

Timeline for Virginia Workplace Standards

August 25, 2020

The Virginia Emergency Temporary Standard (in effect now) is set to become the permanent standard for infectious disease prevention for COVID-19 by 1/27/2020



COVID-19 Training to all employees by 8/26/2020

A risk assessment must be done to determine the level of training required
This risk assessment has guidelines set up by DOLI employers must follow

2. 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 of the hazard assessment; and the document as a certification of hazard assessment.

The DOLI has a template with instructions and examples for the COVID-19 Hazard Assessment Certificate

<https://www.doli.virginia.gov/covid-19-outreach-education-and-training/>

<https://www.doli.virginia.gov/coronavirus-covid-19-faqs/>

COVID-19 HAZARD ASSESSMENT			
Evaluator:		Department/Division:	Date:
Job Task/Employee/Job Category			
Check the appropriate box for each hazard:	Description of hazard(s):	Engineering/Administrative Controls	PPE
Very High			
High			
Medium			
Lower			
Job Task/Employee/Job Category			
Check the appropriate box for each hazard:	Description of hazard(s):	Engineering/Administrative Controls	PPE
Very High			
High			
Medium			
Lower			




Employers with hazards or job tasks classified at “lower” risk – Employee COVID-19 Training

LOWER RISK: Lower risk jobs are those that do not require contact inside six feet with persons known to be, suspected of being, or that may be infected with the SARS-CoV-2 virus.

These individuals have minimal occupational contact with other employees or the general public or could achieve minimal occupational contact through the implementation of work practice controls.

i.e Office personnel with limited required interaction with public, clients, or generally able to maintain physical distance from work colleagues, vendors or contractors.

<https://www.doli.virginia.gov/covid-19-outreach-education-and-training/>

 Lower Risk Level Information

Virginia Occupational Safety and Health (VOSH) Program
§16VAC25-220, Emergency Temporary Standard for COVID-19 Infectious Disease Prevention
VOSH Outreach, Education and Training

Under provision §80.F TRAINING - Employers with hazards or job tasks classified at “lower” risk shall provide oral or written information to employees exposed to such hazards or engaged 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 Characteristics and methods of transmission of the SARS-CoV-2 virus

Coronaviruses are named for the crown-like spikes on their surface. SARS-CoV-2 is a betacoronavirus, like MERS-CoV and SARS-CoV. The coronavirus SARS-CoV-2 causes Coronavirus Disease 2019 (COVID-19). Coronavirus Disease 2019 (COVID-19) is a respiratory disease caused by the SARS-CoV-2 virus. It is spread mainly through close contact from person-to-person (inside 6 feet), by way of airborne transmission of respiratory droplets produced when an infected person coughs, sneezes, or talks.

The signs and symptoms of the COVID-19 disease

COVID-19 can affect each person differently, with symptoms ranging from mild to severe. COVID-19 symptoms may appear 2-14 days after exposure to the virus. Employers and employees need to be able to recognize the most common COVID-19 symptoms. Stay home if you are sick or experiencing any of these symptoms.

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.

Symptoms include fever or chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, diarrhea.

COVID-19 can be deadly

People of any age with the following conditions are at increased risk of severe illness from COVID-19: chronic kidney disease; COPD (chronic obstructive pulmonary disease); immunocompromised state (weakened immune system) from solid organ transplant; obesity (body mass index [BMI] of 40 or higher); serious heart conditions, such as heart failure, coronary artery disease, or cardiomyopathies; sickle cell disease; type 2 diabetes mellitus.

The ability of pre-symptomatic and asymptomatic COVID-19 persons to transmit the SARS-CoV-2 virus

There are indications that some infected people may not exhibit signs or symptoms of COVID-19. There is emerging evidence that pre-symptomatic (SARS-CoV-2 detected before symptom onset) and asymptomatic people (SARS-CoV-2 detected but symptoms never develop) can unknowingly spread COVID-19 to others.

Worksite safe and healthy work practices and control measures

Encourage employee self-reporting for signs and symptoms of COVID-19.

Lower Hazard Risk Level Training

Do 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.

Avoid physical contact with others (maintaining a distance of at least 6 feet from employees, customers and other individuals). Utilize face coverings or appropriate personal protective equipment (PPE) (surgical/medical masks or N95 respirators as indicated by hazard assessment) whenever 6 feet distancing cannot be achieved and/or maintained.

Wash hands frequently with soap and water for at least 20 seconds, if soap and water are not immediately available, use alcohol-based hand sanitizer that contains at least 60% alcohol and rub hands until they are completely dry.

Ensure that frequently touched work tools, equipment, vehicles, and contracted equipment is routinely cleaned and disinfected. Cleaning can be achieved utilizing soap and water. Disinfecting can be achieved utilizing bleach intended for disinfection and has a sodium hypochlorite concentration of 5%-6% or a disinfectant listed on the EPA “N” list.

For cleaning guidelines: <https://www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility.html>

For disinfection guidelines: Utilize the EPA “N” list for products that meet EPA’s criteria for use against SARS-CoV-2, the virus that causes COVID-19. <https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2-covid-19>

Ensure appropriate respiratory etiquette, cover coughs and sneezes.

Avoid touching your eyes, nose, or mouth (face in general) with unwashed hands.

Where feasible, ensure proper ventilation and/or increase ventilation rates in shared spaces.

Where feasible, install physical barriers, or clear acrylic panels. Display signage on the worksite detailing hand hygiene, cleaning and disinfecting, and PPE requirements on your worksite aimed at preventing the spread of COVID-19 at your worksite.

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.

The Anti-discrimination provisions of this standard in §90

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 Title 40.1 of the Code of Virginia, and implementing regulations under 16VAC25-60-110 for themselves or others.
- voluntarily provided and wears their own personal protective equipment, provided that the PPE does not create a greater hazard to the employee, or create a serious hazard for other employees.
- raised a reasonable concern about infection control related to the SARS-CoV-2 virus and COVID-19 disease to the employer, other employees, a government agency, or to the public such as through print, online, social or any other media.

www.doli.virginia.gov 7/27/20

Lower Hazard Risk Level Training

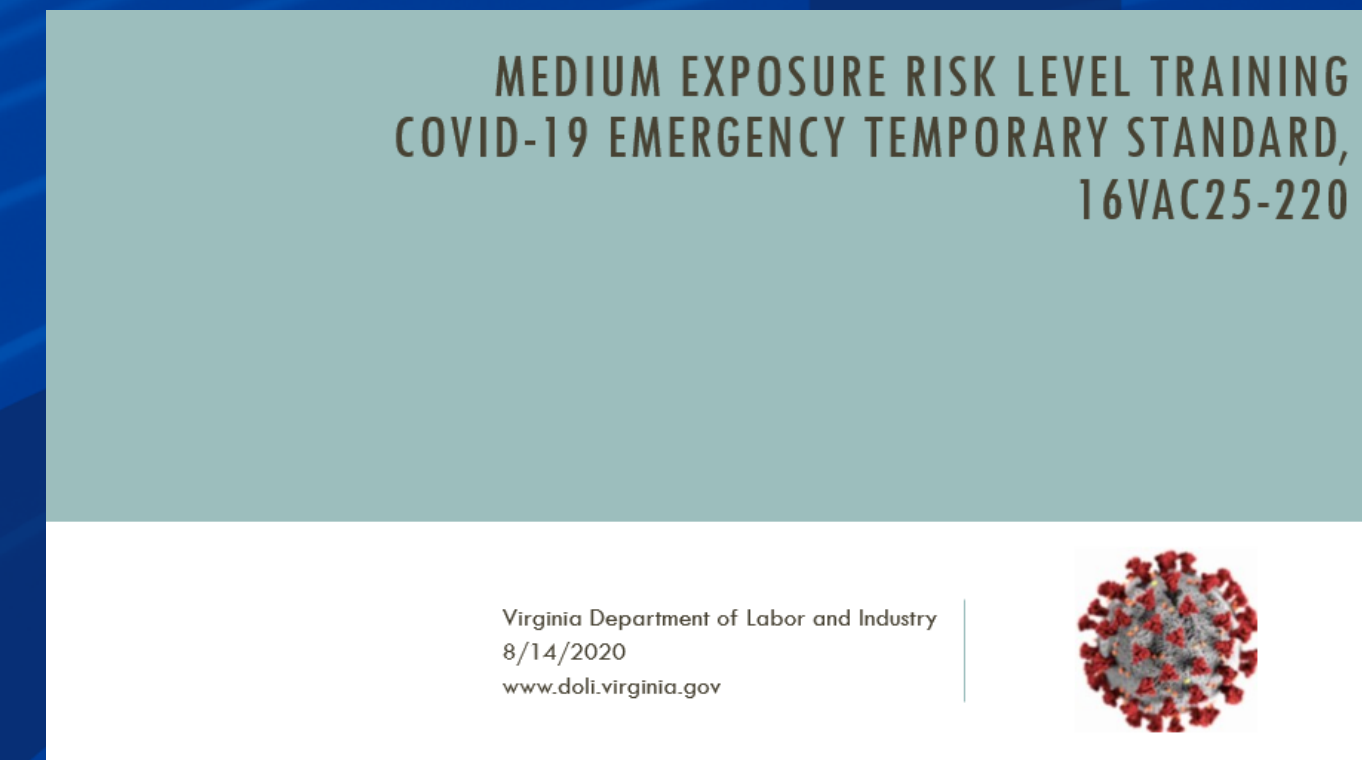
Employees’ right to refuse unsafe work

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.



Employers with hazards or job tasks classified at “medium” risk - Employee COVID-19 Training

- A written certification record for the training of employees exposed to hazards or job tasks classified as very high, high, or medium exposure risk levels.
- The written certification record shall contain the name of the employee trained, the trained employee’s physical or electronic signature, the date of the training, and the name of the person who conducted the training.
- Pg 11 of the Proposed Permanent Standard lists the type of businesses considered to be medium risk
- DOLI has provided a power point presentation for training medium risk employees
- <https://www.doli.virginia.gov/covid-19-outreach-education-and-training/>



Training employees in a language other than English

1. ARE EMPLOYERS REQUIRED TO PROVIDE TRAINING TO AN EMPLOYEE IN A LANGUAGE OTHER THAN ENGLISH OR IN SOME OTHER MANNER THAT THEY CAN UNDERSTAND, IF THE EMPLOYEE DOES NOT UNDERSTAND ENGLISH?

Yes. OSHA (and VOSH) have “a long and consistent history of interpreting its standards and other requirements to require employers to present information in a manner that their employees can understand.”

“In practical terms, this means that an employer must instruct its employees using both a language and vocabulary that the employees can understand. For example, if an employee does not speak or comprehend English, instruction must be provided in a language the employee can understand. Similarly, if the employee’s vocabulary is limited, the training must account for that limitation. By the same token, if employees are not literate, telling them to read training materials will not satisfy the employer’s training obligation. As a general matter, employers are expected to realize that if they customarily need to communicate work instructions or other workplace information to employees at a certain vocabulary level or in language other than English....”



Daily COVID-19 Screening of Employees

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.

See pg 31 of the Proposed Permanent Standard
<https://www.doli.virginia.gov/wp-content/uploads/2020/07/Proposed-Permanent-Standard-for-Infectious-Disease-Prevention-for-COVID-19-7.24.2020.pdf>

If an employee answers YES to any of the screening questions before reporting to work, the employee should stay home and not report to work.

If an employee reports COVID-19 symptoms upon arrival to work, the employer should activate the emergency protocol for COVID-19.

- Immediately isolate the ill person from others and ask that person to wear a facemask or cloth face covering.
- Determine if the person needs medical care.
- Contact your company's occupational health program (if available) or supervisor (if applicable).
- If the person is experiencing any medical emergency or emergency warning signs of COVID-19, including, but not limited to, trouble breathing, persistent pain or pressure in the chest, new confusion or inability to arouse, or bluish lips or face, call 911 and notify the operator that the person might have COVID-19.
- Most cases of COVID-19 are mild and do not require medical care. In these situations, the ill person can self-isolate at home. If the person is not severely ill, but medical care seems indicated, a healthcare facility OTHER THAN a hospital emergency room should be used (if possible) and contacted prior to arrival.
- Establish procedures for safely transporting anyone sick to their home or to a healthcare facility.

VDH VIRGINIA DEPARTMENT OF HEALTH

COVID-19 Screening Protocol: Optional Survey for Employee Self-administration

YES or NO, since your last day of work or since your last visit to this establishment, have you had any of the following symptoms?

	Yes	No
A new fever (100.4°F or higher) or a sense of having a fever	<input type="checkbox"/>	<input type="checkbox"/>
A new cough that cannot be attributed to another health condition	<input type="checkbox"/>	<input type="checkbox"/>
New shortness of breath or difficulty breathing that cannot be attributed to another health condition	<input type="checkbox"/>	<input type="checkbox"/>
New chills that cannot be attributed to another health condition	<input type="checkbox"/>	<input type="checkbox"/>
A new sore throat that cannot be attributed to another health condition	<input type="checkbox"/>	<input type="checkbox"/>
New muscle aches (myalgia) that cannot be attributed to another health condition, or that may have been caused by a specific activity (such as physical exercise)	<input type="checkbox"/>	<input type="checkbox"/>
A new loss of taste or smell	<input type="checkbox"/>	<input type="checkbox"/>
Have you had a positive test for the virus that causes COVID-19 disease within the past 10 days?	<input type="checkbox"/>	<input type="checkbox"/>
In the past 14 days, have you had close contact (within about 6 feet for 15 minutes or more) with someone with suspected or confirmed COVID-19?	<input type="checkbox"/>	<input type="checkbox"/>

• Non-essential workforce employees who answer YES to any of the employee screening questions should not be permitted to enter the facility.

• Critical infrastructure employees with symptoms of COVID-19 or who have tested positive should not be permitted to enter the facility. Critical infrastructure employees (non-healthcare) with close contact with a COVID-19 case should follow [VDH guidance](#) for returning to work.

COVID-19 Optional Employee Agreement: Infection Control Practices

During your shift, do you agree to:

	Yes	No
Immediately notify your employer if you develop symptoms of COVID-19	<input type="checkbox"/>	<input type="checkbox"/>
Practice proper hand hygiene	<input type="checkbox"/>	<input type="checkbox"/>
Maintain appropriate physical distance between yourself and others, as much as possible (at least 10 feet for establishments with physical activity, singing, or cheering and at least 6 feet for all other settings)	<input type="checkbox"/>	<input type="checkbox"/>
Limit physical contact between yourself and others, as much as possible	<input type="checkbox"/>	<input type="checkbox"/>
Wear a face covering when unable to maintain 6 feet of distance between yourself and others	<input type="checkbox"/>	<input type="checkbox"/>
Limit touching surfaces to only what is necessary	<input type="checkbox"/>	<input type="checkbox"/>

VDH/OEP/DSI August 11, 2020 Page 3 of 3
Adapted from materials from the Washington and Arizona Departments of Health

<https://www.vdh.virginia.gov/content/uploads/sites/182/2020/06/Employee-Screening.pdf>



Returning to Work

- Employees with [symptoms](#) of COVID-19 at home should not come into work.
 - Sick employees should follow [CDC recommendations](#) for what to do when illness occurs.
- Sick employees and employees who test positive for the virus that causes COVID-19 should not return to work until they have met CDC's [criteria to discontinue home isolation](#).
 - Persons with COVID-19 who never develop symptoms may discontinue isolation and other precautions 10 days after the date of their first positive diagnostic COVID-19 test.
 - Persons with COVID-19 symptoms may discontinue isolation under the following conditions:
 - At least 10 days⁵ have passed since symptom onset and
 - At least 24 hours have passed since resolution of fever without the use of fever-reducing medications and
 - Other symptoms are improving (loss of taste or smell may persist for weeks or months after recovery and need not delay the end of isolation).

- Inform those who have had [close contact](#) with a person diagnosed with COVID-19 to stay home and self-monitor for symptoms.
 - If the employee does not have symptoms, they should follow appropriate CDC guidance for [home isolation](#).
 - If the employee becomes sick, then symptomatic procedures for ending isolation (listed above) should be followed.
- Close off areas used by a sick person and do not use them until after cleaning and disinfection. Wait 24 hours before cleaning and disinfecting. If it is not possible to wait 24 hours, wait as long as possible. Ensure [safe and correct application of EPA-approved disinfectants](#) and keep disinfectant products away from children.
- Employers should not require sick employees to provide a COVID-19 test result or healthcare provider's note to validate their illness, qualify for sick leave, or return to work. Healthcare provider offices and medical facilities may be extremely busy and not able to provide such documentation in a timely manner.

Duration of isolation and precautions

- For most persons with COVID-19 illness, isolation and precautions can generally be discontinued 10 days *after symptom onset*⁶ and resolution of fever for at least 24 hours, without the use of fever-reducing medications, and with improvement of other symptoms.

<https://www.cdc.gov/coronavirus/2019-ncov/hcp/duration-isolation.html>

Current guidance based on community exposure, for people exposed to people with known or suspected COVID-19 or possible COVID-19

Person	Exposure to	Recommended Precautions for the Public
<ul style="list-style-type: none">• Individual who has had close contact (< 6 feet)** for ≥15 minutes***	<ul style="list-style-type: none">• Person with COVID-19 who has symptoms (in the period from 2 days before symptom onset until they meet criteria for discontinuing home isolation; can be laboratory-confirmed or a clinically compatible illness)• Person who has tested positive for COVID-19 (laboratory confirmed) but has not had any symptoms (in the 2 days before the date of specimen collection until they meet criteria for discontinuing home isolation). <p>Note: This is irrespective of whether the person with COVID-19 or the contact was wearing a mask or whether the contact was wearing respiratory personal protective equipment (PPE)</p>	<ul style="list-style-type: none">• Stay home until 14 days after last exposure and maintain social distance (at least 6 feet) from others at all times• Self-monitor for symptoms<ul style="list-style-type: none">◦ Check temperature twice a day◦ Watch for fever*, cough, or shortness of breath, or other symptoms of COVID-19

https://www.vdh.virginia.gov/content/uploads/sites/182/2020/03/Daily_Monitoring_Log.pdf

<https://www.cdc.gov/coronavirus/2019-ncov/community/general-business-faq.html>



COVID-19 Notification

What happens if an employee tests positive for COVID-19? While an employer does not have to conduct contact tracing, it does have notification requirements.

The employer must notify:

- (a) within 24 hours of discovery of possible exposure, employees who may have been exposed;
 - (b) Other employers whose employees were present at the worksite within 14 days since the positive test;
 - (c) The building or facility owner;
 - (d) Within 24 hours of the identification of the positive case, the Virginia Department of Health; and
 - (e) The Virginia Department of Labor and Industry (“VDOLI”), if three or more employees test positive within a 14-day period.
- Notifications to other employees, other employers, and building or facility owners must be done in a way that maintains confidentiality of the identity of the person known to be infected with COVID-19.

See pg 20 of the Proposed Permanent Standard

<https://www.doli.virginia.gov/wp-content/uploads/2020/07/Proposed-Permanent-Standard-for-Infectious-Disease-Prevention-for-COVID-19-7.24.2020.pdf>

How to Report:

Employers can report by telephone, [online](#) or in-person to the nearest **VOSH Regional Office**; or through the OSHA toll-free central telephone number, 1-800-321-6742.

Be prepared to supply: *Business name; names of employees affected; location and time of the incident; brief description of the incident; contact person and phone number.*

<https://www.doli.virginia.gov/report-a-workplace-fatality-or-severe-injury-or-covid-19-case/>



Mandatory Requirements for All Employers

Physical Workspace

Employers must take precautions to protect employees within the physical workplace, including taking steps to ensure physical distancing (at least six feet) between employees. Employers should develop policies and procedures to decrease work density, use signs and announcements to promote physical distancing, and follow Governor Northam's executive orders on occupancy limits. Employers must provide and require employees to wear faces coverings when performing job tasks that cannot practice physical distancing.

Employers should close or, if that is not possible, control access to, common areas, breakrooms, lunchrooms, and similar spaces. They should post signs limiting occupancy of these spaces to ensure physical distancing, enforce occupancy limits, and regularly clean and disinfect common surfaces.

Common areas should be cleaned and disinfected at the end of each shift, and employees should have ready access to cleaners and disinfectants, as well as handwashing stations or hand sanitizer.

See pg 5 of the Proposed Permanent Standard



Infectious Disease Preparedness and Response Plan



Who is required to have an Infectious Disease Preparedness and Response Plan?

A. Employers with hazards or job tasks classified as:

1. Very high and high shall develop and implement a written Infectious Disease Preparedness and Response Plan;
2. Medium with 11 or more employees shall develop and implement a written Infectious Disease Preparedness and Response Plan.

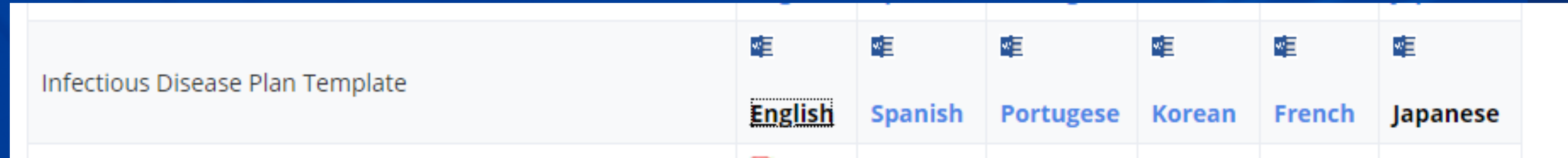
See pg 38 of the Proposed Permanent Standard

The plan does not have to be submitted to VOSH unless it is specifically requested. It should be available for review if a VOSH inspection is conducted at the establishment.

You must prepare an Infectious Disease Preparedness and Response Plan and train employees on the practices by September 25th, 2020



Infectious Disease Plan Template



<https://www.doli.virginia.gov/covid-19-outreach-education-and-training/>

Covered employers must designate a person to be responsible for implementing the Plan and the Plan must provide for employee involvement in its development and implementation.

The Plan must consider and address the COVID-19 risk hazards in the workplace, employees' individual risk factors, contingency plans for situations arising from COVID-19 outbreaks, implementation of basic infection prevention measures, as well as policies for prompt identification and isolation of individuals in the workplace who are known or suspected to be infected with COVID-19.

Additionally, if the employer is complying with mandatory and non-mandatory recommendations in any CDC guidelines or Commonwealth of Virginia guidance documents in lieu of complying with an ETS provision, the Plan must identify such materials.



We are answering your questions live on the air right now.

Please submit questions through the **Q&A function**,
not the chat option at the bottom of your screen.



Questions?

For legislative and regulatory questions, please email:

questions@dominionpayroll.com

For inquiries about Dominion Payroll services, please email:

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Don't forget to wash your hands!

