

## Weekly COVID-19 Update From EKA June 16, 2021

### REOPENING

#### You Still Need A Mask

California's workplace safety board walked back a vote it took just last week to relax COVID-19 rules on masks and social distance, instead choosing to leave in place standards from the peak of the pandemic that **require employees to wear masks** whenever they are less than six feet away from someone else.. Cal-OSHA, will consider updating its rule again tomorrow to better align with the state and federal guidance on coronavirus vaccinations. Any update to the rule, if voted on by the board, will go into effect around June 28. "Immediate action is also required to protect the public interest to avoid confusion regarding the requirements of the workplace safety standards, which would make both enforcement and compliance unduly difficult. The State's masking guidance that reflects CDC recommendations. Masks will not be required for fully vaccinated individuals, except in the following settings where masks are required for everyone, regardless of vaccination status:

- On public transit (examples: airplanes, ships, ferries, trains, subways, buses, taxis, and ride-shares) and in transportation hubs (examples: airport, bus terminal, marina, train station, seaport or other port, subway station, or any other area that provides transportation)
- Indoors in K-12 schools, childcare and other youth settings.
  - Note: This may change as updated K-12 schools guidance is forthcoming, pending updates for K-12 operational guidance from the CDC.
- Healthcare settings (including long term care facilities)
- State and local correctional facilities and detention centers
- Homeless shelters, emergency shelters and cooling centers

Masks will be required for unvaccinated individuals in indoor public settings and businesses (examples: retail, restaurants, theaters, family entertainment centers, meetings, state and local government offices serving the public). Additionally, employers and workplaces must continue to comply with Cal/OSHA COVID-19 Prevention Emergency Temporary Standards.

### VACCINATION

#### More Than Half Of All Eligible Californians Are Fully Vaccinated

More than half of Californians 12 and older, the current minimum age to be eligible for one of the vaccines against COVID-19, are fully inoculated, a significant milestone just days before the state's major lifting of pandemic restrictions on June 15. Additionally, 68.5 percent of Californians 12 and older have received at least one shot of a vaccine, according to data from the Center for Disease Control and Prevention. Among Californians 18 and older, 71.6 percent have at least one dose and 56.8 percent are fully vaccinated. And among residents 65 and older, who were prioritized early for vaccination, 91.6 percent have at least one shot and 73.3 percent are fully vaccinated, according to the CDC. Those vaccination numbers vary from state estimates because of reporting lags and differences in estimated population sizes. California has so far administered 39.3 million vaccine doses and is averaging 146,367 daily shots. That's a 16 percent increase in the daily average from a week ago and comes not long after the state began raffling prizes to vaccinated residents, including several winners receiving \$50,000.

## LOS ANGELES COUNTY/CITY

### **Businesses must provide paid leave for COVID-19 vaccine**

The Employee Paid Leave for Expanded COVID-19 Vaccine Access Ordinance temporarily requires all private Employers in the **unincorporated areas of Los Angeles County** to provide paid leave for Employees to receive COVID-19 vaccine injections. For more details, including how to download the County's required posting for businesses, visit [dcba.lacounty.gov/vaccineleave](https://dcba.lacounty.gov/vaccineleave)

### **Revised Health Officer Orders**

The new [Health Officer Order \(HOO\): A Safer Return Together At Work and In The Community](#): Beyond the Blueprint for a Safer Economy – Encouraging COVID-19 Vaccination Coverage with Limited Risk Reduction Measures was effective yesterday. The new HOO rescinds most Los Angeles County Department of Public Health sector-specific protocols (except those listed below) and aligns with the State Beyond the Blueprint for Industry and Business Sectors and the accompanying memoranda and orders of the State Public Health Officer. The HOO also urges everyone, especially those who are not or cannot be vaccinated against COVID-19, to continue to exercise caution and good judgment as physical distancing requirements and capacity limitations are removed. Businesses and customers should continue reviewing best practice documents and sector-specific protocol for designated areas on a regular basis to ensure they are complying with the latest health protection and prevention measures. The following protocols are in the process of being updated and currently not posted (except Appendix T2). Please check the following links for future updates:

- [Appendix K](#): Reopening Protocol for Day Camps (pending revisions 6/14/2021)

- [Appendix K-1](#): Reopening Protocol for Overnight Organized / Children’s Camps (pending revisions 6/14/2021)
- [Appendix T1](#): Reopening Protocols for K-12 Schools (pending revisions 6/14/2021)
- [Appendix T2](#): Protocol for COVID-19 Exposure Management Plan in K-12 Schools (revised 4/30/2021)

### **Outdoor Dining Set To Become A Permanent**

Outdoor dining may remain a permanent feature of Los Angeles County’s food scene, with the Los Angeles County Board of Supervisors voting to support state legislation to expand outdoor options.

Supervisors Kathryn Barger and Janice Hahn co-authored a motion to support two state bills: one on outdoor dining and the other to expand liquor licenses. “Outdoor dining should be one of the things we hold on to after the pandemic is over,” Hahn said.

“Restaurants have appreciated it, diners have embraced it, and we have the beautiful weather to make it enjoyable all year long.” Barger and Hahn championed temporary outdoor dining last summer to help struggling eateries amid the pandemic, and county regional planners fast-tracked approvals. Assembly Bill 61 would allow local governments to expand outdoor dining. Senate Bill 314 would allow businesses granted a temporary liquor license to expand operations during the pandemic the opportunity to make that expansion permanent. Barger and Solis also offered a second motion directing the county’s CEO to come up with guidelines for expanding outdoor dining options and helping restaurant owners transition to permanent plans.

### **LA County to Aligns with State Masking Guidelines**

Los Angeles County has aligned with the State’s masking guidance that reflects CDC recommendations and prevents transmission at higher risk settings. Masks will not be required for fully vaccinated individuals, except in the following settings where masks are required for everyone, regardless of vaccination status:

- On public transit (examples: airplanes, ships, ferries, trains, subways, buses, taxis, and ride-shares) and in transportation hubs (examples: airport, bus terminal, marina, train station, seaport or other port, subway station, or any other area that provides transportation)
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  - Note: This may change as updated K-12 schools guidance is forthcoming, pending updates for K-12 operational guidance from the CDC.
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## SACRAMENTO

### **Differences Between CDPH'S Face Covering Guidance And Cal/Osha's Requirements For Workplaces**

The California Department of Public Health announced [updated guidance on face coverings and masks which will take effect yesterday](#). **This guidance applies to Californians generally but it is separate from the requirements imposed on workplaces, employers, and employees by Cal/OSHA and the Occupational Safety & Health Standards Board (OSHSB).**

OSHSB voted June 3 on a revision to the emergency temporary standards (ETS) which it instituted in November that set requirements for masks, partitions, distancing, and testing in workplaces. The revision was criticized particularly for the way it would require employees to continue wearing masks despite new CDC recommendations that vaccinated people do not need to wear masks. In an emergency meeting last night, OSHSB voted to withdraw the June 3 revision from the Office of Administrative Law; the June 3 revision will not go into effect. **Instead, the [November ETS](#) remains in effect for workplaces even after the general guidance from CDPH goes into effect. The November ETS requires all workers to be masked regardless of vaccination status, unless a worker is alone in a room.**

OSHSB has a regularly scheduled meeting which will be tomorrow. In the emergency meeting, the board was reassured that there will be new draft language ready for OSHSB to vote on at that time. The intent, as expressed by Chair Thomas, is that the new draft language will bring the ETS revision in line with CDPH's new guidance on face coverings but will leave in place aspects of the June 3 language that did not concern face coverings. This new draft language is not yet available but will have to be posted soon in order to comply with legal requirements. When OSHSB approves a new revision on tomorrow, the revision will go into effect approximately June 28. OSHSB intends for a new revision to mirror CDPH's guidance on face masks while still requiring separate safety interventions in the workplace.

At this time, the November ETS remains in effect for employers and workplaces. The November ETS will remain in effect for employers and workplaces even after the state's face covering guidance relaxed yesterday. Click [here](#) to view current CalOSHA language.

### **UC Reverses Course, Will Require All Students, Faculty And Staff To Be Vaccinated This Fall**

In an about-face, the University of California will require all students, staff and faculty to be vaccinated against the coronavirus this fall, even though the US Food and Drug Administration has approved the vaccines only for emergency use. UC President Michael Drake "does plan to move forward with the vaccine mandate," Regent Eloy Oritz Oakley told The Chronicle on Monday. The decision reverses a proposed policy UC announced in April of requiring vaccinations only after the FDA fully approved at least one of the three vaccines now being administered to American under emergency authorization. It's not clear when the FDA will give full approval.

### **Teachers Report Spring School Reopenings Were Exhausting And Unproductive**

Although the state has reported that more than 90% of public schools have offered students the option to return to school for the remainder of the year, an EdSource analysis in found in early May that 55% of students overall and two-thirds of low-income students chose to remain in distance learning. That split has resulted in a complex mix of options. In some districts, teachers taught students in person and remotely simultaneously. In others they taught in-person in the morning, distance learning in the afternoon, or on alternate days, or alternate weeks. In some elementary schools, most kids showed up; in middle and high schools, a handful. Worry about catching Covid was not families' only concern. Teachers pointed to a lack of transportation, with no busing, parent work schedules, and a lack of child care.

## **NATIONAL**

### **Delta Coronavirus Variant Doubles Risk Of Hospitalization**

The Delta coronavirus variant, first identified in India, carries about double the risk of hospitalization compared with the Alpha variant, first identified in the UK, according to research from Scotland released today. While vaccination is providing roughly 70 percent protection from hospitalization, it's vital people receive their second dose, since protection shortly after the first dose is limited, the authors stressed. The Delta variant has become dominant in Scotland since mid-May, and now accounts for around 75 percent of all positive cases, said Chris Robertson, professor of public health epidemiology at the University of Strathclyde, during a briefing. And more younger people are among those hospitalized. The study is in line with Public Health England,

which has said the Delta variant is more transmissible than Alpha and suggested it could cause more hospitalizations. But PHE has also called for more evidence.

### **More Evidence Suggests COVID-19 Was In US By Christmas 2019**

A new analysis of blood samples from 24,000 Americans taken early last year is the latest and largest study to suggest that the new coronavirus popped up in the US in December 2019 — weeks before cases were first recognized by health officials. The analysis is not definitive, and some experts remain skeptical, but federal health officials are increasingly accepting a timeline in which small numbers of COVID-19 infections may have occurred in the US before the world ever became aware of a dangerous new virus erupting in China.

### **What Are the Roadblocks to a ‘Vaccine Passport’?**

While the federal government has said it will not introduce digital vaccine passports by federal mandate, a growing number of businesses — from cruise lines to sports venues — say they will require proof of vaccinations for entry or services. Hundreds of digital health pass initiatives are scrambling to launch apps that provide a verified electronic record of immunizations and negative coronavirus test results to streamline the process. The drive has raised privacy and equity concerns and some states like Florida and Texas have banned businesses from requiring vaccination certificates. But developers argue that the digital infrastructure is secure and will help speed up the process of reopening society and reviving travel.

## **EMPLOYER ISSUES**

### **Companies Push Employees to Prove They Are Vaccinated**

Unlike the first wave of corporate efforts—which focused more on getting front-line workers and essential staffers at retailers, hospitals and airlines vaccinated—the latest push affects more professionals at banks, law firms and similar businesses. Some companies say they want reassurance that the majority of their workers are vaccinated before broadly reopening offices. Goldman Sachs Group Inc. last week ordered its US employees to disclose in an internal portal whether they had received the vaccine. The Wall Street firm, which hasn't mandated vaccines, has told staff that fully vaccinated employees who have registered their status can work without masks in its offices. Others will still have to wear masks at all times except at their desks. Other banks, including Morgan Stanley and Wells Fargo & Co., have asked employees to voluntarily register their vaccination status.

## **LEGAL DEVELOPMENTS**

## **Federal Ruling On Vaccine Mandates, Judge Sides With Houston Hospital, Dismissing Claims From Staff**

In the first federal ruling on vaccine mandates, a Houston judge has dismissed a lawsuit by hospital employees who declined the COVID-19 shot – a decision that could have a ripple effect across the nation. The case involved Houston Methodist, which was the first hospital system in the country to require that all its employees get vaccinated. US District Judge Lynn N. Hughes ruled Saturday that federal law does not prevent employers from issuing that mandate. After months of warnings, Houston Methodist had put more than 170 of its 26,000 employees on unpaid suspension Monday. They were told they would be fired if they weren't vaccinated by June 21. The hospital had made it clear it meant what it said: It fired the director of corporate risk and another manager in April when they did not meet the earlier deadline for bosses.

## **WHAT WE'RE READING**

### **Newsom Defends Keeping California's COVID-19 Emergency Declaration Past June 15 Reopening**

Gov. Gavin Newsom's administration is defending his decision to keep an emergency declaration over COVID-19 in place past June 15, when California is set to lift many pandemic restrictions. "We're still in a state of emergency. This disease has not been extinguished. A state of emergency allows governments to suspend some normal operations to get through a crisis. It also allows emergency funding to come in from the federal government. Under the California Emergency Services Act, Newsom has changed business regulations and government rules to allow things like to-go cocktails as well as marriage certificates and doctor's visits via videoconference. He's also awarded more than 100 big no-bid contracts To read the full story, click [here](#).

### **Coronavirus Rules for Restaurants 'Will Be Retired' on June 15 Reopening, LA Official Says**

Los Angeles (and indeed all of California) has been focused on one single date for much of the past two months: June 15. That's when Governor Gavin Newsom says the state could "[fully reopen](#)," emerging from the ongoing global pandemic thanks to robust vaccination efforts involving many of the state's 40 million inhabitants. With COVID-19 cases at their lowest levels yet, restrictions have already been eased dramatically from the highs of last summer and the deadly late-2020 winter surge. So what will a world after June 15 actually look like for diners, restaurant workers, and business owners? The short answer to that question continues to be: Nobody knows quite yet, though there have been [increasingly public signs](#) of what's to come. So with a week left before June

15, here's what Los Angeles needs to know about a broad, state-level reopening, right now. To read the full story, click [here](#).

### **Federal Government Says Employers Can Mandate COVID-19 Vaccines? Not So Fast**

Many news outlets have recently reported that the federal government has indicated that employers can mandate COVID-19 vaccines. They rely on updated guidance issued by the Equal Employment Opportunity Commission on May 28, 2021 (the "Guidance," which can be found [here](#)), and more specifically, Section K of the Guidance regarding COVID-19 vaccines. What the EEOC did **not** do, though, contrary to many news reports, is authorize mandatory vaccines.

To read the full story, click [here](#).

### **Do Air Purifiers Protect Against COVID? Lawsuit Says Company Makes 'False' Claims**

Aerospace giant Boeing tested two kinds of ionization technologies — like those widely adopted in schools hoping to combat Covid-19 — to determine how well each killed germs on surfaces and decided that neither was effective enough to install on its commercial planes. Boeing noted [in its conclusion](#) that "air ionization has not shown significant disinfection effectiveness." To read the full story, click [here](#).

### **San Francisco Is Nearing COVID-19 Herd Immunity, But LA Still Has Months To Go**

San Francisco has one of California's highest rates of vaccination, with 72% of residents having received at least one dose. Only one other county in California — Marin, just north of San Francisco — has a higher rate of vaccination, with 75% of residents there at least partially vaccinated. Both San Francisco and Marin County's rates are significantly higher than the statewide vaccination rate of 56%. ... San Diego County also has one of the state's highest vaccination rates, with nearly 70% of its residents vaccinated with at least one dose. Orange and Ventura counties have 57% of their residents at least partially vaccinated; LA County, 55%; Sacramento County, 51%; Riverside County, 45%; and San Bernardino County, 41%. LA County Public Health Director Barbara Ferrer said she did not believe LA County has achieved herd immunity yet; she is hoping it will get there by the end of the summer. To read the full story, click [here](#).

### **California COVID-19 Plunges To New Lows, Fueling Hope Big Reopening Won't Bring New Surge**

At its peak in January, the state was reporting 45,000 coronavirus cases a day. Now, California is reporting an average of fewer than 1,000 new coronavirus per day over the most recent seven-day period, according to data compiled by The Times. The last time case counts were this low was March 31, 2020 — when the pandemic was just beginning to roar to life and testing was so limited that many infections likely went undetected. That isn't the case this time around. California's latest seven-day average of

990 new coronavirus cases per day comes even as roughly 129,000 tests were conducted daily over that same period, Times' data show. In the late spring of 2020, the earliest time that reliable data were available, there were only about 50,000 tests conducted daily. To read the full story, click [here](#).

### **California's Shifting Rules On Masks And Workplace Safety Confuse, Frustrate Businesses**

The standards board for California's Division of Occupational Safety and Health, or Cal/OSHA, voted last week to loosen some masking restrictions at work for unvaccinated people to coincide with the June 15 reopening, but switched course during a marathon meeting Wednesday night. Board members will consider rules more in line with the state's public health department next week, but meanwhile, stricter emergency measures passed late last year remain in effect. ... In California, workers will have to wear masks until at least June 28, the earliest the board could put a revised rule into action. That will create a situation in which businesses including hotels and restaurants will have to take more precautions than in most other settings statewide. To read the full story, click [here](#).

### **Telemedicine Took Off In The Pandemic. California Is Now Debating Costs If It Endures**

In California, the Democratic-controlled Legislature wants the state's Medicaid program for low-income people — called Medi-Cal — to keep paying for phone appointments at the same rate as for video and in-person visits, a policy that began during the pandemic. But Democratic Gov. Gavin Newsom's budget plan directs Medi-Cal to reduce the rate. Medi-Cal paid for a whopping 2.4 million phone appointments from March 1, 2020, to April 30, 2021, according to the state Department of Health Care Services. ... The use of audio and video appointments — generally known as telehealth — has exploded during the pandemic. In California, there were about 10,500 telehealth visits a week per 100,000 Medi-Cal patients in 2020, compared with about 300 in 2019, according to the state Department of Health Care Services.

To read the full story, click [here](#).

### **Kaiser Launches COVID-19 Vaccine Trial For Children 5 To 11 In Northern California**

A few weeks ago, Kaiser's Los Angeles Medical Center kicked off a trial evaluating a Moderna vaccine for children 6 months to 11 years old, a Kaiser spokesperson said. So far, it has enrolled participants as young as 6. ... If all goes well with the trial, the vaccine could become available for young children as early as fall, according to Dr. Nicola Klein, director of the Kaiser Permanente Vaccine Study Center, which is conducting the trial. "So it may be around the start of school," Klein said, adding that the timing is a best-case scenario and ultimately is still "up in the air." Pfizer has a COVID-19 vaccine approved for children 12 and over. In April, Stanford began testing the Pfizer vaccine on

children as young as 2. Moderna announced its vaccine trial for children 6 months to 11 years old in March. To read the full story, click [here](#).

### **LA Teachers Union Pact Mandates Masks And Coronavirus Tests For All This Fall**

Masks will remain on for students and staff at Los Angeles schools this fall, and coronavirus testing will continue for all, under a tentative agreement announced Thursday between district officials and the teachers union. The mask mandate would continue regardless of whether employees or students are vaccinated, with rare potential exceptions for students with disabilities. And the coronavirus testing would take place at least once every two weeks. That's a possible step back from the current practice, which has required testing every week since campuses gradually reopened in April. Daily screening for symptoms also would be required for students, staff and visitors before entering a campus. This screening has typically consisted of a temperature check and a verbal self-affirmation of good health. The district also has an online Daily Pass that allows for the same affirmation, but people haven't been required to use it.

To read the full story, click [here](#).

### **California Has The Largest Drop In Spring College Enrollment Numbers In The Nation**

The state's overall community college and university headcount dropped by about 123,000 students — the largest numeric decrease of any state. The percentage decline was 5.3%. The numeric downturn reflects California's stature as the most populous state, but does not account for the entirety of the loss, researchers said. College enrollment across the nation dropped by 3.5% — or about 603,000 students — from spring 2020 to spring 2021, marking the biggest decline on record with the National Student Clearinghouse Research Center, which has tracked higher education enrollment and degree data since 2011. The calculation takes into account a decline of undergraduates and an increase in graduate students, the report by the organization says. To read the full story, click [here](#).

### **The FDA tells Johnson & Johnson to throw out about 60 million doses made at troubled plant**

After weeks of review of a troubled Baltimore factory, federal regulators have decided that about 60 million doses of the Johnson & Johnson coronavirus vaccine produced there must be discarded because of possible contamination, according to people familiar with the situation. The Food and Drug Administration plans to allow about 10 million doses to be distributed in the United States or sent to other countries, but with a warning that regulators cannot guarantee that Emergent BioSolutions, the company that operates the plant, followed good manufacturing practices. The agency has not yet

decided whether Emergent can reopen the factory, which has been closed for two months because of regulatory concerns, the people said  
To read the full story, click [here](#).

### **COVID-19 Deaths This Year Have Already Eclipsed 2020's Toll**

It took less than six months for the globe to record more than 1.88 million Covid-19 deaths this year, according to a Wall Street Journal analysis of data collected by Johns Hopkins University. The university's count for 2021 edged just ahead of the 2020 death toll on Thursday. These numbers underscore how unevenly the pandemic spread around the globe, often hitting poorer nations later, but before they had access to the vaccines that have benefited Europe and the US. That pattern has led to a worsening divide between developed and developing nations as President Biden and the leaders of the other Group of Seven advanced economies prepare to gather in England to discuss next steps in the pandemic response. While Western nations such as the U.S., Canada and the UK celebrate low caseloads and declining deaths thanks to mass vaccinations, the intensified pandemic in parts of Asia and Latin America propelled global deaths higher. To read the full story, click [here](#).

**Note:** While EKA monitors governmental announcements, guidelines and recommendations, our updates are prepared for informational purposes and are compiled from publicly available sources. Our updates should not be considered health, medical, legal, or tax advice. Always consult a qualified professional regarding any specific questions you may have. All hyperlinks are live and will bring you to the information mentioned. If you are not interested in receiving future emails from us, please reply with a "Remove" in the subject line and note the email addresses to be removed.

### **Previous Updates**

Our previous COVID-19 updates can be found [here](#). Feel free to share our updates with friends and colleagues. We hope you find the information in the EKA updates and the questions they raise to be informative. If you have any COVID-19 government or communications questions, please reach out to any EKA team members.