

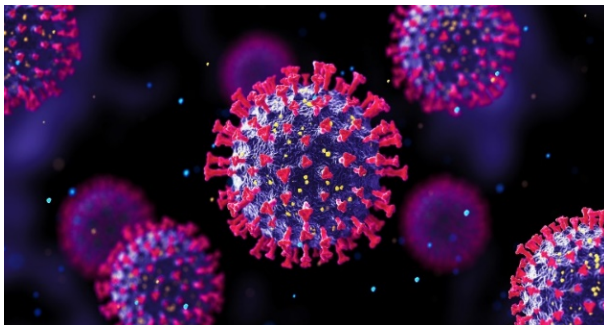


The Special Assessment April 2022 Edition

What Community Associations Need to Know About Virginia's Latest COVID-19 Safety Guidelines

VOSH Revokes the Virginia Permanent COVID-19 Standard

By Sara J. Ross



In these continuing strange and challenging times, it is not always easy to keep up with the latest information and regulations regarding COVID-19, and their impact on our communities. When it comes to association obligations, it continues to evolve, every day. Below, please find a summary of the current state of affairs, *including what Virginia's recent revocation of the Virginia Permanent COVID-19 Standard means and the new Guidance provided regarding recommended best practices by employers to mitigate COVID-19 transmission:*

1. October 8, 2021: the Virginia Occupational Safety and Health ("VOSH") amended and updated 16 VAC25-220, the "Permanent Standard for Infectious Disease Prevention of the SARS-CoV-2 Virus That Causes COVID-19" ("VA COVID-19 Standard"), which contained updated regulations for Virginia employers to follow in order to mitigate the spread of COVID-19.
2. January 15, 2022: Governor Youngkin issued Executive Order No. 6, which directs the Virginia Safety and Health Codes Board to convene an emergency meeting in order to consider revoking the VA COVID-19 Standard.
3. February 16, 2022: the Safety and Health Codes Board voted 7-3 to follow VOSH's recommendation and revoke the VA COVID-19 Standard. The Board's reasoning was that COVID-19 no longer poses a "grave danger" to Virginia workers. The Board also directed a 30-day public comment period, which was followed by a public hearing and another vote by the Safety and Health Codes Board.
4. **Effective March 23, 2022, the Virginia Safety and Health Codes Board's revocation of the VA COVID-19 Standard became final.** On March 28, 2022, in place of the VA COVID-19 Standard, the Virginia Department of Labor and

Industry *published a proposed new Guidance Document on COVID-19* entitled “Guidance for Employers to Mitigate the Risk of COVID-19 to Workers” in the Virginia Register, Vol. 38: Issue 16 (the new “Guidance”). There will be a thirty (30) day public comment period, which will end on April 17, 2022, on the new Guidance. Although this new Guidance may change after the public comment period, it can be relied on by employers during the interim.

The new Guidance highlights that employers remain responsible for providing a safe and healthy workplace free from recognized hazards likely to cause death or serious physical harm, and employers should engage with workers to mitigate COVID-19 transmission and the impact of contracting the virus. For this purpose, the new Guidance promotes the following recommended practices:

- Facilitate employees getting vaccinated and boosted;
- Encourage any workers with COVID-19 symptoms to stay home from work and seek advice on testing and treatment from their physician;
- Require all workers infected with COVID-19 virus to stay home;
- Provide workers with face coverings or surgical masks, as appropriate;
- Encourage good sanitary work habits such as frequent hand washing;
- Educate workers on your COVID-19 policies and procedures using accessible formats and in languages they understand; and
- Operate and maintain ventilation systems in accordance with manufacturers specifications to achieve optimal performance.

VOSH's standards that apply to protecting workers from infection remain in place. Additionally, employers remain required by the General Duty Clause, Va. Code 40.1-51.1.A, to provide a safe and healthful workplace free from recognized hazards that are causing or likely to cause death or serious physical harm. See the OSHA COVID-19 guidance ([Protecting Workers: Guidance on Mitigating and Preventing the Spread of COVID-19 in the Workplace | Occupational Safety and Health Administration \(osha.gov\)](https://www.osha-slc.gov/sites/default/files/2020-08/Protecting%20Workers%20Guidance%20on%20Mitigating%20and%20Preventing%20the%20Spread%20of%20COVID-19%20in%20the%20Workplace%20-%20Occupational%20Safety%20and%20Health%20Administration%20(osha.gov).pdf)) for more information on how to protect workers from potential exposures, according to their exposure risk.

Chadwick Washington Zoom Webinar Series

Chadwick, Washington, Moriarty, Elmore & Bunn, P.C., is pleased to host and invites you to attend one or more of its educational Webinar Series for 2022 highlighting topics relating to community association law and governance. Each Webinar is one hour, with two topics presented by CWMEB attorneys followed by Q&A Sessions in separate Zoom breakout rooms staffed by CWMEB attorneys. The waiting room for the Webinars will open about 15 minutes before the sessions begin at 7:00 p.m., with the Q&A Breakout Rooms opening at approximately 7:40 p.m.

Topics this season will include Amending Governing Documents; EV Charging Stations and Solar Panels; Understanding the Fiduciary Duty; Association Insurance Coverages; Emotional Support Animals; Drafting Rules and Regulations; Key Provisions in Vendor Contracts; a Virginia legislative update (June sessions); and many more.

The firm's first educational Zoom Webinar was held on Monday, March 28, 2022, and all available registration slots were reserved well in advance of the Webinar. The next Zoom Webinar will be held **Monday, April 25, 2022, at 7:00 p.m.** and will cover **Fair Housing: Neighbor Disputes** and **Amending Governing Documents**.

We look forward to seeing all of our clients and guests during our 2022 Webinar Series and encourage you to register early for those topics and presentations you don't want to miss. The schedule listing the dates, times and topics for the 2022 Webinar Series is posted [here](#). Clients, managers and guests can also register for the Webinar(s) of choice directly [here](#). Additionally, more information can be found on the Seminar Series page of our website at www.chadwickwashington.com.

Trends in Fair Housing



Access through the link below the article “Trends in Fair Housing” written by **Lauren Ritter** and **Lindsey Davis** and published in the March 2022 edition of *Quorum*.

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Check out through the link below the article “A Legal Guide to Going Paperless” written by **Tiago Bezerra** and published in the April 2022 edition of *Quorum*.

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