



# Curry Insurance Agency

## CAL/OSHA ACTION

# COVID-19 Emergency Standards Updated

**C**AL/OSHA has once again extended its COVID-19 Emergency Temporary Standards, which covers employers' obligations to protect their workers against the coronavirus. This is the third time the ETS has been extended and this one is slated to expire at the end of 2022. It's being introduced as Cal/OSHA finalizes work on its permanent infectious disease standard. While the extended ETS includes many of the same provisions as the previous version, there are some changes.

The new ETS, which took effect May 6, was written to be more flexible in response to when the California Department of Public Health updates its COVID-19 guidance, which it does as case counts and deaths grow and wane. As the new ETS was being released case counts were once again rising, prompting the CDPH to update its guidance on prevention.

Here are the main changes that employers need to know about to ensure compliance:

### Face coverings

Face coverings are no longer required indoors. This applies both to vaccinated and unvaccinated employees.

Face coverings will be mandatory if the CDPH requires their use via new guidance. Employers must review CDPH Guidance for the Use of Face Masks to learn when face coverings are required.

Employers will still be required to provide face coverings for employees who request it. Employees must be allowed to wear a face covering at work regardless of their vaccination status and without fear of retaliation.

### Testing, returning to work

Employers are required to make COVID-19 testing available to employees who have COVID-19 symptoms or have come into close contact with co-workers during outbreaks in

the workplace. This applies regardless of if the employee is vaccinated or not.

Isolation requirements for employees who test positive will follow whatever are the most recent CDPH isolation and quarantine guidelines. Refer to them for quarantining recommendations.

## Return-to-Work Procedures

Any employees who test positive for COVID-19 may return to work after five days if:

- They have a negative test. They need only show a photo of negative results of a home test that was self-read and self-administered. Just a date and time-stamped photo of the test result will be sufficient.
- Symptoms are improving, and
- They wear a mask at work for an additional five days.

Otherwise, most employees may return to work after 10 days.

See on page 3



CONTACT US



If you have any questions regarding any of these articles or have a coverage question, please call us at:

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## GROWING RISK

# Cal/OSHA: Protect Workers Against Heat Illness

**A**S WE get closer to what's expected to be another scorching summer, Cal/OSHA is reminding employers with outdoor workers to take precautions to protect them against the heat.

California employers need to be especially mindful as Cal/OSHA has workplace safety regulations governing the prevention of heat illness, and the agency actively enforces its heat illness prevention standard.

Employers should also comply for the safety and well-being of their workers, as heat illness can be deadly.

Cal/OSHA is urging employers to take the following steps to prevent heat-related illness among their employees who work outdoors:

**Plan** – Develop and implement an effective written heat illness prevention plan (HIPP) that is specific and customized to your specific operations.

The plan must include the following heat illness prevention and response procedures:

**Training** – Train all employees and supervisors on heat illness prevention. Nobody should be working outside in heat if they have not been trained in heat illness prevention and emergency procedures.

**Water** – Provide drinking water that is fresh, pure, suitably cool and free of charge so each worker can drink at least 1 quart per hour, and encourage workers to do so. Water should be located as close as practicable to where employees are working.

**Access to shade** – When temperatures reach 80 degrees, you must have and maintain one or more areas of shade at all times, when employees are present.

Locate the shade as close as practical to where employees are working and provide enough to accommodate the number of employees on meal, recovery or rest periods at any time

Even if temperatures are less than 80 degrees, you must permit access to shade for workers to rest.

**The importance of rest** – Encourage workers to take a cool-down rest in the shade for at least five minutes when they feel the need to do so to protect themselves from overheating. Workers should not wait until they feel sick to cool down.

If an employee starts feeling unwell, they must be monitored for symptoms of heat illness and emergency procedures should be initiated if they don't improve.

### High-heat procedures

When the mercury reaches 95 degrees), employers must institute high-heat procedures that include monitoring of employees, regular communication, more frequent reminders to drink water and rest, and additional cool-down rest periods.

Emergency response procedures should be site-specific and include who/how to call emergency services and steps to respond to signs and symptoms of heat illness.

Observe all employees and any newly assigned to a high-heat area. You should consider giving employees who have not been working in high temperatures time to adapt to the new conditions.

You can do this by initially providing them with lighter work, frequent breaks or shorter hours.

### Get the plan right

Your heat illness prevention plan must be in writing and include all of the above.

The HIPP must be written both in English and in the language understood by the majority of employees. It must also be available to employees at the work site.

Additional information about heat illness prevention, including details on upcoming training sessions throughout the state, are posted on [Cal/OSHA's Heat Illness Prevention page](#).

The agency also has a handy materials for your workers in English and Spanish on how to protect themselves against heat illness that you can print out and disseminate. ❖



## RISK MANAGEMENT

# Employers Contributing to Distracted Driving

**A** NEW study has found that many people who interact with their mobile phones while behind the wheel do so because of pressure from their bosses to answer calls, e-mails and text messages even if they are not on the clock.

Employers that pressure their staff to respond quickly to work-related messages and calls can be held partially liable for any accidents their employees cause due to distracted driving.

While the employee's personal auto coverage would cover the cost of accidents they cause, if an incident results in serious injury or property damage, the injured third party may go for deeper pockets, like your business.

According to the report by The Travelers Companies, almost nine in 10 business managers expect their employees to at least occasionally respond to work-related phone calls and texts outside traditional office hours. A third of them expect employees to take or participate in work phone calls while they're driving.

Forty-two percent of drivers take work calls and read work texts and e-mails while driving, according to the report.

Of those who do:

- 42% say it's because there may be an emergency at work.
- 39% believe they must always be available for their employers.
- 19% believe their bosses will become upset if they don't answer.



Another study found that 86% of people who drive for their jobs had used a mobile device for work purposes while driving during the prior three months. An astounding 29% participated in video calls while driving.

These behaviors put the health and lives of the drivers at risk, along with those of their passengers and the motorists with whom they share the road.

In addition to unnecessary pain and suffering, resulting accidents can incur thousands or even millions of dollars in legal liabilities for the drivers and their employers.

### Employers can take action

- Include in your employee handbook policies discouraging use of mobile devices while driving on company business;
- Make safe driving part of the company's culture so that employees will have an expectation that they must drive safely;
- Explicitly state that no work phone call, e-mail or text message is so important that it cannot wait until the employee has stopped driving;
- Explicitly state in your workplace policies that no employee will be expected to participate in video calls while driving; and
- Discourage managers from calling, texting or e-mailing employees outside of stated hours or when they know employees are driving.

### What to do

Also, employees should find safe places to stop their vehicles if they feel it necessary to check messages or respond to calls or texts from work.

Your staff should feel secure enough in their positions that they can also refuse to respond until they are safely parked.

Distracted driving causes avoidable, tragic accidents. These are bad enough when people make voluntary irresponsible decisions. They are worse when drivers feel they have no choice.

If employers and employees change their attitudes, they can make the highways safer for all. ❖

Continued from page 1

## ETS Eliminates Requirements to Clean and Disinfect

### The takeaway

You should note that the above are only the changes to the ETS. All other parts of the ETS remain in effect and it's important that employers stay vigilant about complying with Cal/OSHA regulations.

Additionally, the new ETS eliminates requirements that employers regularly clean and disinfect the workplace to reduce

the spread of coronavirus.

You can find the full ETS on Cal/OSHA's website.

**Important:** The agency continues to enforce the ETS and employers that don't comply can face inspections and penalties if they are found out of compliance. Stay on top of your obligations to protect your employees and avoid any issues with Cal/OSHA. ❖

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## WORKPLACE SAFETY

# Long-COVID Cases Cause Workers' Comp Headaches

**L**ONG-COVID workers' compensation cases are making life complicated for insurers as the workers can continue requiring treatment and doctors' visits possibly indefinitely. In California, insurers are required to extend workers' compensation benefits to anyone who is deemed to have contracted COVID-19 at work.

Once a claim is accepted as a compensable workplace condition, the insurer can be on the hook for medical costs long after initial medical treatment.

And because COVID-19 is a new disease, insurers can't accurately predict how long these claims may last. With long COVID, the tail of the claims could be years.

In some cases, long COVID has led to disabilities and other impairments. If a condition is related to the original claim, workers' comp carriers are required to cover continuing treatment and medication costs.

### Claims fallout

Typical workers' compensation claims do not have these types of long-term symptoms.

Because symptoms can vary from person to person and for varying lengths of time, workers' compensation claims payers are wrestling with how much they need to set aside for long-COVID

claims, which they are required to do under law for all claims.

If they underestimate, they'll need to add more funds to the reserves for the claims.

It should be noted that these lengthy cases are relatively rare. The vast majority of COVID-19 workers' comp cases are very small, particularly when an employee didn't need hospitalization and missed some time from work quarantining and recovering.

One report in the U.K. said various studies' estimates of the percentage of patients who develop long COVID range from 2.3% to 37% of COVID-19 patients.

The Workers' Compensation Insurance Rating Bureau of California estimates that overall COVID-19 workers' compensation claims in the state will ultimately cost insurers \$1.2 billion.

### The takeaway

The good news for employers in California is that those claims do not count against their experience rating, meaning COVID-19 claims won't affect their rates. But that could change later this year.

At the same time, however, the cost of COVID-19 can carry over beyond workers' compensation as absences create production difficulties. ❖

## Long-COVID Explained

Some people who contract COVID-19, even those who have mild or no systems, can develop a number of long-term conditions well after the virus has cleared the system and they are no longer testing positive. Long COVID can last weeks or months.

### MOST COMMON SYMPTOMS

#### RESPIRATORY SYSTEM

- Fatigue
- Shortness of breath
- Breathlessness
- Persistent cough

#### CARDIOVASCULAR SYSTEM

- Heart palpitations
- Chest tightness or pain

#### NERVOUS SYSTEM

- Brain fog
- Changes in senses of smell and taste

#### MENTAL HEALTH

- Difficulty sleeping
- Anxiety and/or depression

#### OVERALL BODY

- Joint pain
- Allergic rashes
- Hair loss
- Muscle pain

