

High Heat and Social Distancing

The following information was provided by Patrick Moody, [Barsamian & Moody](#)

As the temperature is expected to rapidly increase this week, many clients with outdoor operations are asking about how to comply with the obligation to adhere to Cal/OSHA's high heat regulations, and the social distancing recommendations relating to COVID-19. The Cal/OSHA high heat procedures are located [here](#). Note that the high heat procedures kick in when the temperature "equals or exceeds 95 degrees Fahrenheit." For agriculture, the high heat regulations state:

- When the temperature equals or exceeds 95 degrees, employers must provide one 10-minute "preventative cool-down rest period" every 2 hours. During the first 8 hours of a shift, the cool-down periods may be provided at the same time as the rest periods.
- If employees work longer than 8 hours, the employer must provide an additional 10-minute cool-down rest period every 2 hours. For example, if the shift extends beyond 8 hours, an additional rest period is required at the end of the 8th hour of work. If the shift extends beyond 10 hours, another is required at the end of the 10th hour.
- Employers must ensure that employees actually take the cool-down rest periods required under this section.
- Employers are required to provide additional breaks as soon as the temperature equals or exceeds 95 degrees. For example, even if the temperature does not reach 95 degrees until the last half of an 8-hour shift, the employer must ensure that employees take cool-down rest periods starting at the end of the 8th hour of work.

Cal/OSHA has also issued recommendations for dealing with COVID-19 [here](#). The guidance includes suggestions for how to adhere to social distancing, which includes potentially staggering rest breaks and meal breaks, and providing additional seating and shade structures to allow employees to stay at least six feet apart. The guidance acknowledges that there is not a "one size fits all" approach that will work in each situation. Obviously, practices that would work in orchards may not work in row crops, for example. Therefore, it is important for employers to be able to show that they have actually contemplated how best to meet the intent of the guidance in their particular workplace.

If you have questions, please do not hesitate to contact us.

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