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## **It is Time to Think About Updating Your COVID-19 Prevention Plan**

A lot has changed in the workplace over the past year in terms of protecting your workforce from COVID-19, including implementing and enforcing the ever changing state and federal mandates and guidelines. Last year, Cal/OSHA required all employers to implement COVID-19 Prevention Policies (CPP). Employers implemented CPP's as part of, or as an addendum to, their existing Injury and Illness Prevention Program (IIPP). During the initial CPP implementation phase, Cal/OSHA provided a Model CPP for employers to use. Many workers' compensation carriers also provided covered employers with CPP's.

In June, Cal/OSHA updated its Emergency Temporary Standards (ETS) and Governor Newsom relaxed state restrictions pursuant to the Centers for Disease Control (CDC) and California Department of Public Health (CDPH) updated guidance centered on the availability of COVID-19 testing and vaccinations. Earlier this year, the California Department of Fair Employment & Housing (DFEH) and federal Equal Employment Opportunity Commission (EEOC) expressly stated that employers can implement mandatory employee vaccination policies, as long as they do not discriminate on the basis of any protected characteristic, they provide reasonable accommodations related to disability or sincerely-held religious beliefs or practices, and they do not retaliate against anybody for engaging in protected activity including asking for an accommodation.

Some employers have opted to require vaccinations, some have authorized optional vaccination reporting, and some have opted to continue with all restrictions regardless of vaccination status. No matter the company policy, employers must be aware of and follow updated rules and guidance for protecting employees which now distinguishes between fully vaccinated and unvaccinated employees.

### **What This Means for Employers:**

Cal/OSHA is out and about looking for COVID-19 violations. This means, Cal/OSHA is inspecting complaints of non-compliance with COVID-19 prevention, engaging in random inspections, and checking CPP's when on site for non-COVID related injuries. Employers must ensure that their CPP is updated to reflect the company policy for evaluating hazards, control of hazards (including cleaning/disinfecting protocols), addressing COVID exposure (including testing and employee exclusions where appropriate), compliance, training and return to work criteria based on the vaccination policy that the employer has communicated to employees. Cal/OSHA's updated Model CPP can be found here: [https://www.dir.ca.gov/dosh/dosh\\_publications/CPP.doc](https://www.dir.ca.gov/dosh/dosh_publications/CPP.doc).

The attorneys at Barsamian & Moody, are available to provide guidance and answer any questions employers may have about implementing a company vaccination

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policy or updating their COVID-19 Prevention Policies and protocols to reflect the vaccination policies.

*The goal of this article is to provide employers with current labor and employment law information. The contents should neither be interpreted as, nor construed as legal advice or opinion. The reader should consult with Barsamian & Moody at (559) 248-2360 for individual responses to questions or concerns regarding any given situation.*