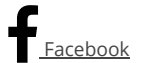




Department Of
Labor And Industry

(<https://web.archive.org/web/20210201112026/https://www.doli.virginia.gov/>)



(<https://web.archive.org/web/20210201112026/https://www.facebook.com/doli.virginia/>)



(<https://web.archive.org/web/20210201112026/https://www.youtube.com/doli.virginia/>)

Search DOLI



Coronavirus (COVID-19) ETS FAQs

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY – VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

16 VAC 25-220, Emergency Temporary Standard, Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19. [SHCB Electronic Emergency Meeting Archive](https://web.archive.org/web/20210201112026/https://www.doli.virginia.gov/safety-and-health-codes-board-electronic-emergency-meeting/) (<https://web.archive.org/web/20210201112026/https://www.doli.virginia.gov/safety-and-health-codes-board-electronic-emergency-meeting/>)

Reporting COVID-19 positive cases: 16 VAC 25-220.B.7.e (<https://web.archive.org/web/20210201112026/https://www.doli.virginia.gov/wp-content/uploads/2021/01/Final-Standard-for-Infectious-Disease-Prevention-of-the-Virus-That-Causes-COVID-19-16-VAC25-220-1.27.2021.pdf>) of the Final Standard provides that “The employer shall notify the Virginia Department of Labor and Industry (DOLI) within 24 hours of the discovery of **three (3) or more employees** present at the place of employment within a 14-day period testing positive for SARS-CoV-2 virus during that 14-day time period.”

COVID-19 case reports must be filed through the Virginia Department of Health’s (VDH) [online](https://web.archive.org/web/20210201112026/https://redcap.link/DOLI_VDH_COVID_report) (https://web.archive.org/web/20210201112026/https://redcap.link/DOLI_VDH_COVID_report) reporting portal. By using this portal, these case reports will ensure VDH and DOLI reporting compliance. The new online reporting portal allows employers to submit up to 10 Covid-19 positive cases.

IMPORTANT NOTICE:

Effective January 27, 2021, in accordance with the Virginia Department of Labor and Industry’s Virginia Occupational Safety and Health program Final Permanent Standard for Infectious Disease Prevention of the SARS-CoV-2 Virus that Causes COVID-19, 16VAC25-220-40.B.7.d and -40.B.7.e:

[Notifications to the Virginia Department of Health \(VDH\), 16VAC25-220-40.B.7.d](#)

Employers shall report to VDH within 24 hours of the discovery of **two or more** of its own employees present at the place of employment within a 14-day period testing positive for SARS-CoV-2 virus during that 14-day time period.

After the initial report of outbreak (two or more cases), employers shall continue to report all cases to VDH until the local health department notifies the business that the outbreak has been closed.

After the outbreak is closed, subsequent identification of two or more cases of COVID-19 during a declared emergency shall be reported, as above.

[Notifications to the Department of Labor and Industry \(DOLI\), 16VAC25-220-40.B.7.e](#)

Employers shall report to DOLI within 24 hours of the discovery of **three or more** of its own employees present at the place of employment within a 14-day period testing positive for SARS-CoV-2 virus during that 14-day time period.

A reported positive SARS-CoV-2 test does not need to be reported more than once and will not be used for the purpose of identifying more than one grouping of three or more cases, or more than one 14-day period. Department of Labor and Industry’s

Translate »

Frequently Asked Questions

On July 15, 2020, the Virginia Safety and Health Codes Board adopted an Emergency Temporary Standard (ETS) pursuant to Va. Code §40.1-22(6a) addressing occupational exposure to the SARS-CoV-2 Virus That Causes COVID-19, 16 VAC 25-220.

- The ETS was published in the Richmond Times Dispatch on July 27, 2020 and takes effect on the same day.
- With the exception of 16VAC25-220-80.B.10 regarding training required on infectious disease preparedness and response plans, the training requirements in 16VAC25-220-80 take effect on August 26, 2020.
- The training requirements under 16VAC25-220-80.B.10 take effect on September 25, 2020.
- The requirements for 16VAC25-220-70 regarding the preparation of infectious disease preparedness and response plans take effect on September 25, 2020.
- The ETS incorporates the following documents by reference **Environmental Protection Agency (EPA) List N for use against SARS-CoV-2** (<https://web.archive.org/web/20210201112026/http://www.doli.virginia.gov/wp-content/uploads/2020/07/List-N-Products-with-Emerging-Viral-Pathogens-AND-Human-Coronavirus-claims-for-use-against-SARS-CoV-2Date-Accessed-07202020.pdf>) and **Biosafety in Microbiological and Biomedical Laboratories™ (Dec. 2009)** (<https://web.archive.org/web/20210201112026/http://www.doli.virginia.gov/wp-content/uploads/2020/07/CDC-BiosafetyMicrobiologicalBiomedicalLaboratories-2009-P.pdf>)

The Virginia Occupational Safety and Health (VOSH) program developed these FAQs to provide information and assistance to employers and employees regarding the standard's requirements.

This document is organized by standard section number and is subject to revision.

Virginia Department of Labor and Industry

COVID-19 Outreach, Training and Education materials on the Final Standard 16 VAC 25-220

(<https://web.archive.org/web/20210201112026/https://www.doli.virginia.gov/covid-19-outreach-education-and-training/>)

COVID-19 Additional Resources (<https://web.archive.org/web/20210201112026/https://www.doli.virginia.gov/vosh-programs-coronavirus-covid-19-resources/>)

§10 Purpose, scope, and applicability.

⊕ 1. WHAT INDUSTRIES AND EMPLOYERS ARE COVERED BY THE ETS?

⊕ 2. DOES THE ETS SUPERSEDE OTHER VOSH LAWS, STANDARDS, OR REGULATIONS THAT MAY BE APPLICABLE TO COVID-19?

⊕ 3. IS IT POSSIBLE FOR AN EMPLOYER TO HAVE EMPLOYEES CLASSIFIED IN MORE THAN ONE RISK LEVEL, AND IF SO, HOW DOES THE ETS APPLY?

⊕ 4. IF AN EMPLOYER COMPLIES WITH CDC GUIDANCE FOR ITS INDUSTRY, DO THEY HAVE TO COMPLY WITH THE ETS?

⊕ 5. WHAT REQUIREMENTS APPLY TO PUBLIC AND PRIVATE INSTITUTIONS OF HIGHER EDUCATION?

⊕ 6. WHAT REQUIREMENTS APPLY TO PUBLIC SCHOOL DIVISIONS AND PRIVATE SCHOOLS?

⊕ 7. DOES THE ETS SUPERSEDE A GOVERNOR'S EXECUTIVE ORDER OR ORDER OF PUBLIC HEALTH EMERGENCY?

⊕ 8. DOES THE ETS REQUIRE EMPLOYERS TO CONDUCT "CONTACT TRACING" IF ONE OF THEIR EMPLOYEES IS DIAGNOSED WITH COVID-19?

+ 9. DOES THE ETS APPLY TO VOLUNTEER FIRE FIGHTERS OR VOLUNTEER RESCUE SQUAD MEMBERS?

+ 10. REGARDING §16VAC25-220-10.G.1, WHICH CDC GUIDELINES ARE CONSIDERED BY VOSH TO PROVIDE "EQUIVALENT OR GREATER PROTECTION THAN PROVIDED BY A PROVISION OF THIS STANDARD?"

+ 11. IF WE MEET AND EXCEED THE CDC GUIDELINES AND WE SHOW GOOD FAITH IN MEETING VIRGINIA'S TEMPORARY STANDARD, DO WE STILL NEED TO PERFORM A RISK ASSESSMENT PER HOSPITAL?

+ 12. DOES THE ETS APPLY TO TEMPORARY EMPLOYEES AND TEMPORARY STAFFING AGENCIES?

+ 13. ARE VIRGINIA PUBLIC SCHOOL AND MUNICIPAL EMPLOYEES IN VIRGINIA COVERED BY THE ETS? IN SOME CASES, ESPECIALLY LIKE SCHOOL OCCUPATIONAL AND PHYSICAL THERAPISTS, FOR EXAMPLE, FREQUENT AND PERSONAL CONTACT WITH STUDENTS IS LIKELY LESS THAN 6 FEET AND INVOLVE REGULAR PHYSICAL CONTACT. FOR MUNICIPAL EMPLOYEES, SOME MAY HAVE THE SAME PRESUMABLY MEDIUM RISK EXPOSURES AS THEIR SKILL-SET COUNTERPARTS IN INDUSTRY.

+ 14. WHAT EXPOSURE RISK CLASSIFICATIONS APPLY AT AUTOMOTIVE SALES AND REPAIR BUSINESSES?

+ 15. ARE PRIVATE CONTRACTORS AND TEMPORARY EMPLOYEES WHO ARE WORKING AT A FEDERAL WORKPLACE (E.G., MILITARY INSTALLATION, FEDERAL BUILDING, ETC.) COVERED BY THE ETS?

+ 16. WE HAVE AN EMPLOYEE WHO'S DOCTOR IS REQUESTING ACCOMMODATIONS RELATED TO COVID-19 EXPOSURE THAT ARE EXPENSIVE AND NOT SUSTAINABLE AND WE ARE LOOKING FOR GUIDANCE ON HOW TO PROCEED.

+ 17. COULD YOU ELABORATE ON 16VAC25-220-10.G.2? OUR UNIVERSITY'S RE-OPENING PLAN HAS BEEN APPROVED BY THE STATE COUNCIL OF HIGHER EDUCATION OF VIRGINIA AND IS IN OUR OPINION EQUIVALENT TO THE STANDARD (WE MAY NEED TO ADD THE STANDARD AWARENESS AND DISCRIMINATION PROVISIONS). ARE WE IN COMPLIANCE? DO WE NEED TO CONDUCT EXPOSURE RISK ASSESSMENTS? DO WE NEED TO COMPLY WITH THE 24 HOUR EMPLOYEE NOTIFICATIONS?

+ 18. DOES THE ETS APPLY TO MINES OR ARE MINES UNDER THE MINE SAFETY AND HEALTH ADMINISTRATION (MSHA), WHICH PRE-EMPTS OSHA REGULATIONS?

§20 Dates.

+ 1. WHAT ARE THE EFFECTIVE DATES FOR THE ETS?

+ 2. HOW LONG WILL THE ETS BE IN EFFECT FOR?

§30 Definitions.

➤ 1. WHAT TERMS ARE DEFINED IN THE STANDARD?

§40 Mandatory requirements for employers in all exposure risk levels.

➤ 1. CAN AN EMPLOYER REQUIRE AN EMPLOYEE WHO WAS DIAGNOSED WITH COVID-19 OR WAS SUSPECTED TO BE INFECTED WITH THE SARS-COV-2 VIRUS REQUIRE THE EMPLOYEE TO BE TESTED FOR COVID-19 BEFORE RETURNING TO WORK UNDER §40.B?

➤ 2. DO EMPLOYEES HAVE TO PAY FOR COVID-19 TESTS REQUIRED AS PART OF THE “RETURN TO WORK” PROVISIONS IN §40.B?

➤ 3. ARE BUILDING OWNERS REQUIRED TO NOTIFY EMPLOYER TENANTS OF A SARS-COV-2 POSITIVE TEST OF AN EMPLOYEE IN THE BUILDING?

➤ 4. BESIDES THE ETS, WHICH VOSH STANDARDS AND REGULATIONS APPLY TO EMPLOYER PROTECTION OF WORKERS DURING THE COVID-19 PANDEMIC?

➤ 5. DOES THE ETS CONTAIN A REQUIREMENT FOR A MASK MANDATE FOR THE PUBLIC (THE ETS USES THE TERM “FACE COVERING”)?

➤ 6. DOES THE ETS REQUIRE EMPLOYERS IN VIRGINIA TO NOTIFY EMPLOYEES ABOUT A POSITIVE CASE OF COVID-19 IN THE WORKPLACE?

➤ 7. IF AN EMPLOYEE TESTS POSITIVE, BUT WAS NOT AT A FACILITY OR JOBSITE WHERE OTHER EMPLOYEES COULD HAVE BEEN EXPOSED, DOES THAT POSITIVE TEST HAVE TO BE REPORTED UNDER 16VAC25-220-40.A.8.D OR §16VAC25-220-40A.8.E?

➤ 8. REGARDING THE NOTIFICATION REQUIREMENTS OF 16VAC25-220-40.A.8.E, DOES “PLACE OF EMPLOYMENT” MEAN THAT THE 3 OR MORE EMPLOYEES WHO TEST POSITIVE IN A 14-DAY PERIOD WORK AT THE SAME FACILITY OR JOBSITE RATHER THAN THE SAME EMPLOYER REGARDLESS OF LOCATION?

➤ 9. WE HAVE MEMBERS THAT CANNOT PROVIDE ALCOHOL-BASED HAND SANITIZER IN THEIR FACILITIES BECAUSE IT EITHER CREATES A FIRE HAZARD OR PRODUCT CONTAMINATION HAZARD. THESE COMPANIES SOMETIMES USE ALCOHOL FREE HAND SANITIZER (0.13% BENZALKONIUM CHLORIDE) INSTEAD. WILL EMPLOYERS WHO CANNOT PROVIDE ALCOHOL-BASED HAND SANITIZERS IN THEIR FACILITIES DUE TO FIRE HAZARD OR PRODUCT CONTAMINATION CONCERNS BE IN VIOLATION OF 16VAC25-220-40.E.1.D OR 16VAC25-220-40.K.8?

➤ 10. DOES A COMPANY WITH MULTIPLE LOCATIONS IN VIRGINIA THAT OPERATE IN AN IDENTICAL OR VERY SIMILAR FASHION HAVE TO PERFORM A RISK ASSESSMENT SPECIFIC TO EACH LOCATION?

⊕ 11. UNDER, §16VAC25-220-40.B.8.E THERE IS A REQUIREMENT FOR EMPLOYERS TO NOTIFY THE VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY WITHIN 24 HOURS OF THE DISCOVERY OF THREE (3) OR MORE EMPLOYEES PRESENT AT THE PLACE OF EMPLOYMENT WITHIN A 14-DAY PERIOD TESTING POSITIVE FOR SARS-COV-2 VIRUS DURING THAT 14-DAY TIME PERIOD. DOES THE 14-DAY PERIOD INCLUDE THE 14 DAYS PRIOR TO WHEN THE ETS WENT INTO EFFECT, OR IS THE 14 DAYS FORWARD LOOKING FROM THE EFFECTIVE DATE OF THE ETS?

⊕ 12. WE ARE NOT AWARE OF ANY “INDUSTRY STANDARDS” FOR PPE IN REGULAR TRUCKING OPERATIONS. EXCEPT FOR CERTAIN HAZARDOUS MATERIAL OPERATIONS, WE ARE NOT AWARE OF ANY PPE REQUIREMENTS FOR THE OPERATION OF TRUCKS OR LOADING AND UNLOADING ACTIVITIES

⊕ 13. THE ETS CALLS FOR CLEANING AND DISINFECTING OF COMMON SPACES, INCLUDING BATHROOMS AT THE END OF EACH SHIFT 16VAC25-220-40.K.5. DOES THIS REQUIREMENT INCLUDE PORT-A-JOHNS OR PRIVIES AT CONSTRUCTION OR OTHER WORK SITES?

⊕ 14. HOW DO YOU REQUEST A RELIGIOUS WAIVER UNDER 16VAC25-220-40.J?

⊕ 15. WHO IS RESPONSIBLE TO REQUEST A RELIGIOUS WAIVER FROM THE FACE COVERING REQUIREMENT, THE EMPLOYEE WANTING THE WAIVER OR THE EMPLOYER?

⊕ 16. CAN RELIGIOUS ACCOMMODATIONS REGARDING FACIAL HAIR BE MADE FOR THE WEARING OF FACE MASKS (REFERRED TO IN THE ETS AS “FACE COVERINGS”)?

⊕ 17. 16VAC25-220-40.D REQUIRES EMPLOYERS TO MAKE HAND-WASHING AND HAND SANITIZER WHERE FEASIBLE AVAILABLE TO EMPLOYEES. EMPLOYERS OF TRUCK DRIVERS WILL HAVE DIFFICULTY COMPLYING WITH THIS REQUIREMENT. SUCH EMPLOYERS CANNOT ENSURE THAT THEIR DRIVERS WILL HAVE ACCESS TO HAND-WASHING FACILITIES AT ALL LOCATIONS WHERE THEY CONDUCT LOADING AND UNLOADING DUTIES. IN FACT, THIS SAME SECTION REQUIRES THAT COMMON AREAS, BREAKROOMS, OR LUNCHROOMS BE CLOSED OR CONTROLLED AT A GREAT NUMBER OF LOCATIONS WHERE TRUCK DRIVES WILL BE LOADING AND UNLOADING FREIGHT. IN FACT, MANY TRUCKING EMPLOYERS HAVE AND ARE EXPERIENCING SITUATIONS WHERE SHIPPERS AND RECEIVERS HAVE CLOSED ACCESS TO THESE FACILITIES TO THEIR DRIVERS. PLEASE PROVIDE GUIDANCE ON HOW AN EMPLOYER OF A TRUCK DRIVER IS TO COMPLY WITH THIS REQUIREMENT IN THESE SITUATIONS.

⊕ 18. CDC’S “RETURN TO WORK” GUIDANCE HAS CHANGED AND NOW DIFFERS FROM THE REQUIREMENTS IN 16VAC25-220-40.C. WHICH “RETURN TO WORK” PROCEDURES SHOULD AN EMPLOYER FOLLOW?

⊕ 19. WITH REGARD TO LOW RISK CATEGORY (OFFICE ENVIRONMENT). WE ARE STRUGGLING WITH OUR INTERPRETATION ON THE SECTION THAT ADDRESSES FLOOR-TO-CEILING BARRIERS. SPECIFICALLY, WE ARE WONDERING IF THEY ARE ONE WAY OF ACCOMPLISHING PHYSICAL DISTANCING, OR IF THEY ARE REQUIRED EVEN WHERE PHYSICAL DISTANCING OF 6 FEET OR MORE IS FEASIBLE?

⊕ 20. ARE “LOWER RISK” EMPLOYEES REQUIRED TO WEAR FACE COVERINGS WHILE AT WORK?

⊕ 21. UNDER SECTION 16VAC25-220-40.B.8.E, SHOULD AN EMPLOYER NOTIFY THE VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY ONLY IF ONE OF ITS OWN EMPLOYEES IS DIAGNOSED? OR DOES THIS NOTIFICATION REQUIREMENT INCLUDE DIAGNOSED CONTRACTORS AND/OR OTHER WORKERS AT THE SAME WORKSITE? IF SO, WOULDN'T THAT LEAD TO DOUBLE (OR TRIPLE) REPORTING OF THE SAME DIAGNOSES?

⊕ 22. 16VAC25-220-40.C CONCERNING "RETURN TO WORK" APPEARS TO SAY THAT AN EMPLOYER CAN CHOOSE TO TEST, BUT THEN IT SAYS THE EMPLOYEE CAN REFUSE. BUT THEN IT SAYS NOTHING IN THE ETS SHALL BE CONSTRUED TO PROHIBIT EMPLOYERS FROM MANDATING THE TEST. SO THE QUESTION IS IF AN EMPLOYER MANDATES THE TEST AND THE EMPLOYEE REFUSES, CAN THE EMPLOYEE BE DISCIPLINED FOR NOT FOLLOWING THE COMPANY'S POLICY?

⊕ 23. I HAVE A QUESTION ABOUT A REQUIREMENT UNDER 16VAC25-220-40.C.2.B.II THAT I HOPE YOU CAN HELP US WITH: IF AN EMPLOYER'S HEALTH INSURANCE COVERS THE ENTIRE COST OF COVID-19 TESTING, DOES THIS MEET THE REQUIREMENT OF SECTION 40.C.2.B.II?

⊕ 24. THE OWNERS OF A SALON HAVE A QUESTION ABOUT ALERTING THE EMPLOYEES AT THEIR WORKPLACE WHEN AN EMPLOYEE TESTS POSITIVE FOR COVID-19. THEY ARE UNDER THE IMPRESSION THAT ONLY EMPLOYEES IN "CLOSE CONTACT" (AS DEFINED BY THE CDC) WITH THE POSITIVE EMPLOYEE MUST BE ALERTED. THE SALON HAS A STRICT PHYSICAL DISTANCING REQUIREMENT OF SIX FEET OR MORE FOR EMPLOYEES, SO THEY ALERTED NO ONE AT THE WORKPLACE OF THE POSITIVE CASE. IS THIS CORRECT?

⊕ 25. WHAT IS THE DIFFERENCE BETWEEN ISOLATION AND QUARANTINE?

⊕ 26. WHEN CAN AN EMPLOYEE FILLING AN ESSENTIAL CRITICAL INFRASTRUCTURE ROLE EXCEPT FOR EDUCATION SECTOR WORKERS RETURN TO WORK AFTER CLOSE CONTACT WITH A PERSON WITH COVID19?

⊕ 27. WHEN CAN AN EMPLOYEE NOT FILLING AN ESSENTIAL CRITICAL INFRASTRUCTURE ROLE RETURN TO WORK AFTER CLOSE CONTACT WITH A PERSON WITH COVID19?

⊕ 28. CAN EMPLOYERS REQUIRE EMPLOYEES WHO WERE CLOSE CONTACTS OF A COVID-19 CASE TO RETURN TO WORK SOONER THAN 14 DAYS AFTER THE CLOSE CONTACT?

⊕ 29. CAN AN EMPLOYEE'S NEGATIVE TEST FOR SARS-COV-2 AFTER CLOSE CONTACT WITH A COVID-19 CASE RELEASE AN EMPLOYEE FROM QUARANTINE?

⊕ 30. CAN YOU PROVIDE SOME CLARIFICATION ON RETURN TO WORK AND DIAGNOSIS REQUIREMENTS UNDER THE ETS? WE WANT TO ISOLATE AND TEST ANYONE WITH SIGNS OR SYMPTOMS OF COVID-19 (DEFINED UNDER THE ETS AS "SUSPECTED TO BE INFECTED WITH SARS-COV-2 VIRUS"), BUT IF THE TEST COMES BACK NEGATIVE, WE WANT TO RULE OUT COVID-19 AS THE DIAGNOSIS AND TREAT THE EMPLOYEE LIKE THEY HAVE A MORE COMMON AND LESS DANGEROUS ILLNESS. THE REGULATION IS NOT CLEAR ON THIS AND READS LIKE WE CAN ONLY RETURN THEM TO WORK AFTER TWO TESTS AS IF THE INITIAL PRESUMPTION WAS CORRECT.

⊕ 31. ARE EMPLOYERS SUBJECT TO HIPAA PRIVACY RULES?

⊕ 32. IS THE VIRGINIA DEPARTMENT OF HEALTH (VDH) AUTHORIZED TO RECEIVE PATIENT HEALTH INFORMATION UNDER HIPAA?

⊕ 33. IS THE VIRGINIA DEPARTMENT OF HEALTH (VDH) AUTHORIZED TO RECEIVE PATIENT HEALTH INFORMATION UNDER THE AMERICANS WITH DISABILITIES ACT (ADA)?

⊕ 34. IS THE VIRGINIA OCCUPATIONAL SAFETY AND HEALTH (VOSH) PROGRAM SUBJECT TO HIPAA PRIVACY RULES?

⊕ 35. HOW DO EMPLOYERS COMPLY WITH THE COVID-19 CASE REPORTING REQUIREMENTS TO VDH AND DOLI CONTAINED IN 16VAC25-220-40.B.8.D AND -40.B.8.E?

⊕ 36. AN INDIVIDUAL PROVIDED AND PAID BY A STAFFING AGENCY WORKS AT OUR FACILITY AND TEST'S POSITIVE FOR COVID-19 (NOT A WORKPLACE TRANSMISSION). THIS INDIVIDUAL IS CONSIDERED A CONTRACTOR, BUT RECEIVES DAY-TO-DAY SUPERVISION FROM FULL TIME EMPLOYEES. THE RESPONSE TO THE FAQ BELOW STATES THAT EMPLOYERS NEED ONLY REPORT ITS OWN EMPLOYEES AND NOT CONTRACTORS. WE ARE REQUESTING CLARIFICATION TO THE REPORTING REQUIREMENTS FOR THESE TYPES OF CONTRACTORS.

⊕ 37. THE VIRGINIA DEPARTMENT OF HEALTH (VDH) HAS REQUESTED, DUE TO RESOURCE LIMITATIONS AND IN AN EFFORT TO IMPROVE EFFICIENCY AND REDUCE CONFUSION IN THE REGULATED COMMUNITY, THAT 16VAC25-220-40.B.8.D BE AMENDED TO REQUIRE THE REPORTING OF TWO OR MORE POSITIVE COVID-19 CASES INSTEAD OF ONE (16VAC25-220-40.B.8.D CURRENTLY REQUIRES EMPLOYERS TO REPORT TO VDH WITHIN 24 HOURS OF THE DISCOVERY OF A POSITIVE CASE PRESENT AT THE PLACE OF EMPLOYMENT WITHIN THE PREVIOUS 14 DAYS FROM THE DATE OF POSITIVE TEST).

§50 Requirements for hazards or job tasks classified at very high or high exposure risk..

⊕ 1. WHAT IS THE DIFFERENCE BETWEEN "VERY HIGH" AND "HIGH" EXPOSURE RISK LEVELS, AND IF THEY ARE DIFFERENT WHY DO THEY HAVE THE SAME MANDATORY REQUIREMENTS?

⊕ 2. 16VAC25-220-50.B.2 STARTS OFF WITH 'FOR EMPLOYERS NOT COVERED BY SUBDIVISION 1 OF THIS SUBSECTION...

⊕ 3. ARE DIAGNOSTIC LABORATORIES THAT CONDUCT ROUTINE MEDICAL TESTING AND ENVIRONMENTAL SPECIMEN TESTING FOR COVID-19 REQUIRED TO OPERATE AT BIOSAFETY LEVEL 3 (BSL-3)?

§60 Requirements for hazards or job tasks classified at medium exposure risk..

⊕ 1. DO THE AIR-HANDLING SYSTEM REQUIREMENTS IN §60 REQUIRE EMPLOYERS TO INSTALL AIR CONDITIONING SYSTEMS WHERE NO SYSTEM IS CURRENTLY IN PLACE?

⊕ 2. WHAT IS AN EMPLOYER REQUIRED TO DO IF A NON-EMPLOYEE (E.G. CUSTOMER OR VISITOR) IS SUSPECTED TO BE INFECTED WITH THE SARS-COV-2 VIRUS?

⊕ 3. WHEN ARE EMPLOYEES REQUIRED TO WEAR FACE COVERINGS UNDER THE ETS?

§70 Infectious disease preparedness and response plan..

⊕ 1. DOES AN EMPLOYER WITH A "MEDIUM" RISK EMPLOYEE HAVE TO HAVE A WRITTEN INFECTIOUS DISEASE PREPAREDNESS AND RESPONSE PLAN?

⊕ 2. DOES THE INFECTIOUS DISEASE PREPAREDNESS AND RESPONSE PLAN NEED TO BE SUBMITTED TO ANYONE AT VOSH OR DO WE JUST NEED TO HAVE IT ON HAND IN CASE WE ARE ASKED FOR IT?

⊕ 3. ARE VIRGINIA FARMERS MARKETS REQUIRED TO HAVE AN INFECTIOUS DISEASE PLAN? IT LOOKS LIKE FOR "MEDIUM" RISK BUSINESSES — ONLY BUSINESSES WITH ELEVEN (11) OR MORE EMPLOYEES HAVE TO DEVELOP AND IMPLEMENT A WRITTEN INFECTIOUS DISEASE PREPAREDNESS AND RESPONSE PLAN. HOWEVER, MANY MARKETS DO NOT HAVE 11 EMPLOYEES BUT ALL MARKETS HAVE AT LEAST 11 VENDORS UNDER CONTRACT WITH THE MARKET TO WORK AT THE MARKET SELLING THEIR PRODUCTS. ARE MARKETS THAT HAVE UNDER 11 "EMPLOYEES" BUT HAVE 11 PLUS VENDORS THAT ARE UNDER CONTRACT TO WORK /SELL AT VIRGINIA'S FARMERS MARKETS CONSIDERED THE SAME AS EMPLOYEES AND THEREFORE THE MARKETS SHOULD HAVE AN INFECTIOUS DISEASE PLAN?

§80 Training.

⊕ 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?

⊕ 2. OUR FRANCHISE NETWORK UTILIZES AN ONLINE LEARNING MANAGEMENT SYSTEM TO PROVIDE MOST OF OUR TRAININGS. THIS SYSTEM DOES NOT CURRENTLY HAVE THE ABILITY FOR EMPLOYEES TO SUBMIT AN ELECTRONIC SIGNATURE. HOWEVER, THE SYSTEM HAS MULTIPLE OTHER DATA POINTS THAT CAN VERIFY THAT A PARTICULAR PERSON COMPLETED THE TRAINING, SUCH AS LOGIN DATE/TIME, COMPLETION STATUS OF THE TRAINING, AND A CERTIFICATE OF COMPLETION FOR EACH EMPLOYEE. EMPLOYEES MUST USE UNIQUE PASSWORDS AND USERNAMES TO LOG IN. WOULD THE CERTIFICATION STANDARD BE SATISFIED BY USING A LEARNING MANAGEMENT SYSTEM, OR DO WE STILL NEED TO COLLECT SIGNATURES FROM THE EMPLOYEE AND EMPLOYER TO SATISFY THE STANDARD? OUR THOUGHT IS THAT THE UNIQUE ACCOUNT USED TO COMPLETE TRAINING AND THE OBJECTIVE MARKERS SHOWING THE TRAINING WAS COMPLETED ARE EFFECTIVELY AN ELECTRONIC UNIQUE "SIGNATURE."

⊕ 3. DO EMPLOYERS NEED TO HAVE THEIR TRAINING IN PLACE BY THE DATE OF THE FIRST PHASE (AUGUST, 26, 2020) OR DO THEY HAVE TO PROVE ALL OF THEIR EMPLOYEES HAVE COMPLETED THE TRAINING BY THAT DATE? WE ALSO HAVE THE SAME QUESTION FOR THE SECOND PHASE (SEPTEMBER 25, 2020).?

§90 Discrimination against an employee for exercising rights under this emergency temporary standard/emergency regulation is prohibited..

⊕ 1. THE ETS STATES THAT NO PERSON THAT RAISES A COVID-19 CONCERN IN "PRINT, ONLINE, SOCIAL OR ANY OTHER MEDIA" CAN BE DISCIPLINED OR TERMINATED FOR DOING SO. IF A PERSON IS LYING ON SOCIAL MEDIA AND NEVER RAISED THE CONCERN TO VOSH OR MANAGEMENT, THEY SHOULD NOT BE INSULATED FROM DISCIPLINARY ACTION. ISN'T THIS BROADER THAN THE EXISTING OSHA REGULATIONS THEMSELVES?

⊕ 2. PLEASE ADVISE WHERE I CAN RECEIVE A FREE COPY OF THE NEW VIRGINIA DEPARTMENT OF LABOR DISCRIMINATION NOTICE WITH NEW PROTECTED CLASSES.

Downloadable Forms

- ▶ Boiler and Pressure Vessel Safety
(<https://web.archive.org/web/20210201112026/https://doli.virginia.gov/boiler-safety/boiler-forms/>)
- ▶ Labor and Employment Law
(<https://web.archive.org/web/20210201112026/https://doli.virginia.gov/labor-law/payment-of-wage-english/claim-for-unpaid-wages-form/>)
- ▶ Asbestos and Lead Forms
(<https://web.archive.org/web/20210201112026/https://doli.virginia.gov/asbestos-and-lead-forms/>)

Downloadable Publications

- ▶ Administrative Regulations Manual (VOSH)
(<https://web.archive.org/web/20210201112026/https://www.doli.virginia.gov/wp-content/uploads/2019/01/ARM-11-1-2018.pdf>)
- ▶ Closing Conference Guide (VOSH)
(<https://web.archive.org/web/20210201112026/http://www.doli.virginia.gov/wp-content/uploads/2019/08/Closing-Conf-Guide-August-5-2019.pdf>)
- ▶ Employer Rights and Responsibilities (VOSH)
(<https://web.archive.org/web/20210201112026/http://www.doli.virginia.gov/wp-content/uploads/2020/05/ERCAFVI-FINAL-5-14-2020-revised-penalties-2020.pdf>)
- ▶ OSHA 300 Log
(<https://web.archive.org/web/20210201112026/http://www.osha.gov/recordkeeping/RMForms.html>)
- ▶ Registered Apprenticeship Brochure
(<https://web.archive.org/web/20210201112026/http://www.doli.virginia.gov/wp-content/uploads/2018/03/DOLI-Apprenticeship-Brochure.pdf>)
- ▶ More...
(<https://web.archive.org/web/20210201112026/https://doli.virginia.gov/vosh-programs/regulations-standards/resources/downloadable-publications/>)

Contact Us

Main Street Centre
600 East Main Street, Suite 207
Richmond, Virginia 23219

Phone: 804.371.2327
Fax: 804.371.6524

webmaster@doli.virginia.gov
(<https://web.archive.org/web/20210201112026/mailto:webmaster@doli.virginia.gov>)
<http://www.doli.virginia.gov>
(<https://web.archive.org/web/20210201112026/http://www.doli.virginia.gov/>)



([HTTPS://WEB.ARCHIVE.ORG/WEB/20210201112026/HTTPS://DOLI.VIRGINIA.GOV/ABOUT/DOLI-OFFICES-STATEWIDE/](https://web.archive.org/web/20210201112026/https://doli.virginia.gov/about/doli-offices-statewide/))



View Expenditures

(<https://web.archive.org/web/20210201112026/https://www.datapoint.apa.virginia.gov/dashbo>



(<https://web.archive.org/web/20210201112026/http://www.yesvirginia.org/>)



(<https://web.archive.org/web/20210201112026/https://logi.eprocgipdc.com/Public/rdPage.aspx?rdReport=Public.PublicLandingPage&rdRnd=99142>)



([HTTPS://WEB.ARCHIVE.ORG/WEB/20210201112026/HTTPS://WWW.DO
LI.VIRGINIA.GOV/WP-CONTENT/UPLOADS/2018/05/ORG-CHART-FOR-
WEBSITE_MAY-2018.PDF](https://web.archive.org/web/20210201112026/https://www.doli.virginia.gov/wp-content/uploads/2018/05/ORG-CHART-FOR-WEBSITE_MAY-2018.PDF))



([HTTPS://WEB.ARCHIVE.ORG/WEB/20210201112026/HTTPS://WWW.DO
LI.VIRGINIA.GOV/WP-CONTENT/UPLOADS/2018/04/CODE-OF-
ETHICS.PDF](https://web.archive.org/web/20210201112026/https://www.doli.virginia.gov/wp-content/uploads/2018/04/CODE-OF-ETHICS.PDF))



([HTTPS://WEB.ARCHIVE.ORG/WEB/20210201112026/HTTPS://WWW.DO
LI.VIRGINIA.GOV/EMPLOYMENT-AT-DOLI/](https://web.archive.org/web/20210201112026/https://www.doli.virginia.gov/employment-at-doli/))

BUSINESS ONE STOP

(<https://web.archive.org/web/20210201112026/http://businessonestop.virginia.gov/>)



(<https://web.archive.org/web/20210201112026/http://sbsd.virginia.gov/>)



(<https://web.archive.org/web/20210201112026/http://lis.virginia.gov/>)



(<https://web.archive.org/web/20210201112026/http://vaperforms.virginia.gov/>)

Public Records – FOIA Requests (<https://web.archive.org/web/20210201112026/https://www.doli.virginia.gov/resources/public-records/>)

Site Map (<https://web.archive.org/web/20210201112026/https://www.doli.virginia.gov/site-map/>)

Contact the Webmaster (<https://web.archive.org/web/20210201112026/https://www.doli.virginia.gov/about/contact/>)

About (<https://web.archive.org/web/20210201112026/https://www.doli.virginia.gov/about/>)

Feedback (<https://web.archive.org/web/20210201112026/https://www.doli.virginia.gov/about/customer-feedback-form/>)

Virginia Department of Labor and Industry – Headquarters: Main Street Centre Bldg. 600 East Main Street, Suite 207, Richmond, Virginia 23219-4101

Telephone Number – Office: 804.371.2327 – Fax: 804.371.6524 – Our Hours are from 8:15 A.M. to 5:00 P.M., Monday – Friday