



# PUBLIC SCHOOLS OF NORTH CAROLINA

DEPARTMENT OF PUBLIC INSTRUCTION | Catherine Truitt, *Superintendent of Public Instruction*

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**TO** Superintendents, Charter School Leaders

**FROM** Catherine Truitt

**DATE** November 4, 2021

## OSHA EMERGENCY TEMPORARY STANDARD

Good evening, Superintendents and Charter Leaders,

As you may have seen, today the U.S. Department of Labor announced the OSHA Emergency Temporary Standard (ETS) for public inspection on the Federal Register [2021-23643.pdf \(federalregister.gov\)](#). Additional information on this announcement can be found [here](#), including a news release, fact sheets, toolkits, and compliance materials.

As you are likely aware, the ETS only applies to employers with 100 or more employees who are located in the 26 states and two territories with OSHA State Plans. North Carolina is one of these 26 states. The ETS covers workers employed by state and local governments, **including educators and other school staff**.

While this guidance was issued only hours ago, I wanted to connect with you all immediately **as public school districts with over 100 employees are covered by this OSHA ETS standard**. Importantly, this ETS will not apply to public charter schools with less than 100 employees.

The proposed rules for covered employers require the following:

1. By December 5, 2021, covered employers must determine and verify/document the vaccination status of all employees.
2. Beginning December 5, 2021, all nonvaccinated employees are required to wear face coverings while indoors in work facilities and when in cars with fellow employees.
3. All nonvaccinated employees have until January 4, 2022 to become fully vaccinated if they do not wish to submit to weekly COVID-19 testing.
4. After January 4, 2022, all nonvaccinated employees must have weekly COVID-19 tests if they are working on-site at their employer's workplace. The results must be shared with the employer. Employees who test positive must be excluded from the workplace until no longer contagious. Nonvaccinated working remotely must be tested within 7 days of reporting to a job site and weekly thereafter.

### OFFICE OF THE NORTH CAROLINA SUPERINTENDENT

Catherine Truitt, *Superintendent of Public Instruction* | [catherine.truitt@dpi.nc.gov](mailto:catherine.truitt@dpi.nc.gov)  
6301 Mail Service Center, Raleigh, North Carolina 27699-6301 | (984) 236-2200 | Fax (984) 236-2349

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

Under federal rules, the NC Department of Labor must respond to federal OSHA within 15 days regarding their decision on adoption of the ETS. Please know that we are working closely with Commissioner Josh Dobson at the NC Department of Labor as they review the text and weigh a decision over the next 15 days.

If you want to get ahead of these potential future requirements, below are some suggestions:

- You could consider putting a process in place to:
  - Determine the vaccination status of each employee,
  - Obtain acceptable proof of vaccination status from vaccinated employees and
  - Maintain records and a roster of each employee's vaccination status
- You could also consider what your process will be for:
  - Receiving and recording the results of regular required weekly testing or
  - Excluding employees from school grounds when they test positive for COVID-19

In the meantime, please know we are looking to connect with NC DHHS to see what resources are available for weekly on-site testing options. When more information is available and when NCDOL has established next steps, we will look to schedule a call with you.

If you have questions, please feel free to email me and I will do my best to get you an answer: [Catherine.Truitt@dpi.nc.gov](mailto:Catherine.Truitt@dpi.nc.gov).

Lastly, please feel free to share this letter with your principals.

Very best,

A handwritten signature in black ink, appearing to read 'C. Truitt', with a small dot above the signature.

Catherine Truitt  
North Carolina Superintendent of Public Instruction