

COVID-19 Prevention Non-Emergency Regulations in Effect and Exclusion Pay is Gone for Good

On December 15, 2022, OSHA voted to adopt non-emergency COVID-19 prevention regulations. These regulations took effect on February 3, 2023 and will remain in effect for two years after the effective date, except for the recordkeeping subsections that will remain in effect for three years. Additionally, The COVID-19 prevention regulations do not require employers to pay employees while they are excluded from work.

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OSHA's Proposal to Lower BLL & PEL

OSHA proposed to lower the medical removal blood lead level from 50 µg /dL to 10-20 µg/dL and the airborne PEL from 50 µg/m³ to 10-20 µg/m³. The National Steel Paint Contractors Association would like to hear from you about the impacts of the proposed changes to ensure we can propose an alternative that is amenable to all concerned parties. Please reply with your comments to Henry Arato at arato@nspcassociation.org and Kevin LaRue at Larue@nspcassociation.org by February 15, 2023. The first comment period closed on 10/28/22 but another comment period will be available sometime in 2024.

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Appellate Court Limits Use of Time Rounding Policies

The California Court of Appeals recently in *Camp v. Home Depot USA, Inc.* called into question the propriety of using a facially neutral rounding system when an employee's time can be accurately tracked to the minute.

In light of the Camp decision and pending a decision from the California Supreme

Court, it is recommended that employers should:

- Review their rounding practices to insure they are facially and statistically neutral as applied.
- Limit the use of rounding to situations where it is impossible or difficult to ascertain the actual time worked by the employee.
- Until the California Supreme Court weighs in on the validity of time-rounding standards, employers who use time-rounding practices in conjunction with electronic timekeeping systems, should discontinue use of time-rounding practices.

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Upcoming Events Reminder

February

14

Brunch Break

Join us in an opportunity to get to know your fellow WPCCA members for brunch at Old Ranch Country Club in Seal Beach! This event will feature a presentation by E. Scott Holbrook Jr. who will discuss 2023 Employment Law Updates.

Time: 10:30am – 11:30am PST

Location: Old Ranch Country Club – 3901 Lampson Ave, Seal Beach, CA 90740

[Click here for more information.](#)

RSVP required. To RSVP, please email Rowanne Khafagy at rkhafagy@thewpcca.com



WPCCA (Formerly LAPFCA)

[If you missed our rebranding announcement, you can check it out here.](#)

For any questions, please reach out to Deveney Pula at her *new* email address - dpula@thewpcca.com.



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Model COVID-19 Prevention Procedures (CPP)

The new COVID-19 prevention permanent regulations went into effect on February 3, 2023 and will remain in effect until February 3, 2025. These regulations include a recordkeeping requirement that will be in effect until February 3, 2026. In California, all employers are required to establish, implement, and maintain an effective, written Injury and Illness Prevention (IIPP) program that meets the requirements of California Code of Regulations (CCR), Title 8, section 3203. COVID-19 prevention procedures must be addressed either in the written IIPP or maintained in a separate document.

Cal/OSHA has developed this model COVID-19 CPP to assist employers that choose to address their written COVID-19 hazard control procedures in a document separate from their IIPP. Employers are not required to use this CPP. Instead, they may create their own or use another CPP template.

[Click Here to Download the Model COVID-19 CPP](#)

Upcoming Event Reminder

February

27

Economic Webinar Show Me The Money (Supply)

Join us for our Economic Webinar Event – Show Me The Money (Supply) presented by Dr. Anirban Basu, Chairman & CEO of Sage Policy Group, Inc., Dr. Basu will discuss the major factors shaping economic outcomes in the construction industry and provide a forecast for the year to come, highlighting the major risks that contractors will likely encounter.

Time: 11:00am – 12:00pm PST

Location: Via Zoom

[Click here for more information.](#)

RSVP required. To RSVP, please email Rowanne Khafagy at rkhafagy@thewpcca.com



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