptomatic individuals***. Risk **levels** should be **based** on the **risk** factors **present** that **increase** risk **exposure** to COVID -19 and are **present** during the course of **employment regardless** of location.

Hazards and job tasks have been divided into four risk exposure levels
"very high", "high", "medium", and "lower":

LEVELS OF RISK

Very High - exposure risk hazards or job tasks are those in places of employment with **high potential** for employee **exposure** to **known or suspected** sources of the SARS-CoV-2 virus (e.g., laboratory samples) or **persons known** or **suspected** to be infected with SARS-CoV-2 virus, **including, but not limited to**, during specific medical, postmortem, or laboratory procedures:

EXAMPLES OF "VERY HIGH" RISK LEVEL INCLUDE

- **Aerosol-generating** procedures (e.g., intubation, cough induction procedures, bronchoscopies, some dental procedures and exams, or invasive specimen collection) on patient or person known or suspected to have COVID-19;

- **Collecting or handling specimens** from a patient or person known or suspected to have COVID-19 (e.g., manipulating cultures from patients known or suspected to have COVID-19 patients);

- **Performing an autopsy**, that involves aerosol-generating procedures, on the body of a person known to have, or suspected of having, COVID-19 at the time of their death.

LEVELS OF RISK

High - exposure risk hazards or job tasks are those in places of employment with **high potential for employee exposure inside six feet** with **known** or **suspected** sources of SARS-CoV-2, **or** person **known** or **suspected** to be infected with SARS-CoV-2 virus that are **not otherwise classified** as "very high" exposure risk including, but not limited to:

EXAMPLES OF "HIGH" RISK LEVEL INCLUDE

- **Healthcare -** (physical and mental) **delivery** and **support services provided** to a patient **known or suspected** to be infected with SARS-CoV-2 virus, including field hospitals (e.g., doctors, nurses, cleaners, and other hospital staff who must enter patient rooms or areas).
- **Healthcare -** (physical and mental) **delivery**, **care**, and **support services**, wellness services, non-medical support services, physical assistance, etc., **provided** to a patient, resident, or other person **known or suspected** to be infected with SARS-SoV-2 involving:
  - Skilled nursing services,
  - Outpatient medical services,
  - Clinical services,
  - Drug treatment programs,
  - Medical outreach services,
  - Mental health services,
  - Home health care,
  - Nursing home care,
  - Assisted living care,
  - Memory care support and services,
  - Hospice care,
  - Rehabilitation services,
  - Primary and specialty medical care,
  - Dental care,
  - COVID-19 testing services,
  - Blood donation services,
  - Contact tracer services,
  - Chiropractic services;

EXAMPLES OF "HIGH" RISK LEVEL INCLUDE

- **First responder services** provided to a patient, resident, or other person **known** or **suspected** to be infected with SARS-CoV-2;

- **Medical transport services** (loading, transporting, unloading, etc.) provided to patients **known** or **suspected** to be infected with SARS-CoV-2 (e.g., ground or air emergency transport, staff, operators, drivers, pilots, etc.);

- **Mortuary services** involved in preparing (e.g., for burial or cremation) the bodies of persons who are **known** to have, or **suspected** of being infected with SARS-CoV-2 at the **time** of their **death**.

LEVELS OF RISK

- **Medium** - exposure risk hazards or job tasks are those not otherwise classified as "very high" or "high" exposure risk in places of employment that require more than minimal occupational contact inside six feet with other employees, other persons, or the general public who may be infected with SARS-CoV-2, but who are not known or suspected to be infected with the virus. "Medium" exposure risk hazards or job tasks may include, but are not limited to, operations and services in:

EXAMPLES OF "MEDIUM" RISK LEVEL MAY INCLUDE

- Poultry, meat, and seafood processing
- Agricultural and hand labor
- Commercial transportation of passengers by air/land/water
- On campus educational settings in schools, colleges, and universities
- Daycare and afterschool settings
- Restaurants and bars
- Grocery stores, convenience store, and food banks
- Drug stores and pharmacies
- Manufacturing settings
- Indoor and outdoor construction settings
- Correctional facilities, jails, detentions centers, and juvenile detention centers
- Work performed in customer premises, such as homes or businesses;
- Retail stores
- Call centers
- Package processing settings
- Veterinary settings
- Personal care, personal grooming, salon, and spa settings
- Venues for sports, entertainment, movie theater, and other forms of mass gatherings
- Homeless shelters
- Fitness, gym, and exercise facilities
- Airports, and train and bus stations

EXAMPLES OF "MEDIUM" RISK LEVEL MAY INCLUDE

- Situations **not involving exposure** to known or suspected sources of SARS-CoV-2:

- Hospitals
- Other healthcare (Physical & Mental) Delivery & Support in a non-hospital setting
- Wellness services
- Physical assistance
- Skilled nursing facilities
- Outpatient medical facilities
- Clinics
- Drug treatment programs
- Medical outreach service
- Non-medical support services
- Mental health facilities
- Home health care
- Nursing homes
- Assisted living facilities
- Memory Care Facilities
- Hospice Care
- Rehabilitation Centers
- Doctor and Dentist offices
- Chiropractors' offices
- First Responder Services provided by police, fire, paramedic and emergency medical services providers
- Medical Transport
- Contract Tracers
- Etc.

LOWER LEVELS OF RISK

- **Lower exposure** risk hazards or job tasks are those **not** otherwise **classified** as "very high", "high", or "medium" exposure risk that **do not require** contact inside **six feet** with persons **known** to be, or **suspected** of being, or who may be **infected** with SARS-CoV-2.

- Employees in this category have **minimal** occupational **contact** with other **employees**, other **persons**, or the **general public**, such as in an office building setting; **or** are able to achieve **minimal** occupational **contact** through the **implementation** of **engineering**, **administrative and work practice controls**, such as, but not limited to:

ACHIEVE MINIMAL OCCUPATIONAL CONTACT THROUGH WORK PRACTICE CONTROLS

- Installation of **floor to ceiling physical barriers** constructed of impermeable material and **not subject to unintentional displacement** (e.g., such as clear plastic walls at convenience stores behind which only one employee is working at any one time);
- Telecommuting;
- **Staggered** work **shifts** that allow employees to **maintain** physical **distancing** from other employees, other persons, and the general public;
- **Delivering services remotely** by phone, audio, video, mail, package delivery, curbside pickup or delivery, etc., that allows employees to **maintain** physical **distancing** from other employees, other persons, and the general public; and

WORK PRACTICE CONTROLS

- **Mandatory** physical **distancing** of employees from other employees, other persons, and the general public.
- **Employee use of face coverings** for contact **inside six** feet of coworkers, customers, or other persons is **not an acceptable** administrative or work practice control to achieve **minimal** occupational **contact**. However, when it is necessary for **brief contact** with others **inside the 6 feet** distance **a face covering is required**.

IMPORTANT DEFINITIONS

- **Face covering** means an item **normally** made of **cloth** or various **other materials** with elastic bands or cloth ties to secure over the **wearer's nose and mouth** in an effort to contain or reduce the spread of potentially infectious respiratory secretions at the source (i.e., the person's nose and mouth).
  - A face covering is **not** intended to protect the wearer, but it **may** reduce the spread of virus **from** the **wearer to others**.
  - A face covering is **not** a **surgical/medical** procedure mask.
  - A face covering is **not subject** to **testing** and **approval** by a state or government agency, so it is **not** considered a form of **personal protective equipment** or **respiratory protection equipment** under VOSH laws, rules, regulations, and standards.

IMPORTANT DEFINITIONS

- **Feasible** as **used** in this **standard includes** both **technical** and **economic** feasibility.

- **Filtering facepiece respirator** means **negative pressure air purifying particulate** respirator with a **filter** as an **integral** part of the facepiece or with the **entire facepiece** composed of the **filtering** medium. These are **certified** for use by the National Institute for Occupational Safety and Health (**NIOSH**).

- **Hand sanitizer** means an **alcohol-based** hand rub containing at least **60% alcohol,** unless otherwise provided for in this standard.

IMPORTANT DEFINITIONS

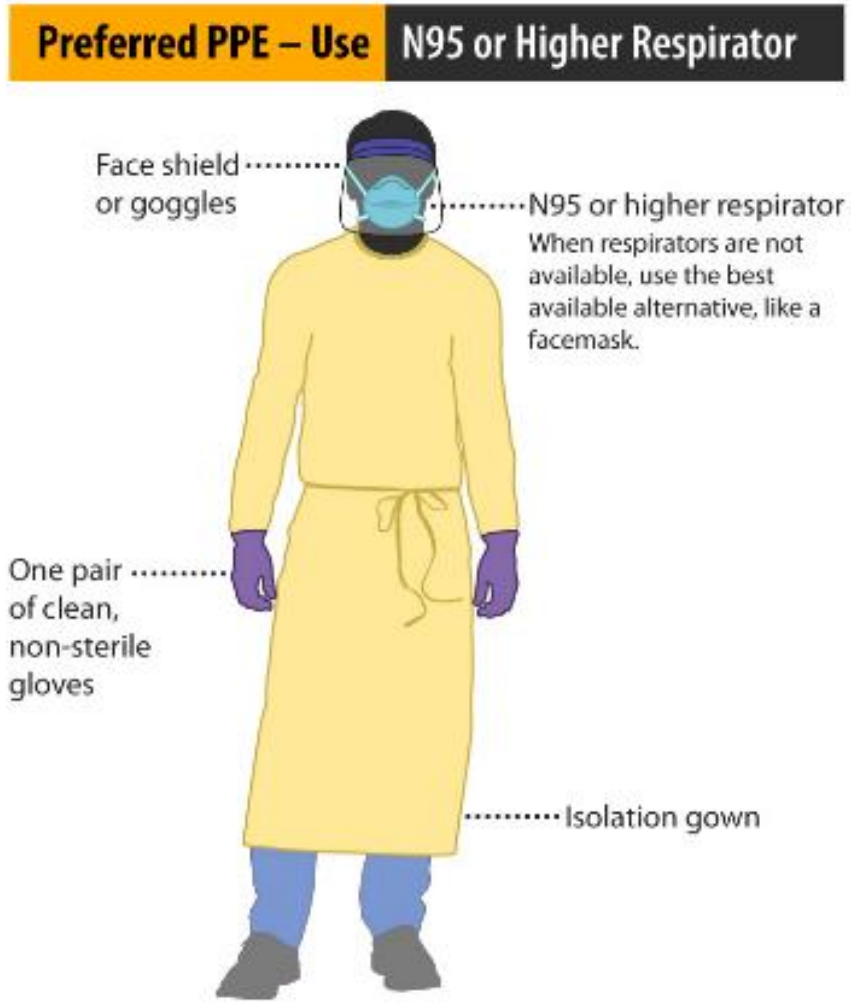
- **Known to be infected with the SARS-CoV-2 virus** means a person, whether **symptomatic or asymptomatic,** who has **tested positive** for SARS-CoV-2 and the **employer knew** or with reasonable diligence **should have known** that the person has **tested positive** for SARS-Cov-2.

- **May be infected with SARS-CoV-2 virus** means any person **not currently** a person **known** or **suspected** to be **infected** with SARS-CoV-2 virus, and **not currently vaccinated** against SARS-CoV-2 virus.

- **Occupational exposure** means the state of being **actually** or **potentially exposed** to contact with **SARS-CoV-2 virus or COVID-19** disease-related hazards **at the work location or while engaged in work activities at another location.**

IMPORTANT DEFINITIONS

- **Personal protective equipment** means equipment **worn** to **minimize exposure** to **hazards** that cause serious **workplace injuries** and **illnesses.** These injuries and illnesses **may result** from **contact** with chemical, radiological, physical, electrical, mechanical, biological or other **workplace hazards.** Personal protective equipment **may include, but is not limited to items such as** gloves, safety glasses, shoes, earplugs or muffs, hard hats, respirators, surgical/medical procedure masks, coveralls, vests, and full body suits.



IMPORTANT DEFINITIONS

- **<u>Physical distancing</u>** also called "**<u>social distancing</u>**" means keeping **space** between **yourself** and **other** persons while **conducting work-related** activities **inside** and **outside** of the physical establishment by staying at **least 6 feet from** other persons.

  - **Physical separation** of an employee from other employees or persons by a **permanent, solid floor to ceiling wall** constitutes physical distancing from an employee or other person stationed on the other side of the wall.

IMPORTANT DEFINITIONS

- **Respirator** means a protective device that **covers** the **nose** and **mouth or** the **entire face** or **head** to **guard** the wearer **against hazardous atmospheres. Respirators** are **certified** for use by the National Institute for Occupational Safety and Health (**NIOSH**).

- **Respirators** may be:
  - **Tight-fitting**, that is, half masks, which cover the mouth and nose and full face pieces that cover the face from the hairline to below the chin; or
  - **Loose-fitting**, such as hoods or helmets that cover the head completely.

- In addition, there are **two major classes of respirators**:
  - **Air-purifying,** which **remove** contaminants from the air; and
  - **Atmosphere-supplying,** which **provide** clean, breathable air from an **uncontaminated source**. As a general rule, atmosphere-supplying respirators are used for more hazardous exposures.

IMPORTANT DEFINITIONS

- **Respirator user** means an **employee** who in the scope of their current job may be assigned to tasks which **may require** the use of a respirator in accordance with this standard or required by other provisions in the VOSH/OSHA standards.

- **SARS-CoV-2** means a betacoronavirus, like MERS-CoV and SARS-CoV. Coronaviruses are **named** for the **crown-like spikes** on their **surface**. The SARS-CoV-2 causes what has been **designated** as the Coronavirus Disease 2019 (**COVID-19**).

- **Signs** of COVID-19 **include** trouble breathing, persistent pain or pressure in the chest, new confusion, inability to wake or stay awake, bluish lips or face, etc.

IMPORTANT DEFINITIONS

- **Surgical/Medical procedure mask** means a mask to be worn over the wearer's nose and mouth that is:

  - **Fluid resistant** and provides the wearer **protection** against **large droplets, splashes,** or **sprays** of bodily or other hazardous fluids, and **prevents** the **wearer** from **exposing others** in the same fashion;
  - It **protects others** from the wearer's **respiratory emissions**;
  - It has a **loose fitting face seal** and it **does not** provide the wearer with a **reliable level** of protection from inhaling smaller airborne particles.
  - It is considered a form of **personal protective equipment** but is **not** considered respiratory protection equipment under VOSH laws, rules, regulations, and standards.
  - Testing and approval is cleared by the U.S. Food and Drug Administration (**FDA**).

IMPORTANT DEFINITIONS

- **Suspected to be infected with SARS-CoV-2 virus** means a person that **has signs or symptoms** is COVID-19 but **has not tested positive** for SARS-CoV-2 and **no alternative diagnosis** has been made.

- **Symptomatic** means the employee is **experiencing symptoms** similar to those attributed to COVID-19 **including** fever or chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, sore throat, new loss of taste or smell, congestion or runny nose, nausea or vomiting, or diarrhea.

Symptoms may appear in 2 to 14 days after exposure to the virus.

IMPORTANT DEFINITIONS

- **Technical feasibility** means the **existence** of technical know-how as to **materials** and **methods available or adaptable** to specific circumstances which can be **applied** to one or more requirements in this standard with a **reasonable possibility** that employee **exposure** to SARS-CoV-2 and COVID-19 hazards **will be reduced.** If an employer's **level** of compliance **lags** significantly **behind** that of their **industry,** allegations of **technical infeasibility** will **not be accepted.**

- **Work practice control** means a type of **administrative control** by which the employer **modifies** the manner in which the employee **performs assigned work.** Such **modification may result** in a **reduction** of **exposure** through such **methods** as changing work habits, improving sanitation and hygiene practices, or making other changes in the way the **employee performs the job.**

§40 A. MANDATORY REQUIREMENTS – ALL EMPLOYERS

- Employers in **all exposure risk levels** **shall** ensure compliance with the following requirements to protect employees from workplace exposure to the SARS-CoV-2 virus that causes the COVID-19 disease:
  - Assess their workplace for hazards and job tasks that can **potentially expose employees** to the SARS-CoV-2 virus.
  - **Classify each job task** according to the hazards employees are potentially exposed to and **ensure compliance** with **applicable** sections of this standard for very high, high, medium, or lower risk levels of exposure.
  - Tasks that are **similar** in nature and **expose** employees to the **same hazard** may be **grouped** for classification purposes.
- Employers **shall** **inform** and **encourage** employees to self-monitor for signs and symptoms if they suspect possible exposure or are experiencing signs of an oncoming illness.

§40 MANDATORY REQUIREMENTS – ALL EMPLOYERS

- **Serological testing**, also known as **antibody** testing, is a test to determine if persons **have been infected** with SARS-CoV-2 virus. It has **not been determined** if persons who have the **antibodies** are **immune** from infection.
  - Serologic test results **shall not** be used to make **decisions** about **returning employees to work** who were **previously** classified as **known or suspected** to be infected with the SARS-CoV-2 virus.
  - Serologic test results **shall not** be used to make **decisions** concerning employees that were **previously** classified as **known or suspected** to be infected with the SARS-CoV-2 virus **about** grouping, residing in or being admitted to congregate settings, such as schools, dormitories, etc.

§40 MANDATORY REQUIREMENTS – ALL EMPLOYERS

- **Develop** and **implement** policies and procedures for employees to **report** when they are **experiencing symptoms** consistent with COVID-19 and **no** alternative diagnosis has been made.
  - Such employees **shall** be designated by the employer as "**suspected to be infected** with SARS-CoV-2 virus."
- Employers **shall** not **permit** employees or other persons **known** or **suspected** to be **infected** with SARS-CoV-2 virus to **report to or remain at the work site** or **engage** in **work** at a customer or client location **until cleared for return to work** (see §16VAC25-220-40.B).

MANDATORY REQUIREMENTS

- **Nothing** in this standard **shall** **prohibit** an employer from **permitting** an employee known or suspected to be infected with SARS-CoV-2 virus from **engaging** in **teleworking** or **other form of work isolation** that would **not result** in potentially **exposing** other **employees** to the SARS-CoV-2 virus.

- To the extent **feasible** and **permitted** by law, including but not limited to the **Families First Coronavirus Response Act,** employers **shall** ensure that **sick leave policies** are **flexible** and **consistent** with public health guidance and that **employees** are **aware** of these **policies.**

CONTRACT/TEMPORARY WORKERS MANDATORY REQUIREMENTS

- Employers **shall** discuss with subcontractors, and companies that **provide contract** or **temporary** employees about the **importance** of employees or other persons who are **known or suspected** to be infected with the SARS-CoV-2 virus **staying home.**

- **Known or suspected to be infected** subcontractor, contract, or temporary employees **shall not report** to **or** be **allowed** to **remain** at the work site **until cleared** for return to work.

- Subcontractors **shall not allow** their known or suspected to be infected employees **to report to or be allowed to remain at work** or on **a job site** until **cleared for return to work**

NOTIFICATION OF POSITIVE TEST

- To the extent permitted by law, including HIPPA, employers **shall** establish a system to receive reports of **positive** SARS-CoV-2 **tests** by employees, subcontractors, contract employees, and temporary employees (excluding patients hospitalized on the basis of being know or suspected to be infected) **present** at the place of employment within the **previous 14 days** from the date of positive test, and the employer **shall** notify:
  - Its **own employees who may have been exposed**, within **24 hours** of discovery of their **possible exposure** while keeping **confidential** the **identity** of the known to be infected person in accordance with the requirements of the Americans with Disabilities Act (ADA) and other applicable federal and Virginia laws and regulations; and
  - In the same manner as §16VAC25-220-40.A.8.a, **other employers** whose employees were **present at the work site** during the same time period; and

NOTIFICATION OF POSITIVE TEST

- **The building/facility owner.** The building/facility owner will require all **employer tenants** to notify them of the occurrence of a SARS-CoV-2 **positive test** for any **employees or residents in the building.**
  - The building/facility owner will take the necessary steps to **sanitize** the **common** areas of the building.
  - The building/facility owner will **notify** all employer **tenants** in the building that **one or more cases** have been discovered and the **floor or work area** where the case was **located.**
  - The **identity** will be kept **confidential**.
- The Virginia Department of Health within **24** hours of the **discovery** of a **positive** case.
- The Virginia Department of Labor and Industry within **24** hours of the **discovery of three (3) or more** employees present at the place of employment within a **14-day period** testing **positive** for SARS-CoV-2 during that 14-day time period.

EXPOSURE AND MEDICAL RECORDS ACCESS

- Employers **shall** ensure employee **access** to their own SARS-CoV-2 and COVID-19 **related exposure** and **medical records** in accordance with the **standard applicable** to its industry.

- Employers in the agriculture, public sector marine terminal, and public sector longshoring industries **shall** ensure employees **access** to their own SARS-CoV-2 and COVID-19 related **exposure** and **medical** records in accordance with **1910.1020.**

§40 B. RETURN TO WORK

- The employer **shall develop** and **implement** policies and procedures for **known** or **suspected to be infected** employees to return to work using either a **symptom-based** or **test-based** strategy depending on local healthcare and testing circumstances

- While an employer may **rely** on other **reasonable options,** a **policy** that **involves consultation** with appropriate **healthcare professionals** concerning when an employee has **satisfied** the **symptoms based strategy requirements** in §16VAC25-220-40.B.1.a will constitute **compliance** with the **requirements** of §16VAC25-220-40.B.

SYSTEM AND TEST BASED STRATEGIES

- The **symptom-based** strategy **excludes** an employee from **returning** to work **until** at least **3 days (72 hours)** have **passed** since **recovery** defined as **resolution** of fever **without** the use of **fever-reducing** medications and **improvement** in **respiratory** symptoms (e.g., cough, shortness of breath); **and**, at least **10 days** have **passed** since symptoms **first appeared**.

- **Test-based strategy** excludes an employee from **returning to work** until:

  - **Resolution** of fever **without** the use of fever-reducing **medications; and**
  - **Improvement** in **respiratory** symptoms (e.g., cough, shortness of breath); **and**
  - **Negative results** of an FDA Emergency Use Authorized COVID-19 molecular assay for detection of SARS-CoV-2 RNA from at least **two** consecutive respiratory specimens **collected ≥24 hours** apart (total of two negative specimens).

RETURN TO WORK

- If a **known** or **suspected to have** SARS-CoV-2 virus **employee refuses** to be tested, the **employer compliance with** §16VAC25-220-40.B.1.a , **symptom-based** strategy, will be considered in compliance with this standard. Nothing in this standard **shall** be construed to prohibit an employer from requiring a known or suspected to be infected employee to be tested in accordance with §16VAC25-220-40.B.1.b.

- For the purposes of this section, COVID-19 testing is **considered** a "**medical examination**" under Va. Code §40.1-28. and the employer **shall not** require the **employee** to **pay for the cost** of testing for return to work determinations.

RETURN TO WORK – ASYMPTOMATIC

- The employer **shall develop** and **implement** policies and procedures for **known to be infected** with SARS-CoV-2 **asymptomatic** employees to return to work using either a **time-based** or **test-based** strategy depending on local healthcare and testing circumstances.

- While an employer may **rely** on other **reasonable options,** a **policy** that **involves consultation** with appropriate **healthcare professionals** concerning when an employee has **satisfied** the **time based strategy requirements** in §16VAC25-220-40.B.2.a will constitute **compliance** with the **requirements** of §16VAC25-220-40.B.

RETURN TO WORK – TIME BASED

- **Time-based** strategy **excludes** an employee from **returning** to work until at least **10 days** have passed since the **date** of their **first positive** COVID-19 diagnostic test assuming they have **not** subsequently **developed** symptoms **since** their **positive** test.
  - If they **develop** symptoms, then the **symptom-based** or **test-based** strategy **shall** be used.

RETURN TO WORK - TEST BASED

- **Test-based** strategy **excludes** an employee from **returning** to work until **negative results** of an FDA Emergency Use Authorized COVID-19 molecular assay for detection of SARS-CoV-2 RNA from at least **two** consecutive respiratory specimens collected **≥24 hours apart** (total of two negative specimens).
  - If a known to be infected with SARS-CoV-2 **asymptomatic** employee **refuses** to be tested, employer compliance with §16VAC25-220-40.B.2.a, **time-based strategy,** will be considered **in compliance** with this standard.
  - Nothing in this standard **shall** be construed to prohibit an **employer** from **requiring** a known to be infected **asymptomatic** employee **to be tested** in accordance with §16VAC25-220-40.B.2.b.
  - For purposes of this section, COVID-19 testing is considered a "medical examination" under Va. Code §40.1-28.49. The employer **shall not** require the **employee** to **pay** for the cost of COVID-19 **testing** for return to work determinations.

§40 C. PHYSICAL DISTANCING

- Unless otherwise provided in this standard, employers **shall** ensure that employees **observe** physical **distancing** while on the **job** and during **paid breaks** on the **employer's property, including** policies and procedures that:
- **Use** verbal announcements, signage, or visual cues to **promote** physical **distancing;**
- **Decrease** worksite **density** by **limiting** non-employee access to the place of employment or **restricted access** to only certain workplace **areas** to reduce the risk of exposure.
- An employer's **compliance** with **occupancy limits** contained in any applicable Virginia **executive order** or order of public **health emergency** will constitute **compliance** with the requirement.

COMMON AREAS - PHYSICAL DISTANCING

- Access to **common areas,** breakrooms or lunchrooms **shall** be **closed** or **controlled.**

- If a work area **does not allow** employees to consume meals in the employee's workspace while observing physical distancing, an employer **may designate, reconfigure, and alternate usage of spaces where employees congregate, including lunch and break rooms, locker rooms, time clocks, etc.,** with **controlled access,** provided the following **conditions are met:**

COMMON AREAS - PHYSICALDISTANCING

- At the **entrance(s)** of the designated common area or room the employer **shall** clearly post:
  - The **policy** limiting the **occupancy** of the **space;**
  - The requirements for physical distancing;
  - The requirements for hand **washing/hand sanitizing**; and
  - Cleaning and **disinfecting** of shared surfaces.
  - The employer **shall limit occupancy** of the designated common area or room so that occupants maintain **physical distancing** from each other. The employer **shall enforce** the occupancy **limit.**

COMMON AREAS-PHYSICAL DISTANCING

- Employees **shall** be **required** to clean and disinfect the immediate area in which they were located prior to **leaving or** the **employer** may provide for cleaning and **disinfecting** of the common area or room at **regular intervals** throughout the day, and between shifts of employees using the same common area or room.

- Hand **washing** facilities, and hand **sanitizer** where feasible, are **available** to employees.
  Hand sanitizers required for use to protect against SARS-CoV-2 are FLAMMABLE and use and storage in hot environments can result in a hazard.

- When **multiple employees** are occupying a **vehicle** for **work** purposes, the employer **shall** ensure **compliance** with **respiratory protection & PPE standards** applicable to its **industry.**

Employers shall ensure compliance with mandatory requirements of any applicable executive order or order of public health emergency

PHYSICAL DISTANCING – FACE COVERING INFORMATION

- If the work area **does not allow** employees to observe **physical distancing** requirements, employers **shall** ensure **compliance** with **respiratory protection** and **personal protective equipment applicable to its industry.**

- Employers **shall** also ensure **compliance** with **mandatory requirements** of any applicable Virginia **executive order** or order of **public health emergency**.

- Nothing in this section **shall** **require** the **use** of a respirator, surgical/medical procedure mask, or face covering by any employee for whom doing so would be **contrary** to their **health** or **safety** because of a medical condition; however, nothing in this standard **shall** negate an employer's **obligations** to **comply** with **personal protective equipment** and **respiratory protection** standards applicable to its industry.

PHYSICAL DISTANCING – FACE COVERING WAIVER

- Requests to the Department of Labor and Industry for **religious waivers** from the **required use** of respirators, surgical/medical procedure masks, or face coverings will be **handled** in accordance with the **requirements** of **applicable** federal and state law, standards, regulations and the U.S. and Virginia Constitutions, **after consultation** with the Office of the Attorney General

SANITATION AND DISINFECTING

- In **addition** to the **requirements** in this standard, employers **shall comply** with **VOSH sanitation applicable** to its industry.

- Employees that **interact** with customers, the general public, contractors, etc., **shall** be **provided** with and **immediately use** supplies to clean and disinfectant surfaces contacted during the interaction where there is the potential for exposure to SARS-CoV-2 virus by themselves or other employees.

All employers must comply with the hazard communication standard

SANITATION & DISINFECTING

- **Areas** where **known** or **suspected** to be infected with SARS-CoV-2 virus employees or other persons accessed or **worked shall** be cleaned and disinfected **prior** to **allowing** other employees to **access** the area . Where feasible, a period of 24 hours will be observed prior to cleaning and disinfecting. This requirement shall not apply if the area(s) in question have been unoccupied for seven or more days.
- All **common spaces**, including bathrooms, frequently touched surfaces and doors, **shall** at a minimum be **cleaned** and **disinfected** at the **end of each shift.**
- **All Shared** tools, equipment, workspaces, and vehicles **shall** be **cleaned** and **disinfected prior** to **transfer** from one employee to another.

SANITATION & DISINFECTING

- Employers **shall** ensure that **cleaning** and **disinfecting products** are readily **available** to employees to **accomplish** the **required** cleaning and disinfecting.

- Employers **shall** ensure use of only **disinfecting chemicals** and **products** indicated in the Environmental Protection Act (**EPA**) **List N** for use **against** SARS-CoV-2 and emerging viral pathogens.

  https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2-covid-19

- **Follow** the manufacturer's instructions for **use** of all **disinfecting chemicals and products are complied with.**

SANITATION & DISINFECTING

- Employees **shall** have **easy, frequent** access, and **permission** to **use soap and water** and **hand sanitizer where feasible, for** the duration of **work.**

- Employees **assigned** to a **workstation** where job tasks require **frequent interaction** inside **six feet** with other persons **shall** be **provided** with **hand sanitizer where feasible** at their **workstation.**

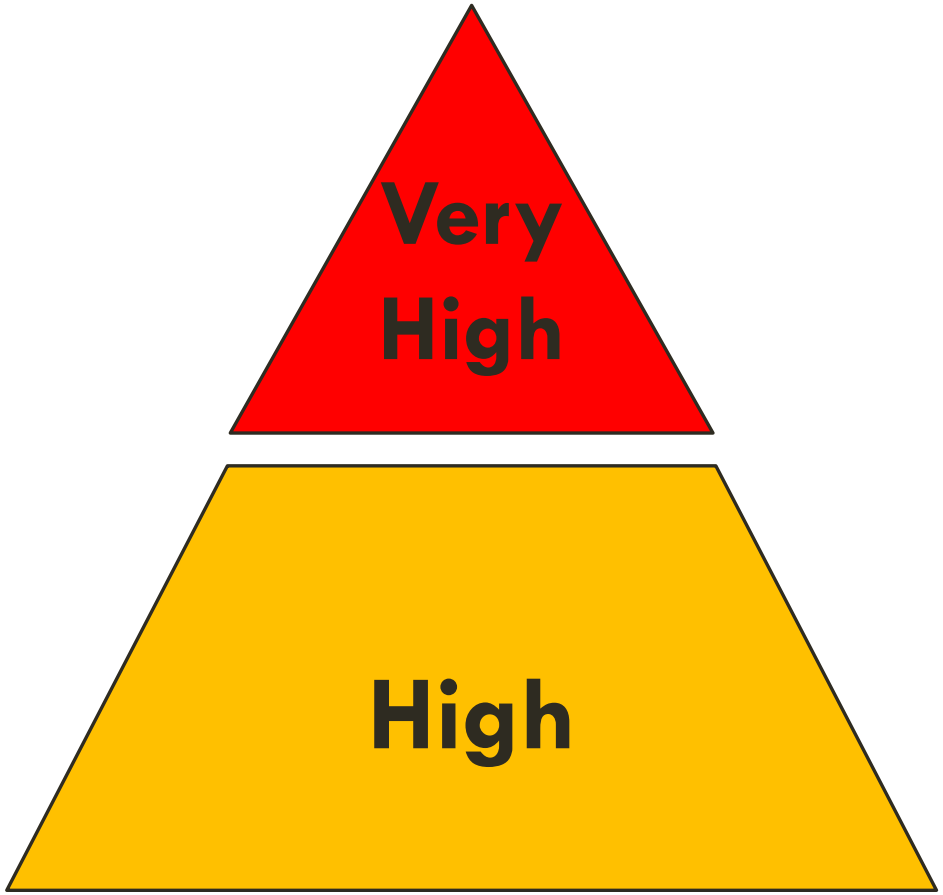
- **Mobile crews shall** be **provided** with **hand sanitizer where feasible** for the **duration** of **work at a work site** and **shall** have **transportation immediately available** to nearby **toilet facilities and handwashing facilities** which meet the **requirements** of **VOSH laws, standards and regulations dealing with sanitation.**

SANITATION & DISINFECTING

- Employers **shall** ensure that **protective measures** are put in place to **prevent employees** from **cross-contaminating** work **areas** operating under **different exposure risk classifications.**

- When **engineering, work practice**, and **administrative** controls are **not feasible** or provide **sufficient protection,** employers **shall** provide **PPE** and ensure its **proper use.**

HIGH EXPOSURE RISK REQUIREMENTS



The following requirements for employers with hazards or job tasks classified as “very high” or “high” exposure risk apply in addition to requirements contained in §§16VAC25-220-40, -70, and -80

VERY HIGH OR HIGH EXPOSURE RISK REQUIREMENTS

Engineering Controls

§16VAC25-220-50.A.1. Ensure appropriate air-handling systems are installed and maintained in accordance with manufacturer's instructions in healthcare facilities and other places of employment treating, caring for, or housing persons with known or suspected to be infected with the SARS-CoV-2 virus.

VERY HIGH OR HIGH EXPOSURE RISK REQUIREMENTS

Engineering Controls (cont.)

Comply with minimum American National Standards Institute (ANSI)/American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Standards 62.1 and 62.2 (ASHRAE 2019a, 2019b).

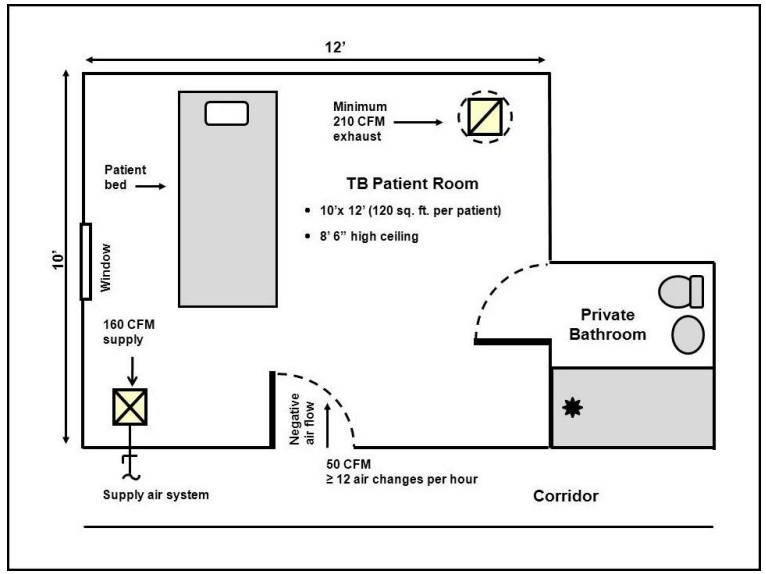
- For employers not covered by §16VAC25-220-50.A.1, ensure that air-handling systems where installed are appropriate to address the SARS-CoV-2 and COVID-19 related hazards and job tasks that occur at the workplace:
  - Maintained as per manufacturer's instructions,
  - Comply with §16VAC25-220-50.A.1.b. (ANSI and ASHRAE Standards).

Very High or High Exposure Risk Requirements

Engineering Controls

Hospitalized patients with known or suspected to be infected shall, where feasible and available, be placed in an airborne infection isolation room (AIIR).

Use AIIR rooms when available to perform aerosol-generating procedures on known or suspected to be infected.



Very High or High Exposure Risk Requirements

Engineering Controls

For postmortem activities, employers shall use autopsy suites or other similar isolation facilities when performing aerosol-generating procedures on the bodies of known or suspected to be infected persons at the time of their death.

Very High or High Exposure Risk Requirements

Engineering Controls (cont.)

Use special precautions associated with Biosafety Level 3 (BSL-3), as defined by the U.S. Department of Health and Human Services Publication No. (CDC) 21-1112 “Biosafety in Microbiological and Biomedical Laboratories” (Dec. 2009), which is hereby incorporated by reference, when handling specimens from known or suspected to be infected patients or persons.

Very High or High Exposure Risk Requirements

Engineering Controls

To the extent feasible, employers shall install physical barriers, (e.g. clear plastic sneeze guards, etc.) where such barriers will aid in mitigating the spread of SARS-CoV-2 and COVID-19 virus transmission.

VERY HIGH OR HIGH EXPOSURE RISK REQUIREMENTS

Administrative & Work Practice Controls

Prior to the commencement of each work shift, prescreening or survey shall be required to verify each covered employee does not have signs or symptoms of COVID-19.

Very High or High Exposure Risk Requirements

Administrative & Work Practice Controls (cont.)

If working in a healthcare facility, follow existing guidelines and facility standards of practice for identifying and isolating infected persons and for protecting employees.

Very High or High Exposure Risk Requirements

Administrative & Work Practice Controls (cont.)

Limit non-employee access to the place of employment or restrict access to only certain workplace areas to reduce the risk of exposure. An employer's compliance with occupancy limits contained in any Virginia executive order or order of public health emergency will constitute compliance with the requirements of this paragraph.

Very High or High Exposure Risk Requirements

Administrative & Work Practice Controls

Post signs requesting patients and family members to immediately report symptoms of respiratory illness on arrival at the healthcare facility and use disposable face masks.

Very High or High Exposure Risk Requirements

Administrative & Work Practice Controls

Offer enhanced medical monitoring of employees during outbreaks.

Provide all employees with job-specific education and training on preventing transmission of COVID-19, including initial and routine/refresher training in accordance with §16VAC25-220-80.

Very High or High Exposure Risk Requirements

Administrative & Work Practice Controls

To the extent feasible, ensure that psychological and behavioral support is available to address employee stress at no cost to the employees.

VERY HIGH OR HIGH EXPOSURE RISK REQUIREMENTS

Administrative & Work Practice Controls

In health care settings, provide alcohol-based hand sanitizers containing at least 60% ethanol or 70% isopropanol to employees at fixed work sites and to emergency responders and other personnel for decontamination in the field when working away from fixed work sites.

Provide face coverings to suspected to be infected SARS-CoV-2 virus non-employees until they are able to leave the site.

VERY HIGH OR HIGH EXPOSURE RISK REQUIREMENTS

Administrative & Work Practice Controls

Where Feasible:

- Implement flexible worksites / hours – telework, staggered shifts;
- Physical distancing for employees and other persons of 6 feet;
- Limit number of non-employee accessing worksites;
- Flex meeting and travel options (phone, video, no non-essential travel);
- Deliver services remotely, curbside pickup.

Personal Protective Equipment (PPE)

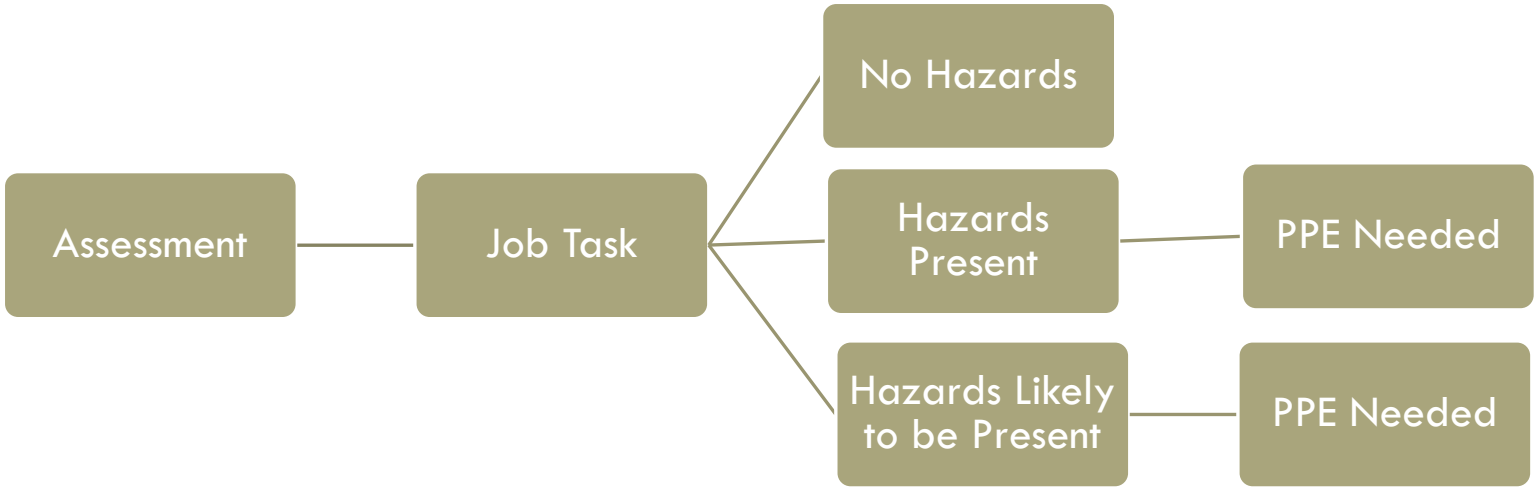
- **Employers not otherwise covered** by the VOSH Standards for General Industry (Part 1910), **shall comply** with the following **requirements** for a SARS-CoV-2 virus and COVID-19 disease **hazard assessment,** and **personal protective equipment.**

- The **employer shall assess** the workplace to **determine** if **hazards** or **job tasks** are **present,** or are **likely to be present,** which necessitate the **use** of personal protective equipment (**PPE**).

- The employer **shall** provide for **employee** and employee **representative involvement** in the assessment **process.**

Personal Protective Equipment (PPE)

- If such **hazards** or job **tasks** are **present**, or **likely** to be **present**, the employer **shall**:
  - **Select**, and have each **affected employee use**, the types of PPE that will **protect** the affected employee from the **hazards identified** in the hazard assessment;
  - **Communicate** selection **decisions** to **each affected** employee; **and**,
  - **Select** PPE that **properly fits each** affected employee.



Very High or High Exposure Risk Requirements

Personal Protective Equipment (PPE)

The employer shall verify that the required SARS-CoV-2 virus and COVID-19 disease workplace hazard assessment has been performed through a written certification that identifies the workplace evaluated; the person certifying that the evaluation has been performed; the date(s) of the hazard assessment; and, the document as a certification of hazard assessment.

Unless specifically addressed by an industry specific standard applicable to the employer and providing for PPE protections to employees from the SARS-CoV-2 virus or COVID-19 disease (e.g., Parts 1926, 1928, 1915, 1917, or 1918), the requirements of §1910.132 (General requirements) and 1910.134 (Respiratory protection) shall apply to all employers for that purpose.

VERY HIGH OR HIGH EXPOSURE RISK REQUIREMENTS

Personal Protective Equipment (PPE)

The employer shall implement a respiratory protection program in accordance with §1910.134 (b) through (d) (except (d)(1)(iii)), and (f) through (m), which covers each employee required to use a respirator.

Unless contraindicated by a hazard assessment and equipment selection requirements in §16VAC25-220-50.C.1 above, employees classified as very high or high exposure risk shall be provided with and wear gloves, a gown, a face shield or goggles, and a respirator, when in contact with or inside 6 feet of patients, persons know to be, or suspected of being infected with SARS-CoV-2.

Very High or High Exposure Risk Requirements

Personal Protective Equipment (PPE)

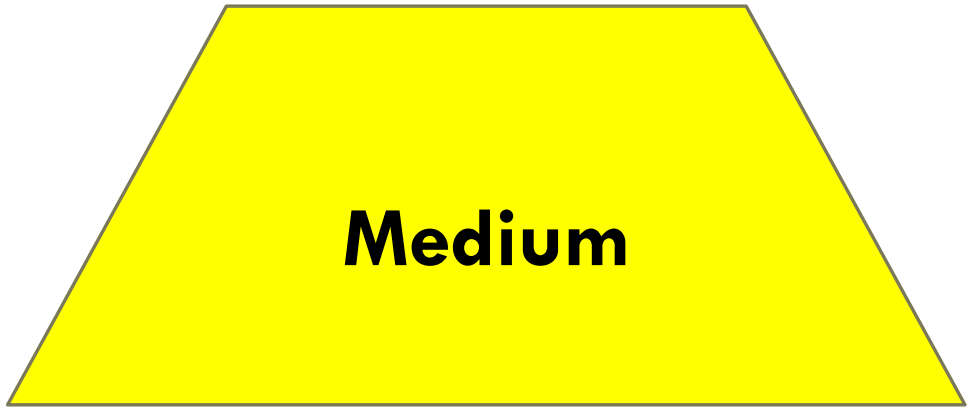
Where indicated by the hazard assessment and equipment selection requirements in §16VAC25-220-50.C, such employees shall also be provided with and wear a surgical/medical procedure mask.

Gowns shall be large enough to cover areas requiring protection.

Employee training shall be provided in accordance with the requirements of §16VAC25-220-80 of this regulation/standard.

§60 MEDIUM EXPOSURE RISK REQUIREMENTS

The following requirements for employers with hazards or job tasks classified as "medium" exposure risk apply in addition to requirements contained in §§16VAC25-220-40, -70, and -80.



Engineering Controls

- Ensure **air-handling systems where installed** are appropriate to address the SARS-CoV-2 virus and COVID-19 disease related hazards and job tasks that occur at the workplace:
  - Are **maintained** in accordance with **manufacturer's instructions,**
  - **Comply** with **minimum** American National Standards Institute (**ANSI**)/American Society of Heating, Refrigerating and Air-Conditioning Engineers (**ASHRAE**) Standards 62.1 and 62.2 (**ASHRAE** 2019a, 2019b), which include requirements for outdoor air ventilation in most residential and nonresidential spaces, and
  - **ANSI/ASHRAE/ASHE** Standard 170 (ASHRAE 2017a) covers both outdoor and total air ventilation in healthcare facilities.
- Based on risk **assessments** or owner project **requirements,** designers of new and existing facilities can go beyond the minimum requirements of these standards.

Administrative and Work Practice Controls

- To the **extent feasible,** employers **shall** implement the following **administrative** and **work practice controls:**
  - **Prior** to the commencement of **each work shift,** prescreening **or** surveying **shall** be **required** to verify each covered employee **does not** have signs or symptoms of COVID-19.
  - **Provide** face **coverings** to **suspected to be infected** with SARS-CoV-2 **non-employees** to contain respiratory secretions until they are **able** to **leave the site** (i.e., for medical evaluation/care or to return home).

MEDIUM EXPOSURE RISK REQUIREMENTS

Administrative & Work Practice Controls

Implement flexible worksites / hours – telework, staggered shifts;

Physical distancing for employees and other persons of 6 feet;

Limit number of non-employee accessing worksites;

To the extent feasible, employers shall install physical barriers (e.g., clear plastic sneeze guards, etc.), where such barriers will aid in mitigating the spread of SARS-CoV-2 virus transmission;

Flex meeting and travel options (phone, video, no non-essential travel);

Deliver services remotely, curbside pickup;

MEDIUM EXPOSURE RISK REQUIREMENTS

Administrative & Work Practice Controls

Require employers to provide and employees to wear face coverings who, because of job tasks cannot feasibly practice physical distancing from another employee or other person if the hazard assessment has determined that personal protective equipment, such as respirators or surgical masks, was not required for the job task.

Require employers to provide and employees in customer facing jobs to wear face coverings.

Medium Exposure Risk Requirements

Personal Protective Equipment (PPE)

Employers covered by this section and not otherwise covered by the VOSH Standards for General Industry (Part 1910), shall comply with the following requirements for a SARS-CoV-2 virus and COVID-19 disease related hazard assessment, and personal protective equipment selection:

Assess the workplace to determine if SAS-CoV-2 or COVID-19 hazards or job tasks are present, likely to be present which requires use of PPE. The employer shall provide for employee and employee representative involvement in the assessment process. If hazard or task are present, or likely to be present, the employer shall:

Select and require affected employees use proper PPE;
Communicate selection decisions to each affected employee; and,
Select PPE that properly fits each affected employee.

MEDIUM EXPOSURE RISK REQUIREMENTS

Personal Protective Equipment (PPE)

Employers covered by this section and not otherwise covered by the VOSH Standards for General Industry (Part 1910), shall comply with the following requirements for a SARS-CoV-2 virus and COVID-19 disease related hazard assessment, and personal protective equipment selection:

Assess the workplace to determine if SAS-CoV-2 or COVID-19 hazards or job tasks are present, likely to be present which requires use of PPE. The employer shall provide for employee and employee representative involvement in the assessment process. If hazard or task are present, or likely to be present, the employer shall:

Select and require affected employees use proper PPE;

Communicate selection decisions to each affected employee; and,

Select PPE that properly fits each affected employee.

§70 INFECTIOUS DISEASE PREPAREDNESS & RESPONSE PLAN

- Employers in exposure risk levels **very high**, **and** **high**, **shall** develop and implement a **written** Infectious Disease Preparedness and Response Plan.

- **Medium** with **11 or more employees** **shall** develop and implement a **written** Infectious Disease Preparedness and Response Plan.

- The **plan** and **training requirements** tied to the plan **shall** only **apply** to those **employees** classified as "**very high," "high," and "medium**" covered by this section.
- Employers **shall** **designate** a person to be **responsible** for **implementing** their plan.

INFECTIOUS DISEASE PREPAREDNESS & RESPONSE PLAN

The plan shall contain:

- The **name(s)** or **titles(s)** of the **person(s)** responsible for **administering** the Plan. This person **shall** be **knowledgeable in infection control principles** and **practices** as they apply to **the facility, service or operation.**
- Provide for **employee involvement** in **development** and **implementation** of the plan.
- Consider and address the **level(s) of risk** associated with **various places** of employment, the **hazards employee** are **exposed** to and **job tasks** employees perform **at those sites.**

INFECTIOUS DISEASE PREPAREDNESS & RESPONSE PLAN

The plan shall contain:

- **Where, how, and to what sources** of SARS-CoV-2 or COVID-19 might **employees** be **exposed at work, including:**
  - The **general public, customers,** other **employees, patients,** and other **persons;**
  - **Known** or **suspected** to be infected persons or those at **high risk;** and
  - Situations where **employees work more than one job** with **different** employers and **encounter hazards** or engage in **job task** that present a "**very high," "high," or "medium**" level of exposure risk.
- As permitted by law, including **HIPPA,** employees' **individual risk factors**
- **Engineering, administrative, work practices, and personal protective equipment controls** necessary to **address** those **risks.**

INFECTIOUS DISEASE PREPAREDNESS & RESPONSE PLAN

The plan shall contain:

- Consider **contingency plans** for situations that may arise as a result of **outbreaks**, such as:
  - **Increased** rates of employee absenteeism;
  - The **need for** physical distancing, staggered work shifts, downsizing operations, delivering services remotely, and other exposure-reducing workplace **control measures** such as elimination/substitution, engineering controls, administrative and work practice controls, personal protective equipment, e.g., respirators, surgical/medical procedure masks, etc.
  - **Options** for conducting **essential operations** with a **reduced workforce**, including cross-training employees across different jobs in order to **continue operations** or deliver surge services; and
  - **Interrupted** supply chains or delayed deliveries.

INFECTIOUS DISEASE PREPAREDNESS & RESPONSE PLAN

The plan shall contain:

- **Identify Basic** infection **prevention** measures to be **implemented:**
  - **Promote** frequent and thorough hand **washing,** including by providing employees, customers, visitors, the general public, to the place of employment with a place to wash their hands. *If soap and running water are not immediately available, provide hand sanitizers.*
  - **Maintain** regular **housekeeping** practices, including **routine** cleaning and disinfecting of surfaces, equipment, and other elements of the **work environment.**
  - **Establish policies and procedures for managing and educating visitors to the place of employment.**

INFECTIOUS DISEASE PREPAREDNESS & RESPONSE PLAN

The plan shall contain:

- Provide for the **prompt identification** and **isolation** of known or suspected to be infected with SARS-CoV-2 employees **away** from work, including **procedures** for employees to **report** when they are experiencing symptoms of COVID-19.

- Address Infectious disease **preparedness** and **response** with **outside businesses,** including but not limited to **subcontractors** that enter the place of employment, **business** that provide or contract or **temporary employees** to the employer, as well as other persons accessing the place of employment to **comply** with the **requirements** of this standard and the employer's **plan.**

The plan shall contain:

- Identify the **mandatory** and **non-mandatory** recommendations in any **CDC guidelines** or Commonwealth of Virginia guidance documents the employer is complying with, if any, in lieu of a provision of this standard, as provided for in section §§16VAC25-220-10.G.1 and -10.G.2.

- Ensure compliance with mandatory requirements of any applicable Virginia executive order or order of public health emergency related to the SARS-CoV-2 virus or COVID-19 disease.

§80 TRAINING

- Employers with hazards or job tasks classified at "**very high**", "**high**" or "**medium**" exposure risk at a place of employment **shall** provide **training** to all employee(s) working at the place of employment **regardless** of employee risk **classification on the hazards and characteristics of the SARS-CoV-2 virus and COVID-19 disease.**

- The program **shall** enable each employee to **recognize** the **hazards** of SARS-CoV-2 virus and **signs** and **symptoms** of COVID-19 disease and **shall** train each employee in the **procedures** to be **followed** in order to minimize the hazards.

TRAINING

Training required includes:

- The **requirements** of this standard;
- The **mandatory** and **non-mandatory** recommendations in any **CDC guidelines** or State of Virginia guidance documents the **employer** is **complying** with, if any, in lieu of a provision of this standard as provided for in section §§16VAC25-220-10.G.1 and -10.G.2.
- The **characteristics** and **methods** of spread of the SARS-CoV-2 virus;
- The **signs** and **symptoms** of the COVID-19 disease;
- **Risk factors** of severe COVID-19 illness with underlying health conditions;
- **Awareness** of the ability of pre-symptomatic and asymptomatic COVID-19 persons to transmit the SARS-CoV-2 virus;
- **Safe** and healthy **work practices** including:
  - physical distancing, disinfection procedures and frequency, ventilation, noncontact methods of greeting, etc.,

TRAINING

- PPE:
  - **When** PPE is required;
  - **What** PPE is required;
  - **How** to properly don, doff, adjust, and wear PPE;
  - The **limitations** of PPE;
  - The **proper care**, maintenance, useful life, and disposal of PPE; and
  - **Heat-related illness** prevention including the **signs** and **symptoms** of heat-related illness;
- The **anti-discrimination** provisions of the Standard in §16VAC25-220-90; and
- The **employer's** Infectious Disease **Preparedness** and **Response Plan.**

TRAINING - CERTIFICATION

- Employers covered by §16VAC25-220-50 of this standard **shall** verify compliance with §16VAC25-220-80.A by preparing a **written certification record** for those employees **exposed** to hazards or job tasks classified at "**very high,**" "**high,**" or "**medium**" exposure risk levels.

- The written certification record **shall** contain the **name** or other **unique identifier** of the **employee trained,** the trained employee's **physical or electronic signature,** the **date(s)** of the training, and the **name** of the **person** who **conducted the training,** or for **computer-based training,** the **name** of the **person** or **entity** that **prepared** the training **material.**

TRAINING - CERTIFICATION

- If the employer relies on **training conducted** by **another** employer or **completed prior** to the effective date of this standard, the **certification record shall** indicate the **date** the employer **determined** the prior **training** was **adequate** rather than the date of actual training.

- The latest training certification shall be maintained.

Retraining –

- When employer has **reason** to **believe** that any affected employee who has already been trained **does not** have the **understanding** and **skill** required by §16VAC25-220-80.A, the employer **shall** **retrain** each such employee.
- Circumstances where **retraining** is **required** include, but are not limited to:
  - **Changes** in workplace, SARS-CoV-2 or COVID-19 disease hazards exposed to, or job task performed render **previous training obsolete;**
  - **Changes** are made to the employer's Infectious Disease **Preparedness** and **Response Plan**; or
  - **Inadequacies** in an affected employee's knowledge or use of workplace control measures indicate that the **employee has not retained** the required understanding or skill.

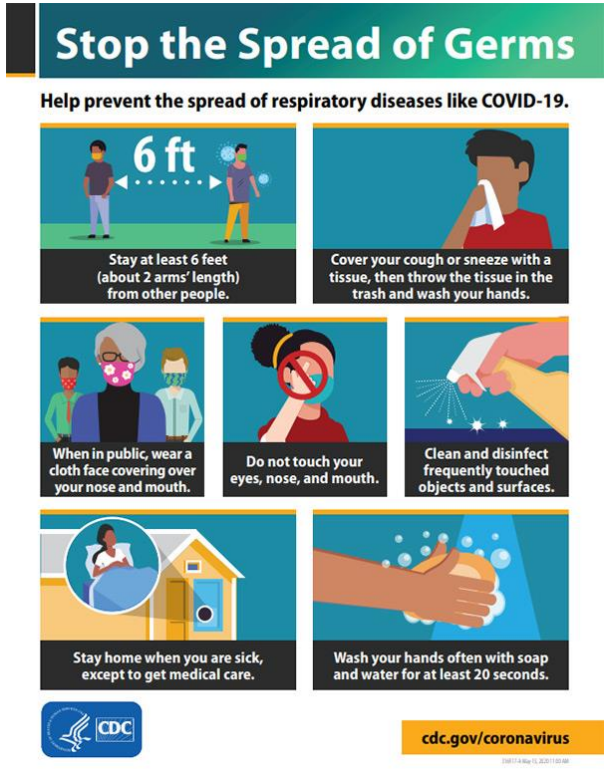
TRAINING – "LOWER" EXPOSURE

- Employers with **hazards** or job **tasks** classified at "**lower**" risk **shall** provide **written or oral** information to employees **exposed** to such **hazards** or **engaged** in in such job tasks on the **hazards** and **characteristics** of SARS-CoV-2 and the **symptoms** of COVID-19 and **measures** to **minimize** exposure.

- **The Department of Labor and Industry shall develop an information sheet containing information which an employer may utilize to comply with this section.**

INFORMATION PROVIDED FOR "LOWER" EXPOSURE

- The information **shall** include at a minimum:
  - **Requirements** of this standard,
  - **Characteristics** and **methods** of **transmission** of the SARS-VoV-2 virus,
  - **Symptoms** of the COVID-19 disease,
  - **Ability** of pre-symptomatic and asymptomatic COVID-19 persons to **transmit** the SARS-CoV-2 virus,
  - **Safe and Healthy work practices and control measures**, including but not limited to, physical distancing, sanitation and disinfection practices, and
  - The **anti-discrimination** provisions of this standard in §16VAC25-220-90.



§90 DISCRIMINATION

- **Discrimination** against an **employee** for **exercising** rights under this standard is **prohibited.**

- No person **shall** **discharge** or in any way **discriminate** against an employee because the employee has exercised rights under the safety and health provisions of this standard or Title 40.1 of the Code of Virginia, and implementing regulations under 16VAC25-60-110 for themselves or others.

- No person **shall** **discharge** or in any way **discriminate** against an employee who **voluntarily** provides and wears his or her **own personal protective equipment,** including but not limited to a respirator, face shield, or gloves, or face covering if such equipment is **not provided** by the employer, provided that the PPE **does not create** a greater hazard to the employee, or create a serious hazard for other employees.

§90 DISCRIMINATION

- No person **shall discharge** or in any way **discriminate** against an employee who **raises** a **reasonable concern** about infection control related to the SARS-CoV-2 virus and COVID-19 disease to the employer, the employer's agent, other employees, a government agency, or to the public such as through print, online, social, or any other media.

- **Nothing in this standard shall limit an employee from refusing to do work or enter a location they feel is unsafe**. See §16VAC25-60-110 for requirements concerning discharge or discipline of an employee who has refused to complete an assigned task because of a reasonable fear of injury or death.

QUESTION OR NEED MORE INFORMATION?

VOSH Consultation Services are here to help you:

- To request a **FREE, CONFIDENTIAL** Onsite or Virtual Visit by our qualified consultants visit our website and complete the Consultation Request Form

https://www.doli.virginia.gov/vosh-programs/consultation/

- We offer Hazard Identification, Training, Abatement Advice, Program Assistance, and Industrial Hygiene Sampling