JUNE 7, 2021 | EVENTS

[Webinar] Cal/osha's revised covid-19 emergency temporary standard

On Friday, June 11th at 9:00 A.M. PT / 12:00 P.M. ET, join Andrew J. Sommer, Eric J. Conn and Megan S. Shaked for a webinar regarding Cal/OSHA's Revised COVID-19 Emergency Temporary Standard.

The saga around Cal/OSHA's COVID-19 Emergency Temporary Standard (ETS) has taken several bizarre twists and turns. After hurriedly adopting the ETS over Thanksgiving weekend 2020, Cal/OSHA set about this spring to fix some problems with the initial ETS regulatory text. The agency proposed a revised version of the ETS to be considered by the Cal/OSHA Standards Board in late May 2021, but on the eve of that Standards Board meeting, Cal/OSHA pulled it back, purportedly to address the CDC's updated guidance about masks and distancing for vaccinated workers. Inexplicably, however, Cal/OSHA produced an updated proposed amended ETS that was more onerous, not less.

On June 3, 2021, the Cal/OSHA Standards Board convened a special meeting to consider the revisions to the ETS. The public meeting was long and contentious, with 100+ stakeholders testifying lasting late into the evening. Initially, the Board voted to reject the proposed revisions because the updated ETS ignored the CDC's science-based guidance on masking and physical distancing for vaccinated individuals and required employers to indefinitely provide scarce N95 respirators to every unvaccinated worker in the state of California. However, a little later that evening, the Board voted to convene a Subcommittee to make the standard "better" and, in an about-face, reconsidered its earlier vote and adopted the proposed revisions in the interim. The revisions are set to take effect on June 15, 2021, coinciding with a key date in Gov. Newsom's plan to reopen the State.

Participants in this webinar will learn the following:

- The convoluted rulemaking process that has resulted in the nation's most onerous COVID-19 regulations
- Cal/OSHA's definition of fully vaccinated and new requirements for employers to obtain documentation of proof of vaccination
- Updated requirements in Cal/OSHA's COVID-19 ETS related to face coverings, physical distancing, and quarantine for vaccinated and non-vaccinated workers
- A new mandate to supply N95 respirators for voluntary use to every non-vaccinated worker
- A new private right of action to recover wages for employees due exclusion pay while quarantining
- Expanded employee notice requirements about COVID-19 cases in the workplace
- Changes to the outbreak testing provisions

- Other new requirements in Cal/OSHA's revised COVID-19 ETS

Click here to register for the June 11th webinar.

This will be the 9th webinar event in Conn Maciel Carey's **2021 OSHA Webinar Series**. Click **here** to view our full schedule, detailed program descriptions for all of the webinars in the **2021 OSHA Webinar Series**. If you missed any of our past webinars in our annual OSHA Webinar Series, **click here to subscribe to our YouTube channel** and view our webinar archive.

* * * * * * * * * *

For resources on issues related to COVID-19, please visit Conn Maciel Carey's COVID-19 Resource Page for an extensive index of frequently asked questions with our answers about HR, employment law, and OSHA regulatory developments and guidance, as well as COVID-19 recordkeeping and reporting flow charts. Likewise, subscribe to our Employer Defense Report blog and OSHA Defense Report blog for regular updates about the Labor and Employment Law or OSHA implications of COVID-19 in the workplace. Conn Maciel Carey's COVID-19 Task Force is monitoring federal, state, and local developments closely and is continuously updating these blogs and the FAQ page with the latest news and resources for employers.