

# Virginia Labor Department Issues Proposed Emergency COVID-19 Workplace Regulation

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## Meet the Authors



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## Related Services

COVID-19  
Workplace Safety and Health

The Virginia Department of Labor and Industry (DOLI) has issued [proposed regulation](#) that will affect all Virginia employers with respect to COVID-19 workplace health and safety requirements.

The “Emergency Temporary Standard/Emergency Regulation, Infectious Disease Prevention, SARS-CoV-2 Virus That Causes COVID-19, § 16 VAC 25-220” would require all employers to:

- Assess their workplace for hazards and tasks that can potentially expose employees to COVID-19;
- Encourage employee self-monitoring;
- Develop and implement policies for employees to report positive tests or symptoms;
- Provide notice to specific persons in the event of a positive test; and
- Develop and implement policies and procedures for employees to return to work after testing positive.

To the extent feasible, all employers must ensure employees observe physical distancing while working and during paid breaks and provide employees with personal protective equipment (PPE). All employers also are prohibited from discharging or discriminating against employees who wear their own PPE or raise a reasonable concern about infection control.

Furthermore, additional requirements apply to four classifications of risk levels of exposure for employees: very high, high, medium, or low exposure risk. The classifications can vary among employees depending on their tasks. Employers with employees meeting the “very high” or “high” classification or with 11 or more “medium” classified employees must develop and implement a written Infectious Disease Preparedness and Response Plan and designate a person responsible for the Plan.

DOLI is accepting electronically submitted public comments in advance of presenting the Emergency Regulation to the Safety and Health Codes Board at a Electronic Emergency Meeting on June 24, 2020. The Emergency Regulation could go into effect as soon as June 24 and, depending how it is implemented, will last no more than 18 months.

Jackson Lewis attorneys are closely monitoring updates and changes to legal requirements and guidance and are available to help employers weed through the complexities.

If you have questions or need assistance, please reach out to the Jackson Lewis attorney with whom you regularly work, or any member of our [COVID-19 team](#).

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