

# OSHA COVID-19 EMERGENCY TEMPORARY STANDARD (ETS)

The OSHA COVID ETS is a tool that can help enforce safety measures related to COVID-19 in your workplace. The ETS is in place until the end of December, 2021. It mandates that employers conduct COVID-19 hazard assessments, involve frontline staff in developing a plan, and provide N95 respirators to staff in contact with confirmed or PUI patients.

The ETS requirements can be used when meeting with management about COVID safety issues. For more information regarding ETS requirements, employer implementation and filing an OSHA complaint, contact the NYSNA Health & Safety staff at [healthandsafety@nysna.org](mailto:healthandsafety@nysna.org)

The ETS covers most healthcare settings, including hospitals, nursing homes, assisted living facilities, home healthcare and ambulatory care. The ETS exempts certain non-hospital ambulatory care settings where all non-employees are screened for COVID prior to entry, and those with confirmed or suspected COVID are not permitted to enter. Hospital-based ambulatory care settings are exempted if all employees are vaccinated and all non-employees are screened prior to entry. The ETS also exempts home healthcare settings where all employees are vaccinated, non-employees are screened before they enter, and no one with suspected or confirmed COVID-19 is present.

The ETS, a model COVID plan template, a hazard assessment checklist and a Q&A can be found at [www.osha.gov/coronavirus/ets](http://www.osha.gov/coronavirus/ets)

The ETS requires that covered employers:

- Create a COVID plan with the input of non-managerial employees and their unions.\*
- Conduct a COVID-19 hazard assessment and address the hazards found in the assessment. Conduct patient, visitor and staff screening for COVID symptoms and/or possible exposure to infected persons.
- Follow CDC Standard and Transmission-based precautions.
- Promptly notify employees if they've been exposed to COVID-19.
- Keep a log of all infected employees regardless of whether they were exposed at work or elsewhere.
- Provide an N95 (or higher level respirator) and other PPE when in close contact with a patient who is COVID positive or a PUI for COVID.
- Where possible provide for physical distancing and barriers. Maximize the amount of outside air circulated in the ventilation system and use a MERV 13 filter or higher.
- Properly maintain AIIRs (negative pressure rooms).
- Protect employees who must enter into private residences (homecare) or other physical locations not covered under the ETS, including procedures for employees to withdraw from a location if protections are not adequate.
- Train all staff on COVID transmission, which tasks and situations can result in infection, the facility's COVID-19 prevention policies and procedures, the facility's COVID plan and the employees' rights under the ETS.
- Not retaliate against anyone who exercises their rights under the ETS.

\*More information on COVID-19 Plan requirements can be found on the other side of this flyer →

For more information contact:  
[healthandsafety@nysna.org](mailto:healthandsafety@nysna.org)

# OSHA ETS COVID Plan

The ETS requires that covered employers develop and implement a written COVID-19 plan for each workplace. The employer must:

- Designate one or more COVID-19 safety coordinators to implement and monitor the plan.
- The plan must contain the name(s) of the COVID-19 safety coordinator(s).
- Conduct a workplace-specific hazard assessment to identify potential workplace COVID hazards.
- Address the hazards identified by the assessment.
- Seek the input and involvement of non-managerial employees and their representatives in the hazard assessment and development and implementation of the COVID plan.
- Train employees on the COVID plan.
- Include policies and procedures to minimize the risk of COVID transmission for each employee.
- Monitor each workplace to ensure the ongoing effectiveness of the COVID plan and update it as needed.

**If you have questions about your facility's COVID plan, please reach out to NYSNA's Occupational Health & Safety Representatives at [healthandsafety@nsyna.org](mailto:healthandsafety@nsyna.org)**

*OSHA standards create a floor below which employers may not go. But they do not set a ceiling. Employers can, and should, provide the safest workplace possible for their employees. NYSNA will continue to fight for strict enforcement of the ETS and for the safety of all healthcare and essential workers.*

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## NY HERO Airborne Infectious Disease Exposure Prevention Standard

The NY HERO Airborne Infectious Disease Standard covers most NYS workers except those covered by the OSHA COVID ETS. However, when the OSHA ETS expires at the end of 2021 (if it is not renewed), HERO should extend to healthcare workplaces.

HERO requires covered employers to:

- Establish a written exposure control plan & review the plan with employees (model plans can be found at <https://dol.ny.gov/ny-hero-act>)
- Incorporate controls to contain identified exposures
- Implement the plan when the NYS Commissioner of Health so designates (HERO activated for COVID-19 on 9/7/2021)
- At the request of employees or their representatives, create labor-management health & safety committees to address infectious disease and other health & safety hazards
- Not retaliate against employees who exercise their rights under HERO including refusing to work where the employee believes there is an unreasonable risk of exposure