

June 22, 2021

## ALERT!

### Cal/OSHA Updates COVID Regulation to Ease Requirements for Vaccinated Workers

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On Thursday, June 17, 2021, the Cal/OSHA COVID Emergency Temporary Standard (ETS) was [modified](#) to fall in line with California's June 15 reopening allowing employers to ease masking and social distancing requirements among other changes.

The revised ETS became **effective immediately** under [executive order](#) by Governor Newsom -- bypassing the customary 10 day review period.

The June 17 decision revises the ETS, originally implemented November 2020, to follow updated guidance from the Centers for Disease Control ([CDC](#)) and California Dept. of Public Health ([CDPH](#)).

**What changed?** Notable highlights include:

- No face coverings outdoors regardless of vaccination status except for certain employees during outbreaks.
- No face coverings for \*fully vaccinated employees working indoors except for certain situations during outbreaks and in settings where CDPH requires all persons to wear them.
- Employers must document the vaccination status of fully vaccinated employees if they do not wear face coverings indoors. See [best practices for verifying vaccination status](#) from our friends at Cook Brown LLP.
- No physical distancing requirement in non-outbreak settings.
- Requires employers to make available N95 respirators upon request to unvaccinated employees for voluntary use.
- Fully vaccinated employees do not need to be offered testing or excluded from work after close contact unless they have COVID-19 symptoms.
- Employer-provided housing and transportation are exempt from the regulations where all employees are fully vaccinated.

**What Didn't Change?** Employers must continue to:

- Maintain an effective written COVID-19 Prevention Program. [Cal/OSHA has a [Model Prevention Program](#) to aid employers in creating their own plan.]
- Provide effective training and instruction to employees on the employer's prevention plan and their rights under the ETS.
- Provide notification to public health departments of outbreaks.
- Provide notification to employees of exposure and close contacts.
- Offer testing after potential exposures.
- Respond to COVID-19 cases and outbreaks.
- Comply with quarantine and exclusion pay requirements.
- Follow prevention requirements for employer-provided housing and transportation for certain employees as specified.

calling for changes to the standard. See coalition letter [here](#).

\*According to the ETS, people are considered fully vaccinated

- At least two weeks after either the second dose in a two-dose COVID-19 vaccine series or
- a single-dose COVID-19 vaccine.
- Vaccines must be FDA approved; have an emergency use authorization from the FDA

[Cal/OSHA News Release](#)

[Cal/OSHA Emergency COVID-19 Regulation - UPDATED](#)

[Cal/OSHA FAQ's](#)

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