

6849 Old Dominion Drive, Suite 220

McLean, Virginia 22010

Phone: 703-556-0411 / Fax: 703-774-3965

Web: [www.generalcounsellaw.com](http://www.generalcounsellaw.com)

**PRESS RELEASE**

**FOR IMMEDIATE RELEASE**

Contact: Merritt Green, Founder/Managing Partner, General Counsel, P.C.

703-556-0411 or [mgreen@gcpc.com](mailto:mgreen@gcpc.com)

**Employer Obligations and Penalties Related to Virginia Mandatory COVID-19 Emergency Temporary Standard**   
All Virginia employers MUST comply by August 26, 2020.

August 26, 2020…McLean, VA…Virginia’s **COVID-19 Emergency Temporary Standard** (Standard) lays down strict standards to keep Virginians safe at work and to aid in stopping the spread of COVID-19.

“Employers need to understand some of their obligations and penalties, so we’ve broken down the Standard into some of it components, and offer a brief overview of risk categories and responsibilities,” said Merritt Green, Founder/Managing Partner of McLean-based legal firm General Counsel, P.C. “As an employment attorney, I want to help Virginians simplify the process by both interpreting it and providing easy access to required documents.”

Most Virginia employers, and all state-owned and operated businesses and offices MUST comply with Virginia’s Standard by implementing the following. The deadline for compliance is August 26, 2020.

**Employer Requirements**

* **Self-ranking and Applicability.** Employers must rank themselves in exposure and exposure risk categories ranging from “very high” to “lower,” and meet specific requirements for each.
* **Preventive and Response Plans.** Employers in “very high” or “high” categories must develop and implement a written Infection Disease Preparedness Plan, which must be distributed to employees. Employers within the “medium” exposure category, with 11 or more employees, must also prepare the written plan. No such requirement is mandated for “medium” risk employers with 10 or fewer employees, or “lower” risk employers.
* **Preventive Measures.** Employers in certain risk categories are mandated to provide PPE and PPE training for employees, and must establish and implement a system for self-assessment and COVID-19 symptom screening, and implement procedures to prevent sick employees and others from infecting healthy employees. Compliance is required for heightened requirements for air handling system maintenance (i.e. HVAC systems).
* **Training.** Employers are required to train and inform employees on the rules and regulations, COVID-19 transmission, PPE usage, etc., and must post this information in the workplace.
* **Return-to-Work Plans.** Employers must draft and implement a return-to-work plan aimed towards employees who tested positive for COVID-19 and are now seeking re-entry into employment.
* **Retaliation Protection.** Employers are forbidden to retaliate against an employee who files a complaint or expresses concern with, or relating to, the new COVID-19 rules and regulations.

**Employer Risk Categories**

Virginia employers must rank themselves within one of five (5) risk categories as outlined in the Standard, ranging from “very high” to “lower.”

* **Very High.** There is a very high potential for employee exposure to COVID-19. Commonly, these jobs expose employees to aerosol generating procedures (e.g. intubations, dental procedures, invasive specimen collection, etc.,); or handling specimens from or performing autopsies on persons suspected of or known to have COVID-19.
* **High.** Jobs put employees in a position of high potential for exposure to COVID-19 within six feet. These jobs are commonly in the medical field, including mental health practitioners (e.g. doctors, dentists, pilots, flight attendants, etc.).
* **Medium.** Jobs require minimal contact with people known or suspected of having COVID-19 within six feet (e.g. restaurants, bars, indoor and outdoor construction, educational and day care facilities, pharmacies, food banks, gyms, etc.). (The majority of employers fall within this category.) There is a distinction between employers with 11 or more employees and those with 10 or fewer; employers with 11 or more employees must create an Infection Disease Preparedness and Response Plan.
* **Lower.** Jobs have a minimal risk of exposure through the implementation of engineering, administrative, and social practices control. These mainly include offices, where there is minimal contact with others.

**Employer Penalties**

* Employers must comply with all new regulations. Failure to do so could result in fines up to $135,000.00, depending upon the severity of the violation.

**Virginia Emergency Standard Forms Generator (VES Forms Generator)**

Business Compliance, LLC, in conjunction with the law firm General Counsel, P.C. provides access to an easy-to-use and inexpensive way for Virginia employers to access the forms, training, and documents required to comply with the Standard: the **COVID-19 Virginia Emergency Standard Forms Generator** (“VES Forms Generator” accessible at: <https://www.generalcounsellaw.com/ves_forms_generator/> or [www.covidcomplianceplans.com](http://www.covidcomplianceplans.com).

**Media: For More Information**

For more information about Virginia’s COVID-19 Emergency Temporary Standard, please contact Merritt Green, Founder and Managing Partner of General Counsel, P.C., a McLean, VA-based, full-service law firm providing comprehensive legal services for business ranging from start-up to multi-billion dollar organizations. Contact Mr. Green at 703-556-0411 or [mgreen@gcpc.com](mailto:mgreen@gcpc.com); [www.generalcounsellaw.com](http://www.generalcounsellaw.com).

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