

OSHA Mandates Pay to Certain Healthcare Workers

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The Occupational Safety and Health Administration recently issued a new Emergency Temporary Standard (ETS) that requires an employer to provide paid leave to employees who provide healthcare services or healthcare support services when an employee is removed from the workplace due to being diagnosed or being exposed to COVID-19.

Specifically, covered employees who are away from work due to having COVID-19 or possibly being contagious are entitled to paid time off, up to \$1,400 per week until the employee meets the return-to-work criteria. Employers with less than 500 employees may be entitled for reimbursement under the American Rescue Plan if the leave is taken before September 30, 2021. Employers with less than 500 employees only have to pay 2/3 pay if the leave extends past two weeks (\$1,000 per week). Employers are required to follow the Center for Disease Control's Isolation Guidance and Return to Work Healthcare Guidance when determining if an employee is permitted to return to work.

Certain employees working in home healthcare settings or outpatient clinics may be exempt if all employees are fully vaccinated and non-employees are screened for COVID-19. Additionally, healthcare support services not performed in a healthcare setting (e.g. off-site laundry, off-site billing) are not covered. In addition to the paid leave, ETS requires covered employers to: designate safety coordinators; develop COVID-19 plans; conduct COVID-19 transmission training; and to monitor points of entry where direct care is provided.

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