

SWEDELSON COTTLIEB

Community Association Attorneys

COVID-19 Community Association Guidebook on Reopening Amenities

5-17-2021



COVID-19 and Community Association Duties and Responsibilities A Guidebook for California Community Associations Updated as of May 17, 2021

By the Community Association Attorneys at SwedelsonGottlieb

Most California community association common area recreational amenities like pools, gyms, and tennis courts remain closed since March 2020, even though restrictions have lifted. As the number of people who have been vaccinated increases, schools reopen, the state reopens, and more counties are opening throughout California, many associations wonder if it is time to revisit opening their amenities.

Does your community association have a plan? Does your community association need one? The answer is YES! In fact, it is required.

On June 15th, Governor Newsom plans to fully open the economy across the state if there are enough vaccines for everyone 16 years of age or older to get vaccinated and hospitalizations remain stabilized and low, especially among vaccinated residents. This date could be postponed if the requirements aren't met.

In this latest edition of SwedelsonGottlieb's COVID-19 Guidebook, we discuss what full reopening means and address considerations for California community associations to make when developing plans to reopen amenities within their community.

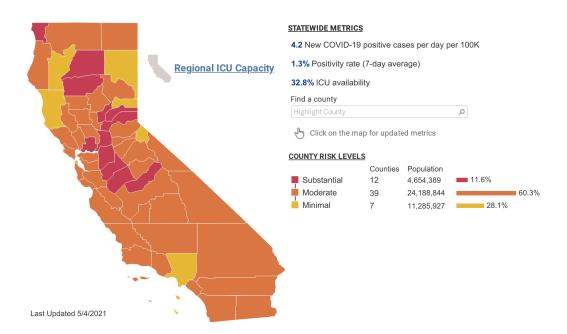
Generally

While the state is reopening fully, it is not without its limits. There will still be state requirements for employers and local orders to comply with.

Currently, reopening is still being conducted in tiers. Most of the State is in the Moderate (Orange) Tier, a few have moved to the Minimal (Yellow) Tier, and some are behind in the Substantial (Red) Tier. Fortunately, we are completely clear of the Severe (Purple) Tier.



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On June 15th, the state will move past this tiered system and reopen fully. Reopening the economy fully does not mean that COVID-19 is behind us. Although the CDC is advising that masks are not necessary for people who are fully vaccinated, not everyone is so there will likely still be restrictions for masks, social distancing, and some businesses and industries will be required to verify COVID-19 tests or proof of vaccination to operate fully.

Additionally, workplaces will still need to promote policies that reduce the risk. Specifically, all businesses and industries listed in the current tier chart in the <u>Blueprint for a Safer Economy</u> will be able to resume regular operations provided that they still comply with <u>ETS/ Cal OSHA</u> (which applies to employers) and other agency guidelines. These include employers of fitness centers, gyms, limited-service providers (such as janitorial staff, laundromats and landscaping), general office workers, and construction companies.

The current ETS / Cal OSHA emergency standards expire October 2, 2021. However, the agency has released reports that it is currently reviewing the standards to incorporate guidelines for fully vaccinated individuals to be released in June 2021 when the state opens up.

This is important for community associations, even those without employees, because the community association managers and other service provider employers must ensure that their employees are protected when they are working in and for community associations.



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Even in light of all of the regulatory changes, remember that it is a board decision to reopen. Reopening is NOT required and would be difficult, if not impossible, for some associations to accomplish. The board should base the decision on whether to reopen or not on the association's specific community needs, situation, and resources. Just because the government permits reopening, it does not require an association to do it. If an association cannot meet or comply with the reopening requirements, the association should not reopen. The association's CC&Rs sets outs the board's powers to control the use of the common area, and the board has a fiduciary duty to do what is in the best interests of the association and the residents; even if to do so assures, with certainty, that the board will not be winning a popularity contest.

Opening Pools & Other Amenities

When deciding whether to reopen the pool or other amenities, the association must consider its ability to enforce masking and social distancing restrictions. Some reopening options associations are considering are verifying vaccinations for users, requiring liability waivers, keeping bathrooms and showers closed (note: other state law may prohibit some associations from closing bathrooms), removing shared furniture, and not allowing outside guests. This is not a check list for everyone, it is a guideline as you check county, city and state requirements and options and what works best for each of your associations.

Just because your jurisdiction allows an amenity to open, it does not mean your community must or should open it. There is also a difference that must be considered with the type of amenity; for example, a sauna is vastly different from a golf course. Each amenity should be evaluated and reopened when the association is capable of complying with all governmental requirements for reopening, and the community is otherwise ready to reopen. The state has provided different operational checklists for these different types of amenities.

When the association decides, depending on the authority in your county and city, that it will reopen an amenity, the board must focus on what is required and recommended by the regulations to reopen. While the state may be fully opening, there may still be county orders to comply with. Rules regarding the use of the amenities must be adopted to enforce resident compliance.

NOTE: The association is not required to enforce the CDC guidelines and other governmental orders when it has not adopted these as its own association rules. However, when it adopts rules, including the government orders, it is responsible for enforcement. And, opening may



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require enforcing some of these rules, such as masking and social distancing requirements, through the use of facility monitors; all at an additional expense to the Association.

Regulation Compliance & Finances

Associations have several options to consider when providing the enhanced services required to open amenities at this time, including reallocating funds from the operating budget (not an assessment increase), emergency assessments, borrowing from reserves pursuant to Civil Code requirements, forming volunteer committees to complete some of the tasks, or remaining closed. In 2020, most smaller associations opted to keep their amenities closed as they had no practical way to monitor the use as required. With vaccine rates increasing, associations are reconsidering the risks and costs associated with opening.

Emergency Rules

Rules regarding reopening under government orders can be adopted under the emergency rule statutes and will not require the 28-day membership comment period. Emergency rules are valid for 120 days, after which they will require board approval and a 28-day membership comment period to continue past the 120th day as regular, non-emergency rules. So, if your association adopted emergency rules in 2020 and has not formally adopted nonemergency COVID-19 related rules, do so now.

What should community association emergency amenity rules include?

- Social distancing requirements
- Reservation policies
- Guest policies
- Furniture use policies
- Mask requirements for use when out of the pool
- Conditions of use
- Enforcement rules, including denying access for breaking rules
- Waivers of liability from use
- Disclaimers of liability
- Announcement of what is open and what is closed for use



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Enforcement

It will be each association's responsibility to enforce its rules and deal with violators when it is made aware of a violation. Failure to enforce these rules will leave the association open to liability and will leave residents with no reason to comply with the rules. Since the association is responsible for complying with the government's orders, including social distancing, cleaning, etc., there should be someone dedicated to monitoring the amenities for enforcement. The cost of hiring a monitor could preclude associations with limited budgets from reopening, unless the board or a committee of volunteers is responsible for enforcement. Make sure that you create a committee, with a definition of its responsibility, under which these volunteers will operate so that they will be protected from claims, as necessary, under the Association's Directors and Officers (D&O) policy.

Many issues can arise from trying to enforce these rules, such as knowing who is in a household, how to show proof of residency, how to effectively prohibit access when someone is breaking the rules, whether or not to ask for proof of vaccination, etc.

Further, the board should inform residents of the safety precautions they are taking when reopening community areas and notify owners of their assumption of the risk when using the amenities.

As a final thought on opening, if many residents are not complying with the rules, there is always the option to close the amenities again.

Board Meetings

Current state orders have attendance limits based on the tier the county is in where the association is located and require verification of attendee testing results or proof of vaccination to hold indoor meetings. This brings up interesting issues in community association law, such as privacy rights, conflicts with the Open Meeting Act, and the fact that there is still no legal authority that allows community associations to exclusively hold virtual meetings. Current law requires that a physical location be provided for members to attend and hear teleconference meetings; and requires at least one board director or person designated by the board to be physically present at the location. In response to COVID-19, there is a bill pending, SB 391, that would allow for virtual meetings in emergencies without such a requirement. SwedelsonGottlieb encourages you to reach out to your legislators and support this bill.



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When the state fully opens, gathering restrictions will be lifted. And, if there is no government order to the contrary (such as a county or city order), associations have to seriously consider the weight of the pandemic and its impact on the Open Meeting Act. Under the strict meaning of the Open Meeting Act, without a governmental restriction on gathering, in-person meetings are required. However, the pandemic is still our reality. Whether in-person meetings are appropriate for your association may be a business decision your board has to make. Just because certain activities are allowed or protocols are revised, does not mean that those activities are safe and without risk. Boards must consider if the association has the means and space to still social distance, clean the meeting room after each use, provide plexiglass dividers and sanitizing stations, etc.

Keeping safe may mean holding only virtual meetings or hybrid meetings, where people can attend in person and attend virtually.

Guidelines from the California Department of Public Health (CDPH) for in-person meetings that will be attended by people who are unvaccinated or their vaccination status is unknown include:

- Continue social distancing
- Masks are required indoors
- Provide hand sanitizing stations
- Do not hold in a resident's home
- Do not hold meetings longer than two (2) hours
- Sanitize everything anyone touches

Further, when board meetings include the attendance by the community association manager or other service providers, the employers of these workers must be able to confirm that ETS / Cal OSHA standards are followed. If these workers attend in person, they should be able to utilize a "safety stop," meaning that they can end the visit if they feel there are unsafe working conditions onsite related to COVID-19. Also, when the EST/Cal OSHA standards cannot be confirmed, the manager should attend virtually.

Annual Meetings

As of May 3, 2021, the CDPH released new guidelines stating that fully vaccinated individuals no longer need to quarantine if they are asymptomatic upon coming into contact with someone with COVID-19 and no longer need to wear masks outdoors, except when attending crowded events, such as concerts and parades. Pursuant to CDPH, masks are still required indoors



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outside of one's own home, regardless of vaccination status. This is more restrictive than the CDC guidelines for vaccinated individuals.

Bottom line, depending on the size of your community association, when the economy fully reopens, it may be necessary to offer hybrid or outdoor meetings.

We anticipate a need for hybrid annual meetings will continue until all restrictions are lifted.

Reasonable Accommodations

An association should continue to be prepared to reasonably accommodate an owner with a compromised immune system or within the high-risk group. What we would not have considered reasonable in the past may be reasonable today. Such as providing a virtual means for members to attend in-person meetings.

Employees and the Coronavirus

Community associations that have employees do have duties as an employer. The U.S. Equal Employment Opportunity Commission (EEOC) and Cal OSHA have established guidelines for employers to help address concerns arising from COVID-19. An employer playbook is available from OSHA.

Boards and management should continue to have detailed policies in place for employees, recreation, and janitorial staff and should closely monitor their employees and staff to ensure that they are following through with proper protocols and enforcing policies adopted regarding opened amenities. These policies should include information on training, policies, protocol if employees are exposed to COVID-19. The state provides a <u>template</u> for your use.

Communication

Continued communication with members and residents will keep them updated about why and how these decisions are being made, including support from the governing documents. Reinforce the concept that the board is not acting on its own. Identify experts that have been consulted, guidelines reviewed, and orders that the community association is complying with.



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In addition, there are signage requirements that have to be followed for reopening amenities. In addition to the required language on these signs, community associations should also include disclaimers that the association cannot ensure that there isn't COVID-19 on the common area surfaces.

Due to the ever-evolving situation, the best practice is to include the date and time on bulletins and updates provided to the residents.

In addition, at this time, SwedelsonGottlieb recommends communicating with all owners and residents, including direct notices to tenants. Reminding residents that adherence to established rules for opening amenities is required for them to remain open and reminding them to do their part during this transition stage in response to COVID-19.

Dealing with Sick Residents or Guests

As a reminder, to protect a resident's right to privacy, associations that are provided information about someone being diagnosed with COVID-19 must keep that person's information confidential, limiting the dissemination of that information on a need-to-know basis.

If the person has visited open amenities, ensure that they are closed for deep cleaning and if you have a contact list for who used the amenities provide notice to the attendees that they were or may have been exposed to someone with COVID-19.

Association Liability

When considering reopening, associations still need to be mindful of potential liability issues and claims from the spread of the virus in the common areas where the orders place responsibility on the association for cleaning and disinfecting and ensuring that masks are worn (as applicable), and residents socially distance from one another. Furthermore, associations may want to follow governmental recommendations in addition to any requirements because such recommendations may create a higher standard level of care which is relevant to any negligence lawsuit brought against the association and its board of directors.

When reviewing federal, state, and local guidelines, SwedelsonGottlieb advises its clients to follow the more restrictive guidelines when there are inconsistencies between them.



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For assistance with state-level guidelines, the state has an <u>employer portal</u> to help you through the requirements. For the most up-to-date county information, please see our resources page that follows for a list of websites to follow.

Insurance Coverage

As we all know by now, there may be no insurance coverage. There are two policies that community associations would typically rely on, a general liability policy for injuries and the D&O policy for breach of duty claims. Most of these policies have exclusions for viruses. Community associations should have their policies reviewed by their insurance broker/agent or legal counsel. The lack of insurance coverage is a big reason why associations should do all they can to comply with the governmental orders and requirements or not open amenities if they cannot monitor compliance with the orders.

That said, if someone sued the association for failure to open or not open an amenity, this is not necessarily a "virus" issue but likely an enforcement or breach of fiduciary duty action, and therefore leaves more room for the available coverage for that defense.

A Message from SwedelsonGottlieb

We care about you and your health. We must care for ourselves as we care for others. This includes taking the time for physical activity like taking a walk, and doing things like watching the sunset with family, talking on the phone with a friend, or whatever your preferred self-care go-to is. Make sure that you are taking care of your physical, mental, and social wellness as when you do, you are more available for others.

For us personally, getting vaccinated was an important step to make ourselves feel more comfortable and safer in our community for our staff, families, clients, friends, and neighbors. For now, we are still primarily working remotely. It is our small contribution to enable us to help all of us move past the pandemic. We look forward to the day that we can meet with you again in person.

Take care, and please let us know how we may be of further assistance to your community associations.

For advice on California community association legal issues, please contact the Community Association Attorneys at SwedelsonGottlieb at 800-327-2207 or info@sghoalaw.com.



Resources



On the following pages, you will find informational print materials from the CDC. In addition, here are links to CDC, State and some of the larger California counties:

https://www.sandiegocounty.gov/content/sdc/hhsa/programs/phs/community_epidemiology/dc/2019-nCoV.html#COVID-19SD

Center for Disease Control https://www.cdc.gov/coronavirus/2019-ncov/index.html

California Department of Public Health https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Immunization/ncov2019.aspx

Contra Costa County Public Health http://www.contracostahealth.org

Los Angeles Public Health
http://publichealth.lacounty.gov/media/Coronavirus/

Orange County Public Health http://www.ochealthinfo.com/phs/about/epidasmt/epi/dip/prevention/novel_coronavirus

Riverside Public Health https://www.rivcoph.org

San Diego Publc Health

Sacramento County Public Health https://www.saccounty.net/COVID-19/Pages/default.aspx

San Bernadino Public Health http://wp.sbcounty.gov/dph/coronavirus/

nttp://wp.sbcounty.gov/apn/coronavirus/

San Francisco Public Health
https://www.sfdph.org/dph/alerts/coronavirus.asp

Santa Barbara Public Health https://publichealthsbc.org

Santa Clara Public Health https://www.sccgov.org/sites/phd/DiseaseInformation/novel-coronavirus/Pages/home.aspx

Ventura County https://www.ventura.org/covid19/



Cal/OSHA COVID-19 Emergency Temporary Standards – What Employers Need to Know

December 18, 2020

California approved emergency temporary Cal/OSHA standards on COVID-19 infection prevention on November 30, 2020. These new **temporary standards** apply to most workers in California not covered by Cal/OSHA's Aerosol Transmissible Diseases **standard**.

Requirements for employers covered by the COVID-19 Prevention standard

- Establish, implement, and maintain an effective written COVID-19 Prevention Program that includes:
 - Identifying and evaluating employee exposures to COVID-19 health hazards.
 - o Implementing effective policies and procedures to correct unsafe and unhealthy conditions (such as safe physical distancing, modifying the workplace and staggering work schedules).
 - o Providing and ensuring workers wear face coverings to prevent exposure in the workplace.
- Provide effective training and instruction to employees on how COVID-19 is spread, infection
 prevention techniques, and information regarding COVID-19-related benefits that affected employees
 may be entitled to under applicable federal, state, or local laws.

Cal/OSHA has developed a <u>COVID-19 Model Prevention Program</u> to assist employers with developing their own written program

When there are multiple COVID-19 infections and COVID-19 outbreaks

Employers must follow the requirements for testing and notifying public health departments of workplace outbreaks (three or more cases in a workplace in a 14-day period) and major outbreaks (20 or more cases within a 30-day period).

COVID-19 testing for employees who might have been exposed

Requires employers to offer COVID-19 testing at no cost to their employees during their working hours who had potential COVID-19 exposure in the workplace and provide them with the information on benefits.

Notification requirements to the local health department

A new requirement that obligates employers to contact the local health department immediately but no longer than 48 hours after learning of three or more COVID-19 cases to obtain guidance on preventing the further spread of COVID-19 within their workplace.

Recordkeeping and reporting COVID-19 cases

Employers must maintain a record of and track all COVID-19 cases, while ensuring medical information remains confidential. These records must be made available to employees, authorized employee representatives, or as otherwise required by law, with personal identifying information removed. When a COVID-19-related serious illness (e.g., COVID-19 illness requiring inpatient hospitalization) or death occurs, the employer must **report** this immediately to the nearest Cal/OSHA enforcement district office.

This guidance document is an overview. For the full requirements, see title 8 sections 3205, 3205.1, 3205.2, 3205.3, 3205.4

Physical Distancing

Physical distancing means maintaining a distance of at least six feet from other people.



- ✓ Follow work practices to maintain safe physical distancing while working.
 - Stay behind Plexiglas or other impermeable barriers where physical distancing is not possible.
 - Stagger break and lunch times.
 - Spread out breakroom chairs or create outdoor break areas with shade structures and physically distanced seating.
- ✓ Avoid large gatherings. Practice physical distancing during non-work hours.



Cal/OSHA investigates
workplace accidents and
complaints of unsafe or unhealthy working
conditions.

Contact Cal/OSHA if you have complaints:

Find your local Cal/OSHA Enforcement District Office:

www.dir.ca.gov/dosh/Complaint.htm



www.dir.ca.gov/dosh/coronavirus/ Guidance-by-Industry.html

Please visit Cal/OSHA's website: www.dir.ca.gov/dosh



March 2021

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Best Practices for COVID-19 Infection Prevention in General Industry

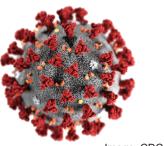


Image: CDC

Cal/OSHA's regulations, title 8 section 3205 and others, require employers to protect workers exposed to COVID-19. This brochure explains the best practices for workers on preventing the spread of COVID-19 in the workplace.

NOTE: Certain employers, such as health care, homeless shelters, and correctional facilities, are required to comply with the Aerosol Transmissible Diseases standard, title 8 section **5199**, which has different requirements.



Written Program

Your employer is required to establish a written workplace-specific COVID-19 prevention

program at each facility. These are some of the procedures that must be included:

- ✓ Use of face coverings.
- ✓ Training and communication with you about the plan.
- ✓ Investigation and response to COVID-19 illnesses among workers, including isolating workers and their close contacts.
- ✓ Informing you if you may have been exposed to COVID-19 at work.



WARNING: Use respirators and other personal protective equipment (PPE), not other face



coverings, when needed to protect against exposures to other harmful substances or agents.



Training

Your employer must train you on the following:

- ✓ COVID-19 symptoms and how the disease spreads.
- Infected people may spread the disease even when not sick.
- ✓ Do not come to work if you feel sick.



- ✓ Proper use of hand sanitizer and required alcohol content.
- ✓ Cough and sneeze into your elbow or a tissue.
- ✓ Safe use of cleaners and disinfectants.
- ✓ Physical distancing.
- ✓ Employer- or government-sponsored leave benefits, such as workers' compensation.

Control Measures and Screening

Your employer must implement the following measures at the workplace:

✓ Provide temperature and symptom screenings at work or instruct you on how to self-screen at home.



- Provide appropriate protective equipment.
- ✓ If serving the public, refuse entry to those who refuse to wear face coverings, unless exempt.



Cleaning and Disinfection

Take the following measures:

- ✓ Frequently wash your hands.
- ✓ Perform thorough cleaning in high-traffic areas.
- Clean touchable surfaces between shifts or between
 - users, whichever is more frequent.
- ✓ Frequently clean and disinfect commonly touched surfaces
- touched surfaces.Clean delivery vehicles and equipment before and after delivery routes.
- ✓ Use products that are approved by the Environmental Protection Agency (EPA) for use against COVID-19, found on List N.











COVID-19 General Checklist

for Construction Employers

July 2, 2020

This checklist is intended to help construction employers implement their plan to prevent the spread of COVID-19 in the workplace and is supplemental to the <u>Guidance for Construction Employers</u>. This checklist is a summary and contains shorthand for some parts of the guidance; familiarize yourself with the guidance before using this checklist.



Contents of Written Workplace Specific Plan

- A risk assessment and the measures that will be taken to prevent spread of the virus.
- Use of face coverings, in accordance with the <u>CDPH guidance</u>.

☐ The person(s) responsible for implementing the plan.

- Training and communication with workers and worker representatives on the plan.
- □ A process to check for compliance and to document and correct deficiencies.
- A process to investigate COVID-cases, alert the local health department, and identify and isolate close workplace contacts and infected workers.
- Protocols for when the workplace has an outbreak, in accordance with <u>CDPH</u> <u>guidance</u>.



Update the plan as necessary to prevent further cases.

Topics for Employee Training

- □ Information on <u>COVID-19</u>, preventing spread, and who is especially vulnerable.
- Self-screening at home, including temperature and/or symptom checks using <u>CDC guidelines</u>.
- The importance of not coming to work if workers have a cough, fever, difficulty breathing, chills, muscle pain, headache, sore throat, recent loss of taste or smell, congestion or runny nose, nausea or vomiting, or diarrhea, or if they or someone they had contact with has been diagnosed with COVID-19.
- □ To return to work after a COVID-19 diagnosis only after 10 days since symptom onset and 72 hours of no fever.
- ☐ When to seek medical attention.
- ☐ The importance of hand washing.
- The importance of physical distancing, both at work and off work time.

		Proper use of cloth face covers, including information in the CDPH guidance.
		Information on leave benefits, including the <u>Families First Coronavirus Response</u> <u>Act</u> and the Governor's <u>Executive Order N-51-20</u> , and workers' compensation benefits under the Governor's <u>Executive Order N-62-20</u> while that Order is in effect.
		Train any independent contractors, temporary, or contract workers in these policies and ensure they have necessary PPE.
	In	dividual Control Measures & Screening
		Symptom screenings and/or temperature checks.
		Encourage workers who are sick or exhibiting symptoms of COVID-19 to stay home.
		Encourage frequent handwashing and use of hand sanitizer.
		Provide and ensure workers use PPE, such as eye protection and gloves.
		Provide disposable gloves to workers as a supplement to frequent hand washing for tasks such as handling commonly touched items or conducting symptom screening.
+		Restrict non-employee personnel on the job site and conduct screening.
Sully .	C	leaning and Disinfecting Protocols
		Perform thorough cleaning in high traffic areas.
		Frequently disinfect commonly used surfaces.
		Clean and sanitize shared equipment between each use.
		Clean touchable surfaces between shifts or between users, whichever is more frequent.
		Require workers to wash hands or use sanitizer after using shared equipment.
		Sanitize PPE at the end of the shift.
		Avoid sharing phones, work tools, etc., wherever possible.
		Provide adequate time for workers to clean during their shift.
		Keep sanitary facilities operational and stocked at all times.
		Provide additional toilets and hand washing stations if needed for physical distancing during breaks.
		Ensure all water systems and features are safe to use after a prolonged facility shutdown.
		Use products approved for use against COVID-19 on the <u>Environmental Protection Agency (EPA)-approved</u> list and train workers on chemical hazards, product instructions, ventilation requirements, and Cal/OSHA requirements. Follow CDPH <u>asthma-safer cleaning methods</u> .
		Install hands-free devices if possible, including motion sensor sinks, soap dispensers, sanitizer dispensers, and paper towel dispensers.
		Consider upgrades to improve air filtration and ventilation.



Physical Distancing Guidelines

Implement measures to ensure workers stay at least six feet apart.
 Adjust on-site meetings to ensure physical distancing.
 Limit the number of workers on the jobsite at one time if necessary.
 Stagger worker breaks, if needed, to maintain physical distancing protocols.
 Reconfigure break areas for physical distance.
 Avoid congested areas at lunch.
 Use the following hierarchy to prevent transmission of COVID-19 in production and other work areas: engineering controls, administrative controls, and PPE.











Cal/OSHA COVID-19 General Checklist for Limited Services

October 20, 2020

This checklist is intended to help limited services providers that do not generally require close customer contact to implement their plan to prevent the spread of COVID-19 in the workplace and is supplemental to the <u>Guidance for Limited Services</u>. This checklist is a summary and contains shorthand for some parts of the guidance; familiarize yourself with the guidance before using this checklist.



Contents of Written Worksite Specific Plan

- A risk assessment and the measures that will be taken to prevent spread of the virus.
- □ Use of face coverings, in accordance with the CDPH guidance.

☐ The person(s) responsible for implementing the plan.

- ☐ Training and communication with workers and worker representatives on the plan.
- □ A process to check for compliance and to document and correct deficiencies.
- A process to investigate COVID-cases, alert the local health department, and identify and isolate close workplace contacts of infected workers.



- □ Protocols for when the workplace has an outbreak, in accordance with <u>CDPH</u> guidance and recommendations and orders from the local health department.
- □ A process to notify in writing all employees and employers of subcontracted employees present when there is an outbreak, and report outbreaks to the local health department, as required under <u>AB 685</u>.

Topics for Worker Training

- ☐ Information on COVID-19, preventing spread, and who is <u>especially vulnerable</u>.
- Self-screening at home, including temperature and/or symptom checks using <u>CDC quidelines</u>.
- ☐ The importance of not coming to work if workers have a cough, fever, difficulty breathing, chills, muscle pain, headache, sore throat, recent loss of taste or smell, congestion or runny nose, nausea or vomiting, or diarrhea, or if they or someone they live with have been diagnosed with COVID-19.
- ☐ To return to work after a COVID-19 diagnosis only after meeting <u>CDPH Guidance</u> on Returning to Work or School Following COVID-19 Diagnosis.
- ☐ When to seek medical attention.

	The importance of hand washing and types of hand sanitizer to use.
	The importance of physical distancing, both at work and off work time.
	Proper use of face coverings, including information in the <u>CDPH guidance</u> .
	Information on paid leave benefits, including the <u>Families First Coronavirus</u> <u>Response Act</u> and other <u>government programs supporting sick leave and workers' compensation for COVID-19</u> .
	Train any independent contractors, temporary, or contract workers in these policies and ensure they have necessary PPE.
	Mechanical tradespeople who work near plumbing vents, HVAC exhaust, or other exhaust fans: Exhaust air could contain the virus that causes COVID-19 if infected persons are in the building.
	Mechanical tradespeople who work on sewage, plumbing, and custodial or janitorial services: The virus that causes COVID-19 has been found in the feces of some persons with COVID-19.
lı	ndividual Control Measures & Screening
	Symptom screenings and/or temperature checks.
	Encourage workers who are sick or exhibiting symptoms of COVID-19 to stay home.
	Provide and ensure workers use all necessary PPE.
	Consider providing gloves as a supplement to frequent hand washing for tasks such as handling commonly touched items or conducting symptom screening.
	Provide secondary barriers (e.g., face shield, safety goggles) to workers who must consistently be within six feet of guests or co-workers (e.g., fitting and securing guests with safety equipment) and ensure they use them in addition to face coverings.
	For mechanical tradespeople working near plumbing vents and rooftop HVAC exhaust or other types of exhaust fans: Provide a face shield and a NIOSH-approved particulate respirator. If respirators are not available, provide an ASTM-rated surgical mask.
	For mechanical tradespeople working on sewage plumbing: Provide and use a face shield and an impermeable face cover. If the work may disperse sewage droplets into the air (such as sewer drain snaking), provide a NIOSH-approved particulate respirator, if available.
	Post signage and send reservation confirmations to remind the public to wear face coverings, practice physical distancing, not to touch their face, frequently wash their hands with soap and water, and use hand sanitizer.
V	entilation, Cleaning, and Disinfecting Protocols
	Where possible, install upgrades to improve air filtration and ventilation.
	Check the <u>CDPH website</u> periodically for updates on indoor airquality and ventilation guidance for airborne diseases in indoor settings.
	Perform thorough cleaning in high traffic areas.
	Frequently disinfect commonly used surfaces.

	Regularly clean and sanitize shared equipment and any other equipment when transferred to a new customer or worker.
	Avoid sharing phones, tablets, laptops, desks, pens, other work supplies, wherever possible. Never share PPE.
	Place dirty linens in closed, non-porous containers and wash at a high temperature, then store in a closed cabinet or covered shelving. Provide proper PPE for workers performing this function.
	Provide time for workers to implement cleaning practices during shifts.
	Ensure that sanitary facilities stay operational and stocked at all times.
	Ensure all water systems are safe to use to minimize risk of Legionnaires' disease.
	Post signs in workplace and common areas emphasizing basic infection prevention measures, including posting hand-washing signs in restrooms.
	Use products approved for use against COVID-19 on the Environmental Protection Agency (EPA)-approved list and train workers on chemical hazards, product instructions, ventilation requirements, and Cal/OSHA requirements. Follow CDPH asthma-safer cleaning methods.
	Clean floors using a vacuum with HEPA filter or other methods that do not disperse pathogens into the air.
Pł	nysical Distancing Guidelines
	Implement measures to ensure physical distancing by at least six feet between and among workers and customers, using measures such as physical partitions or visual cues (e.g., floor markings, colored tape, or signs to indicate to where workers should stand).
	Use Plexiglas or other barriers where physical distancing cannot be maintained.
	offer workers who request modified duties options that minimize their contact with customers and other workers.
	Use an appointment system, stagger appointments, and reduce walk-ins.
	Clearly mark areas where customers or employees queue to maintain physical distancing, or use alternative entry requirements.
	Implement strategies to have customers wait outside where possible, such as "no-contact" pick-up or delivery or curbside payment.
	Designate drop-off and pick-up locations away from high traffic areas.
	Clearly designate entrances and separate exits if possible.
	Prop doors open if they do not open and close automatically.
	Stagger shifts, split or rotate work schedules, and stagger worker breaks, in compliance with wage and hour regulations, to minimize worker overlap and maintain physical distancing protocols.
	Reconfigure reception and waiting areas, lobbies, workstations, and worker breakrooms, if possible, to allow for at least six feet of distance between

 $\hfill \square$ Do not allow people to congregate in high-traffic areas.

	Establish directional hallways and passageways for foot traffic, if possible, to eliminate customers and workers from passing by one another.
	Avoid handshakes and similar greetings or other behaviors that break physical distance.
	Adjust any staff meetings to ensure physical distancing and use phone or webinars if possible.
	Limit the number of workers in enclosed areas.
	In break rooms, use barriers or increase distance between tables/chairs. Provide outdoor break areas with shade and seating arrangements that ensure physical distancing.



Additional Considerations for Services that Require Entry to Residential, Commercial, or Public Buildings

commercial or public buildings.
Contact customers in advance to confirm the appointment and ask if any member of the household or personnel on-site has any symptoms, has been sick, or been exposed to someone who has been sick. Reschedule to at least 10 to 14 days in the future if the answer is yes.
During the advance call, request customers use face coverings during the appointment and emphasize the importance of physical distancing from the worker.
Use talking points for workers to use upon arrival on-site to determine if it is safe to enter the building.
Allow workers to call a "safety stop" when they are reluctant to enter a residence or building due to unsafe or unhealthy work conditions related to COVID-19 hazards.
Provide virtual customer service support where possible.
Instruct workers that when working in a private residence, they should minimize contact with customers' personal belongings. In commercial or public buildings, workers should limit their interaction in the facility and avoid touching surfaces where possible. Instruct the worker that where possible, they should make sure the appliances or other items the worker must touch is cleaned with disinfecting wipes prior to and after the service is performed.
Conduct virtual safety briefings weekly or as needed.
After completion of work at a residence or building, workers must remove all PPE and face coverings and wash their hands and face. Face coverings must be washed before being reused.



Considerations for Homeowners and Building Residents

Homeowners and residents must postpone all non-emergency, in-home services if there are any COVID-19 positive persons, persons with COVID-19 symptoms, or persons under quarantine in the residence.
For emergency service repairs, inform workers if any COVID-19 positive persons, persons with COVID-19 symptoms, or persons under quarantine in the residence are in the home before the emergency in-home services and take measures to minimize exposure risks to any person entering the home.
These measures include:
☐ Air out the home if weather permits.
 Clean and disinfect surfaces in areas where the service person may work or need to access.
Maintain physical distancing of at least six feet when letting the service person into the home.
 Wear face coverings at all times during the visit, unless unable to per the exemption criteria in the CDPH face coverings guidelines.
☐ Stay out of the area where the repair person will be working.



Additional Considerations for Those Limited Services That Operate Out of Vehicles

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Make hand sanitizer available on all work trucks and vehicles and all workers should sanitize their hands when arriving on-site.
Provide workers with an adequate supply of materials required to clean and disinfect frequently touched surfaces of the delivery vehicle. Provide lined trash receptacles to be placed in delivery vehicles.
Clean and disinfect the cabs of work trucks and vehicles.
Where physical contact with delivery-related items cannot be avoided, wipe down and disinfect equipment shared with customers after each use.
Workers should limit contact with frequently touched surfaces during deliveries.
Inform workers where they can access hand-washing materials and provide hand sanitizers.
Provide alternative restroom locations in case the normally accessible ones on the route are closed, and allow time for use.



Additional Considerations for Auto Repair Shops

Minimize or eliminate use of shared equipment and tools. If tools are shared, sanitize between each use.
Allow for customers to drop off and pick up vehicles after hours using a "night drop" box or slot to limit personal contact, and consider allowing use of a drop box style system during working hours.
Request customers to wear face coverings when dropping off the vehicle and interacting with workers. Request that customers remove personal items from the vehicle. Ask customers not to bring others with them.
Discontinue any customer pick-up or drop-off services and ensure customers know that they are responsible for their own travel to and from the repair shop.
Clean touchable surfaces regularly, including tools, handles and latches, and controls on stationary and mobile equipment.
Thoroughly clean the surfaces in the cab of any shared vehicle whenever a new driver uses it.
Sanitize keys, key fobs, and the vehicle before and after servicing a customer's vehicle. Wipe down all surfaces and controls touched by the driver or technician
Communicate with customers via text, email, or phone to provide estimates and get repair authorizations. Implement digital vehicle inspections, where possible, to identify service needs and provide estimates.
Close waiting rooms if possible, or reconfigure the space to maintain physical distancing.



Additional Considerations for Car Washing Operations

 Consider requiring customers to make reservations for in-person services that not automated, e.g. detailing. Request customers to bring and use face coverings during the appointment ask that customers remove personal items from the vehicle. Ask customers remove 	eas like
,	it are
bring others with them.	
Ventilate vehicles with a blower and recirculate air through the vehicle bef workers clean them.	ore
□ Limit interior vehicle cleaning to one worker at a time.	
□ Clean vacuum nozzles after every use.	
 Customers should line up in their cars at facilities with automated car washing and not exit the vehicle. 	ng
For self-serve car wash operations, remove dirty towels or cloth wipes after e customer interaction. Place them in a closed container where they cannot used again until properly laundered.	
For self-service car washes, provide disposable gloves for customers to use vehandling hoses, wands, vacuum hoses and other cleaning devices. Frequenclean and disinfect these surfaces.	
 Close waiting rooms if possible, or reconfigure them so that physical distance can be maintained. 	



Additional Considerations for Cleaning and Janitorial Services

Minimize or eliminate use of shared equipment and tools. If tools are shared, sanitize between each use.
Tell janitorial or custodial workers if they are going to be working in a location where an infected person has been so they can take the necessary precautions to protect themselves and can provide needed cleaning and disinfecting services.
Ventilate any area where an infected person has been, according to Table 1 in the <u>Guidelines for Preventing the Transmission of Mycobacterium Tuberculosis</u> at 99.9% removal efficiency before workers can enter.
Provide proper PPE and hazard training before janitorial or custodial workers are asked to disinfect an area with known COVID-19 confirmed cases.
Train all workers to use and provide an adequate supply of all-purpose cleaners and disinfectants when needed.
Follow Cal/OSHA requirements and manufacturer instructions for safe use and required personal protective equipment for cleaning products.
Provide enough ventilation (air flow) in areas when disinfecting.
Provide bandages or other items to cover any cuts, scratches, or open wounds.
Remind customers to maintain six-feet distance from workers.



Additional Considerations for Pet Grooming and Dog Walking

Evaluate existing cleaning and sanitation protocols to determine what additional measures are needed.
Thoroughly clean and disinfect all items and equipment, including tables, baths, and grooming tools, between each pet appointment.
Require customers to make reservations and stagger appointments.
Use a contactless process to have customers drop off pets.
Use slip leads to transfer pets to and from grooming services, and do not handle anything belonging to pets.
Place tape on the grooming room floors and other areas to indicate where customers should stand and where groomers can walk. Maintain six feet of distance between people, including fellow groomers.
Limit the number of groomers in the facility.
Dog walking services should establish protocols to ensure customers cancel their dog walking service if any person in the household has been diagnosed with COVID-19 or is sick or exhibiting any symptoms.
Dog walking services should maintain regular contact with customers to ask about any such issues if not told by the customer in advance. If the dog walker or pet owner has any COVID-19 symptoms, has been sick, or has been exposed to someone who has, cancel dog walking services.
Limit interactions with pet owners for dog walking. Discuss important pet care details virtually or use six-foot physical distancing for any in-person interaction.
Use contactless hand-offs of pets.
If a lead hand-off is necessary, keep the interaction quick and wash hands after or use proper hand sanitizer.
When the pet owner is not home, they should make sure the pet is easily accessible and should gate the pet near the entry area whenever possible.
If the pet owner is dropping the dog off at the dog walker's residence, the dog walker should ensure the drop-off occurs at the home's door or, in a multi-family building, an established common area, preferably outdoors.
When possible, the dog walker should bring and use their own lead and disposable waste bags. Clean and sanitize all materials, including leads, food containers, water, and food bowls before and after a walk.



Additional Considerations for Landscaping and Yard Maintenance Services

Yard Maintenance Services		
	Minimize or eliminate use of shared equipment and tools. If tools are shared, sanitize between each use.	
	Avoid contact with touch points at the jobsite.	
	Whenever possible, workers should drive separately to job sites unless a vehicle is large enough to maintain social distancing.	
	If workers meet at a central location and travel to job site in company-owned vehicles, assign one truck to one crew and do not rotate the vehicle. Clean the vehicle cab and all touch points at the end of each work day.	
	Eliminate customer contact whenever possible. When customers are present, maintain six-foot social distance at all times. Announce yourself by phone instead of ringing the doorbell. Take payment over the phone or online, if possible.	



Additional Considerations for Laundromats, Dry Cleaning, and Other Laundry Services

Ask customers to bring garments in a sealed bag. Leave it sealed for at least 24 hours and handle as little as possible.
 Avoid shaking the garments once they are removed from the bag. Workers should wear disposable gloves and wash hands before wearing and after removing them.
 Disinfect counters, pay terminals, and other commonly touched items between each customer visit.
 Limit the total number of customers in laundromats to ensure physical distancing can be maintained.
 If linens are to be transported on routes, properly clean and disinfect any containers used to transport clean linens, if previously used for soiled linens. Label containers appropriately.











COVID-19 General Checklist for Office Workspaces

July 2, 2020

This checklist is intended to help employers operating in office workspaces implement their plan to prevent the spread of COVID-19 in the workplace and is supplemental to the <u>Guidance for Office Workspaces</u>. This checklist is a summary and contains shorthand for some parts of the guidance; familiarize yourself with the guidance before using this checklist.



Contents of Written Workplace Specific Plan

- A risk assessment and the measures that will be taken to prevent spread of the virus.
- Use of face coverings, in accordance with the <u>CDPH guidance</u>.

☐ The person(s) responsible for implementing the plan.

- Training and communication with workers and worker representatives on the plan.
- A process to check for compliance and to document and correct deficiencies.
- A process to investigate COVID-cases, alert the local health department, and identify and isolate close workplace contacts and infected workers.
- Protocols for when the workplace has an outbreak, in accordance with <u>CDPH</u> <u>guidance</u>.



Topics for Worker Training

- ☐ Information on <u>COVID-19</u>, preventing spread, and who is especially vulnerable.
- Self-screening at home, including temperature and/or symptom checks using <u>CDC guidelines</u>.
- The importance of not coming to work if workers have a cough, fever, difficulty breathing, chills, muscle pain, headache, sore throat, recent loss of taste or smell, congestion or runny nose, nausea or vomiting, or diarrhea, or if they or someone they had contact with has been diagnosed with COVID-19.
- □ To return to work after a COVID-19 diagnosis only after 10 days since symptom onset and 72 hours of no fever.
- □ When to seek medical attention.
- ☐ The importance of hand washing.
- ☐ The importance of physical distancing, both at work and off work time.
- ☐ Proper use of cloth face covers, including information in the <u>CDPH guidance</u>.

	Information on paid leave benefits, including the <u>Families First Coronavirus</u> <u>Response Act</u> , and workers' compensation benefits under the Governor's <u>Executive Order N-62-20</u> while that Order is in effect.
	Train any independent contractors, temporary, or contract workers in these policies and ensure they have necessary PPE.
In	dividual Control Measures & Screening
	Symptom screenings and/or temperature checks.
	Encourage workers who are sick or exhibiting symptoms of COVID-19 to stay home.
	Encourage frequent handwashing and use of hand sanitizer.
	Provide and ensure workers use all necessary PPE.
	Provide disposable gloves to workers as a supplement to frequent hand washing for tasks such as handling commonly touched items or conducting symptom screening.
	Post signage to remind workers that they should use face covers, practice physical distancing, not touch their face, wash hands with soap for at least 20 seconds, and use hand sanitizer.
C	leaning and Disinfecting Protocols
	Perform thorough cleaning in high traffic areas.
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	Perform thorough cleaning in high traffic areas. Frequently disinfect commonly used surfaces and personal work areas.
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	Perform thorough cleaning in high traffic areas. Frequently disinfect commonly used surfaces and personal work areas. Clean and sanitize shared equipment between each use. Clean touchable surfaces between shifts or between users, whichever is more frequent. Equip shared spaces with proper sanitation products, including hand sanitizer and sanitizing wipes and ensure availability. Ensure that sanitary facilities stay operational and stocked at all times. Use products approved for use against COVID-19 on the Environmental Protection Agency (EPA)-approved list and train workers on chemical hazards, product instructions, ventilation requirements, and Cal/OSHA requirements. Follow CDPH
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	Perform thorough cleaning in high traffic areas. Frequently disinfect commonly used surfaces and personal work areas. Clean and sanitize shared equipment between each use. Clean touchable surfaces between shifts or between users, whichever is more frequent. Equip shared spaces with proper sanitation products, including hand sanitizer and sanitizing wipes and ensure availability. Ensure that sanitary facilities stay operational and stocked at all times. Use products approved for use against COVID-19 on the Environmental Protection Agency (EPA)-approved list and train workers on chemical hazards, product instructions, ventilation requirements, and Cal/OSHA requirements. Follow CDPH asthma-safer cleaning methods. Provide time for workers to implement cleaning practices during shifts and consider third-party cleaning companies. Install hands-free devices if possible. Clean floors using a vacuum with HEPA filter or other methods that do not



Physical Distancing Guidelines

Implement measures to physically separate workers and customers by at least six feet using measures such as physical partitions or visual cues (e.g., floor markings, colored tape, or signs to indicate to where workers should stand).
Reconfigure office spaces, cubicles, etc. and decrease maximum capacity for conference and meeting areas.
Adjust in-person meetings, if they are necessary, to ensure physical distancing.
Stagger worker breaks, in compliance with wage and hour regulations, if needed.
Reconfigure, restrict, or close common areas and provide alternative where physical distancing can be practiced.
Limit the number of individuals riding in an elevator.
Utilize work practices, when feasible and necessary, to limit the number of employees at the office at one time, such as telework and modified work schedules.
Dedicate staff to direct guests to meeting rooms upon entry so they do not congregate.







Play It Safe



Due to the ongoing spread of COVID-19 in our communities, please follow these simple steps to help keep our outdoor playgrounds safe, open and fun.

✓ WEAR A MASK

Everyone 2 years and older must wear a mask covering their face.

MAINTAIN DISTANCE

Maintain physical distance of 6 feet between individuals from different households and prevent crowding of children.

✓ NO FOOD OR DRINK

Do not eat or drink in playground to ensure face masks are worn at all times.

WASH HANDS

Wash or sanitize your hands before and after you visit

✓ PLAN AHEAD

Visit the park at different times or days to avoid crowds and waits.

KNOW WHEN TO STAY HOME

Elderly individuals and people with underlying medical conditions should avoid playgrounds when others are present.

✓ SHARE OUR SPACE

To avoid crowding and allow everyone to use this space, please limit your visit to 30 minutes when others are waiting.







State of California—Health and Human Services Agency California Department of

Public Health



GAVIN NEWSOI

Sandra Shewry
Acting Director
Erica S. Pan, MD, MPH
Acting State Health Officer

September 28, 2020

TO: All Californians

SUBJECT: Outdoor Playgrounds and other Outdoor Recreational Facilities

Note: Updates as of 11/20/2020

• Updated to clarify that this guidance permits playgrounds to open in residential settings (e.g., apartment complex, neighborhood).

Summary

COVID-19 continues to pose a severe risk to communities and requires all people in California to follow necessary precautions and to adapt the way they live and function in light of this ongoing risk. This guidance provides direction on usage of outdoor playgrounds and outdoor recreational facilities (hereafter facilities), to support a safe environment for children and families. It applies to outdoor playgrounds located in parks, campgrounds, and other publicly accessible locations. This guidance does not apply to indoor playgrounds or family entertainment centers.

Outdoor Playground Definition:

- Fully outdoors
- Free to enter and use
- Designed primarily to serve nearby residents within a half a mile
- Can provide State-mandated outdoor space for preschools (which could be scheduled in advance to avoid overlapping use)
- Typically includes recreational equipment, like play structures, slides, swings, etc. intended to enrich children's physical health and development

Visitors to outdoor community playgrounds must comply with the following requirements:

- 1. Face masks over the mouth and nose are required for everyone 2 years of age or older with caregiver supervision at all times to ensure face mask use.
- 2. Do not use the playground when different households are unable to maintain a physical distance of 6 feet or when the capacity limit has been reached.

- 3. Caregivers must monitor to keep adults and children from different households at least 6 feet apart.
- 4. Consider coming on different times or days to avoid wait times and potential crowded times.
- 5. No eating or drinking in playground, to ensure face masks are worn at all times.
- 6. Wash or sanitize hands before and after using the playground.
- 7. Elderly and persons with underlying medical conditions should avoid playground when others are present.
- 8. Limit visit to 30 min per day when others are present

Note: Facility operators should download and print this flyer to post at all outdoor playgrounds.

All playground facilities operators should review and follow these recommendations:

- 1. An adult must actively supervise each child at all times to make sure that children two years of age or older keep their face covering over their nose and mouth and stay 6 feet away from adults and children outside their household.
 - a. Children who are supervised by the same adult must stay together in the same play area or play structure at all times, to allow active supervision.
 - b. If an infant or child requires attention (nursing, diapering) that precludes an adult from actively supervising other children using the playground, the adult should ask the other children to leave the play structure/area and stay by the adult's side until needed care is complete.
- 2. People standing outside the playground, including people waiting to enter the playground, should remain 6 feet away from areas of the playground used by children and adults.
- 3. Maintain six-foot distancing between children and adults from different households including children using or waiting to use play structures or play areas, and families waiting to enter the playground.
- 4. Increase cleaning of frequently touched surfaces, daily as practicable.
- 5. To the extent feasible, provide handwashing stations or sanitizer to facilitate hand hygiene, especially during times of heavy usage. Use a hand sanitizer containing (60% ethanol or 70% isopropanol). Never use hand sanitizers with methanol due to its high toxicity to both children and adults.
- 6. Post the maximum number of children allowed at the entrance of each playground.
 - a. Determine and post the maximum occupancy of each play structure, (e.g., climbing structures, slides, swings, spinning structures, and sand areas) with 6 foot vertical and horizontal distancing.
 - b. Determine and post the maximum occupancy for supervising adults to ensure that each adult can maintain six feet of distance from other adults and children.
 - c. Provide directions on how to wait in line when maximum playground occupancy has been reached.
- 7. Mark playgrounds to help children and adults maintain 6 foot distancing.
 - a. Mark spaces for families to stand while waiting to enter the playground. The spaces should be far enough apart to allow 6 feet of distance between households.

- b. For play structures or play areas that can hold more than one child while allowing 6 foot distancing:
 - i. Post the maximum number of children allowed on each structure/in each area to allow 6 foot distancing vertically and horizontally.
 - ii. For play structures or areas that can hold more than 1 child, consider marking with tape or other visual indicators to help children assess whether they are 6 feet apart.
- c. Mark designated spaces 6 feet apart for children to stand while waiting to use a play structure/area.

Additional Considerations

If there is a pre-scheduled activity that will access the playground, the playground must be closed to the broader public during that time.

Child care programs, schools, out-of-school time programs and other programs for children and youth where children must remain in cohorts may not use playgrounds during times when they are open to the public. However, if the playground operator permits, the childcare, school or other program may reserve a time for the exclusive use of the playground by the program. While on the playground, cohorts should maintain separation and avoid mixing.

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