

DEPARTMENT OF INDUSTRIAL RELATIONS
Office of the Director

Katrina S. Hagen
Director
1515 Clay Street
Oakland, CA 94612



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Dear California Employer,

The Department of Industrial Relations is providing you with a list of critical requirements related to COVID-19 that may apply to you and your workplace. This letter includes relevant workplace requirements across Cal/OSHA, the Labor Commissioner's Office, and the Division of Workers' Compensation.

Cal/OSHA and Public Health Requirements

- **COVID-19 Emergency Temporary Standards:** California approved emergency temporary standards on COVID-19 infection prevention on November 30, 2020. The emergency standards apply to most workers in California not covered by Cal/OSHA's [Aerosol Transmissible Diseases standard](#). Cal/OSHA has created a webpage with information about the emergency standards (<https://www.dir.ca.gov/dosh/coronavirus/ETS.html>), which will be updated regularly.
 - The regulations require employers to implement a site-specific written COVID-19 Prevention Program to address COVID-19 health hazards, correct unsafe or unhealthy conditions, and provide face coverings. The regulations also require employers to provide COVID-19 testing to workers who are exposed, and notify local public health departments when there are multiple COVID-19 infections or outbreaks at the worksite. Employers are required to maintain accurate recordkeeping, and [report serious illnesses and fatalities](#) related to COVID-19 to the nearest enforcement district office. To locate the nearest district office, visit <https://www.dir.ca.gov/dosh/DistrictOffices.htm>
 - Cal/OSHA has developed tools and resources to assist employers with understanding their obligations required by the new emergency standards. The webpage (<https://www.dir.ca.gov/dosh/coronavirus/ETS.html>) contains [Frequently Asked Questions](#), a one-page [fact sheet on the regulation](#), a model [COVID-19 Prevention Program in English](#) and [Spanish](#), and information on available [webinars](#) hosted by our Consultation Services Branch.
 - Failing to establish and implement an effective COVID-19 Prevention Program may result in regulatory enforcement and fines (Labor Code §§ 6306(b), 6401, 6401.7 and 6403; California Code of Regulations, title 8 §§ 3205, 3205.1, 3205.2, 3205.3, and 3205.4.)

For technical assistance with understanding your obligations required by the regulations or establishing an effective written COVID-19 Prevention Program, employers can call Cal/OSHA's [Consultation Services Branch](#) at 1 (800) 963 - 9424.

Paid Sick Leave

California Paid Sick Leave: The Healthy Workplaces Healthy Families Act of 2014 requires employers to provide paid sick leave to individuals who work in California for at least 30 days within a year of employment. Paid sick leave accrues at the rate of one hour per every 30 hours worked, paid at the employee's regular rate of pay. Employees may use accrued paid sick days beginning on the 90th day of employment.

- **Employers must provide notice to employees of paid sick leave.** The Labor Commissioner's Office has provided a [sample template of a poster to be displayed](https://www.dir.ca.gov/DLSE/Publications/Paid_Sick_Days_Poster_Template_(11_2014).pdf) in the workplace. That notice can be found here: [https://www.dir.ca.gov/DLSE/Publications/Paid_Sick_Days_Poster_Template_\(11_2014\).pdf](https://www.dir.ca.gov/DLSE/Publications/Paid_Sick_Days_Poster_Template_(11_2014).pdf)
- **Employers must provide sick leave upon the oral or written request of an employee.** An employee need not provide a doctor's note in order to take paid sick leave.
- **Workers who have COVID-19 symptoms are eligible for paid sick leave.** Paid sick leave may be used by an employee for themselves or a family member's diagnosis, care, or treatment of a health condition or for preventive care.

For more [information on paid sick leave](https://www.dir.ca.gov/dlse/paid_sick_leave.htm), please refer to the Frequently Asked Questions, available here: https://www.dir.ca.gov/dlse/paid_sick_leave.htm

Protection Against Retaliation

California labor laws also protect an employee from workplace retaliation. Employees have the following protections at work:

- It is unlawful for an employer to lay off or terminate an employee for refusing to perform work that both violates an occupational safety and health standard or order, and creates a real and apparent hazard placing the employee or their fellow employees in imminent danger. (Labor Code § 6311.)
- It is unlawful for an employer to retaliate against an employee for reporting noncompliance with local, state, or federal rules and regulations, including public health orders, for complaining of a violation of the law, or for refusing to participate in an activity that violates such rules. (Labor Code §§ 1102.5, 6310.)
- It is unlawful for an employer to retaliate against an employee for utilizing paid sick leave or supplemental paid sick leave. (Labor Code § 246.5.)
- It is unlawful for an employer to retaliate against a worker for disclosing a positive COVID-19 test or diagnosis or order to quarantine or isolate. (Labor Code § 6409.6.)

Unlawful retaliation includes immigration related threats, such as reporting or threatening to report an employee's immigration status to a federal, state, or local agency, or filing or threatening to file a false police report or a false report or complaint with any state or federal agency. (Labor Code §§ 244, 1019.)

Workers' Compensation

Governor Gavin Newsom on September 17, 2020, signed Senate Bill 1159, which provides two new rebuttable presumptions that an employee's COVID-19 illness is an occupational injury and therefore eligible for workers' compensation benefits if specified criteria are met. The new presumption laws encourage employers to comply with all health directives and guidance concerning safely reopening businesses to reduce risk of exposure and mitigate outbreaks in the workplace.

- [COVID-19 resources for workers' compensation](https://www.dir.ca.gov/dwc/covid-19/index.html) including FAQs can be found on DIR's website at www.dir.ca.gov/dwc/covid-19/index.html. Workers and employers can contact a [local Division of Workers' Compensation \(DWC\) office](https://www.dir.ca.gov/dwc/landA.html) during business hours for more information at <https://www.dir.ca.gov/dwc/landA.html>.

The Department of Industrial Relations and its Divisions will take action if an employer is found to be in violation of the law. Our labor laws are meant to protect the lives of California workers, employers, our families, and our communities – especially during this time where we must be proactive to slow the spread of the virus.


CDPH COVID-19 Testing Resources

The State of California opened the new California Department of Public Health (CDPH) Valencia Branch Laboratory (VBL) to support employers and community organizations initiate and expand COVID-19 testing. This program is available to test employees and community members at little

to no cost. The state aims to provide access to test results within 24-48 hours (upon receipt at lab), and allows employers and community members to rapidly respond to outbreaks. To learn more about the program, please [join a webinar on January 22nd](https://cdph-ca.gov.zoom.us/j/96279025960) at <https://cdph-ca.gov.zoom.us/j/96279025960>. CDPH will host additional webinars in the upcoming weeks. For more information visit: [Valencia Branch Laboratory | California Coronavirus Testing Task Force](#).

Thank you for your commitment to making California a safer place to work.

Sincerely,

A handwritten signature in cursive script that reads "Katrina S. Hagen". The signature is written in black ink and is positioned above the printed name and title.

Katrina S. Hagen
Director, California Department of Industrial Relations