

COVID-19 Update From EKA – March 24, 2020

EKA's media, government, public relations and crisis support services teams are staying abreast of changes being made in response to the pandemic and the government policies, practices and regulations that are rapidly changing. We are available to assist you with any of the unique questions and needs facing your business. EKA is not a law firm. This update has been prepared and published for informational purposes only and is not offered, nor should be construed, as legal advice. Below are some of the significant government-related developments over the last 24 hours.

COURTS

In an unprecedented order, California's chief justice suspended all superior court jury trials for 60 days because of the coronavirus outbreak. The [Order](#) impacts all 58 superior courts statewide. Local courts can, however, choose to conduct some business, just not jury trials. The courts are considered essential services that are exempt from stay-at-home orders that shut many government offices as well as most commercial businesses.

COUNTY OF LOS ANGELES

CEO

Sachi Hamai, the CEO at LA County has agreed to postpone her retirement at the end of this month until May in order to help with this COVID crisis.

Supervisor Hahn

Supervisor Janice Hahn [began self-isolation](#) at her San Pedro home 10 days after the party, has not felt ill, nor tested positive. She wrote in a column for Easy Reader that she self-isolated because she is over 65 "I am following the Governor's orders and it is important that you do, too.

Updated Order

On Monday, the County of Los Angeles Department of Public Health issued an updated Safer at Home Health Officer [Order](#). Please review the Order in its entirety to determine how this may impact your operation.

LA County Sheriff

Sheriff Alex Villanueva declared gun stores as nonessential businesses that will be forced to close. Sheriff Villanueva also said he's adding 1,300 deputies to patrol, that he's released 1,700 nonviolent inmates from county jails, and criticized how local politicians have handled the messaging behind the numerous stay-at-home orders. In an [interview on Fox 11](#), The Sheriff said he has obtained 1 million N-95 masks to distribute to local hospitals and police departments.

CITY OF LOS ANGELES

Council Postponed

Los Angeles City Council President Nury Martinez [canceled council meetings](#) that had been scheduled for today and next week, saying that the city needed to ensure it was ready to meet

“recommended safety standards.” Today’s meeting had been planned, in part, as a teleconferencing meeting during which members of the public could call in with comments. Last week, council members put forward a long list of proposals that including boosting sick leave and restricting evictions, that have not yet been formally drafted and passed as laws.

As mentioned in yesterday’s update, two of the measures would dictate how employers can react to the financial crisis resulting from COVID-19. The [Just Cause Termination](#) provisions would require organizations to make employment decisions based on seniority as opposed to what works for the organization. The motion directs the City Attorney to draft an ordinance to make this law and make it retroactive to March 1st. The law would require :

- Businesses to lay off employees based on seniority.
- If a business survives the recession, employees will have the right of recall based on seniority.
- If a business is sold, the laid off employees will have the right of retention.
- Additionally, businesses will need to have ‘just cause’ to terminate an employee.

Restaurants can deliver alcoholic beverages

Mayor Garcetti announced that restaurants and bars that serve food will now be allowed to deliver alcoholic beverages. In a related development, the State Alcohol Beverage Control Board issued a notice that requires licensees with bona fide eating places (i.e. restaurants) selling beer, wine and pre-mixed cocktails for consumption off the licensed premises with meals prepared for pick-up or delivery to post a notice in a manner that puts consumers on notice of limitations regarding open container laws. For your convenience [click here](#) to print PDF of the required posting for licensed premises.

Building & Safety

Mayor Garcetti issued an emergency order suspending all deadlines prescribed in the Los Angeles Municipal Code pertaining to public hearings and decisions made by legislative bodies, zoning administrators, the Director of Planning, the General Manager of the Department of Building and Safety and other City department general managers.

Free Rides

Effective yesterday, LADOT Transit's L.A. DASH service is providing fare-free rides on all bus routes. Customers are asked to board buses from the back in order to maintain social distance between drivers and riders. The front door will remain available to wheelchair riders and those who need the wheelchair ramp. Up-to-date service information is available on [LADOT Transit’s website](#).

Schools

Los Angeles public schools will remain closed until May 1st in response to the coronavirus outbreak, district officials announced Monday in communications sent to parents. The announcement extended a closure that was originally scheduled for two weeks — with Monday marking the beginning of the second week. The extension came after the county’s top education official, Debra Duardo, who has no direct authority over L.A. Unified operations, recommended that all school districts in the county remain shuttered until May 5. Gov. Gavin Newsom said

last week that was likely that campuses would remain closed for the remainder of the traditional school year.

Homeless

Mayor Garcetti said he is working with other government entities to secure hundreds of motel and hotel rooms where homeless people can stay isolated. He also said there are now more than 300 sanitation stations for homeless people to wash their hands. Eight recreation and park sites were opened in recent days, he said, echoing responses he made during a question and answer period in the previous day's briefing. Last week, the mayor had announced that 1,600 beds would be made available at 13 sites, but the number of beds were expected to be drastically reduced when a six-foot distancing was applied between cots.

CULVER CITY

Mayor Meghan Sahli-Wells released a [new video message](#) on COVID-19. The City announced that the City Dial-A-Ride Service will only be available for essential travel, which includes grocery shopping and medical appointments. All other requests will be declined. Riders who previously used Dial-A-Ride to pick up their meals from the nutrition program at the Culver City Senior Center can send a neighbor, family member or relative to pick up the meals, or contact the Senior Meals program at (310) 253-6712 to schedule the meals to be delivered.

SANTA MONICA

The City of [Santa Monica announced](#) that its police officers are authorized to issue citations to violators of stay at home orders in place to help slow the spread of the novel coronavirus (COVID-19). According to the City, it will follow whichever is stricter, unless otherwise stated by both the Governor and the County. Under the stay at home rules, residents are required to stay at home and away from people outside their immediate family unless they are engaging in an 'essential activity'. In addition, while not fully prohibiting outdoor activities, the rules prohibit gatherings of 10 or more people. People can still go to the grocery store, pharmacy and medical appointments. Walks and ride bikes are also allowed in permitted areas. The State and County Stay at Home/Safer at Home orders are enforceable by the Santa Monica Police Department.

SACRAMENTO

California Apartment Association

The California Apartment Association has released its Safe at Home Guidelines for complying with COVID-19 executive orders. To view the document, [click here](#).

Cal OSHA

It is well known that California's workplace health and safety regulations direct employers to develop and implement an Injury and Illness Prevention Program ("IIPP") to protect employees from workplace hazards. Some employers also have an obligation under the California Department of Industrial Relations Division of Occupational Safety & Health's ("Cal OSHA") Aerosol Transmissible Diseases ("ATD") standard ([Title 8 California Code of Regulations](#)

[\(CCR\) §5199](#)) to take additional precautions to protect workers from airborne infectious diseases, such as coronavirus (“COVID-19”).

To further address risks of exposure to COVID-19 from working with children, Cal OSHA recently issued guidance to childcare industry employers and program administrators on [‘COVID-19 Infection Prevention in Childcare Programs.’](#) In addition to reminding childcare industry employers of the importance of having an IIPP, Cal OSHA’s guidance instructs these employers to implement specific procedures to prevent the spread of COVID-19 in the workplace, which include:

- Having a comprehensive plan (i.e., procedures for daily check-ins and communications with parents and guardians) for how to share information on COVID-19 related issues, such as observed symptoms of COVID-19 infection and effective screening of children for COVID-19 infection;
- Coordinating with local health officials on what to do in the event someone at the childcare facility is determined to have COVID-19 infection;
- Educating children at the facility on how to prevent the spread of COVID-19 through proper hygiene practices (i.e., frequent hand washing, telling an adult when they do not feel well, coughing and sneezing etiquette, etc.);
- Setting up a plan for how to manage children that become sick at the facility (e.g., isolation, communication with parent or guardian, etc.); and
- Routinely cleaning and disinfecting surfaces and objects at the facility using products that are approved by the U.S. Environmental Protection Agency (“EPA”) for use against COVID-19.

Cal OSHA’s guidance also instructs childcare industry employers to train employees on how COVID-19 is spread, precautions employees should take to prevent the virus from spreading, COVID-19 symptoms, and when to seek medical assistance for children or employees. Under the guidance, childcare industry employers should also be training employees on the employer’s plan for managing children at the facility that become sick and the procedures established for protecting employees from COVID-19 infection.

The California Labor and Workforce Development Agency has developed a Coronavirus 2019 (COVID-19) Resources for Employers and Workers. The document which can be found [here](#) provides important guidance to the public.

Sick Leave

COVID-19 cases have risen swiftly in California and in response, administrative agencies have released guidance to employers regarding wage and hour issues and paid sick leave. Late last week, the Labor Commissioner’s office provided input on administering paid sick leave in light of coronavirus. The Labor Commissioner indicated that preventative care under paid sick leave would include self-quarantine as a result of potential exposure to COVID-19 if recommended by civil authorities or if the employee has traveled to a high-risk area. However, employers cannot require employees to use paid sick leave for quarantine purposes. The Labor Commissioner’s guidance can be found [here](#).

At the same time, California's Employee Development Department (EDD) announced support services to employers and employees affected by COVID-19. Employees who are sick or quarantined due to the virus may file for disability benefits. Employees who cannot work because they are caring for a family member who is sick or quarantined can seek paid family leave benefits. Moreover, employees can claim unemployment insurance benefits due to reduced hours or operations shut down related to the virus concerns. Employers experiencing a slowdown in their businesses or services as a result of the coronavirus impact on the economy may apply for the [UI Work Sharing Program](#) as an alternative to layoffs. Employers experiencing a COVID-19-related hardship may request a 60-day extension from the EDD for filing state payroll reports and depositing state payroll taxes (without penalty or interest penalties).

Consumer Alert

California Attorney General Xavier Becerra issued a consumer alert about deceptive advertising related to COVID-19. The Attorney General said all Californians to be mindful of any products or services that falsely claim to treat, diagnose, prevent, or cure COVID-19. According to the Centers for Disease Control and Prevention and the World Health Organization, there is no vaccine to prevent COVID-19, nor is there a medicine that treats or cures coronavirus. The AG encouraged anyone who has been the victim or has information about products that are falsely touted as coronavirus treatments, tests, or cures to immediately file a complaint through his office's [website](#).

March 3, 2020, Presidential Primary Election Extension

Gov. Newsom issued [Executive Order N-34-20](#), which, among other things, extends all deadlines associated with the official canvass of the March 3, 2020, Presidential Primary Election by 21 days. Based upon this Executive Order, the following canvass-related deadlines for county elections officials and the Secretary of State have been extended as follows (the number preceding the entry is the number of the entry in the March 3, 2020, Primary Election Calendar found [here](#)).

NATIONAL

REAL ID

President Trump announced that the federal government will push back the approaching deadline for REAL ID compliance due to the COVID-19 crisis. President Trump did not say what the new deadline was but said it will be announced: "very soon." [The California DMV tweeted:](#) "Due to COVID19 REALID enforcement date has been extended. Details to follow."

COVID-19 or Other Public Health Emergencies and the Family and Medical Leave Act Questions and Answers

Last week the President signed the Families First Coronavirus Response Act, an economic stimulus plan aimed at addressing the impact of the COVID-19 outbreak on Americans and introducing paid sick leave and an expanded family and medical leave act to the nation's employers. Employers are no longer asking whether they can check the temperatures of their

employees, but instead are hyper-focused on continuing critical business operations while helping employees mitigate the financial burdens of the current crisis. The Department of Labor has issued a very good [Questions and Answers Document](#) in an attempt to answer questions so many people have.

Small Business Administration (SBA) Economic Injury Disaster Loan Program Currently Available

While we wait for Congress and the President to work out the details on the latest COVID-19 bill, the SBA is currently providing low-interest working capital loans of up to \$2 million to small businesses and nonprofits affected by COVID-19 in California. These loans may be used to pay fixed debts, payroll, accounts payable, and other bills that cannot be paid because of the disaster's impact. These loans currently have an interest rate of 3.75% for small businesses and 2.75% for nonprofits. Loan repayment terms vary by applicant but can go up to a maximum of 30 years. (For questions on obtaining an SBA loan, you can go to the [SBA's COVID-19 page](#) or contact the SBA disaster assistance customer service center at 1-800-659-2955

U.S. Department of Education Issues COVID-19 Guidance to Schools

The Department considers its March 5 guidance to be interim, and may follow up with additional guidance addressing these and other topics.

Due to the outbreak of coronavirus (COVID-19), the Centers for Disease Control and Prevention recommends that institutions of higher education consider postponing or canceling upcoming study abroad or foreign exchange programs. However, this advice has raised pressing questions about how this would affect Title IV, Higher Education Act (HEA) federal financial aid and a student's ability to finish the term if a program is interrupted or canceled. In response, on March 5, 2020, the U.S. Department of Education's office of Federal Student Aid (FSA) offered [guidance](#) permitting temporary flexibility and clarifying how higher education institutions can continue to comply with Title IV regulations for students whose activities are impacted by COVID-19. Thirty two senators wrote to Education Secretary Betsy DeVos seeking additional guidance from the Department on a number of additional issues including:

- Online educational options for students without home computers or high speed internet access;
- Assistance with ensuring accessible online instructional materials for students with disabilities;
- Continuity of mental health services;
- Ensuring quality of online education including guidance around the "regular and substantive" online interaction requirement;
- Greater flexibility for Satisfactory Academic Progress measurement;
- Proactive warnings to students regarding return of Title IV procedures for mid-term withdrawals to avoid unnecessary federal aid expenditures for students;
- Loan deferment and forbearance opportunities for students with interrupted income;
- How to report withdrawal dates to avoid triggering repayment obligation grace period; and
- Institutional partnerships with non-Title IV entities.

The Department considers its March 5 guidance to be interim, and may follow up with additional guidance addressing these and other topics. The timing of such guidance is unknown at this time. FSA's March 5 announcement covers five scenarios:

1. A student is enrolled in a travel abroad program and was called back or was never able to start the program.
2. A student was enrolled in a class or program that was canceled due to the virus and is no longer considered to be a full-time student because of inability to earn sufficient credits.
3. A student is quarantined and misses class, or a student has the coronavirus.
4. A campus temporarily stops offering classes to prevent the spread of the virus.
5. A foreign school temporarily suspends operations.

Note: The scenarios do not include students who have not yet enrolled or whose programs have not yet started.

Temporary Use of Distance Education Permitted

FSA's guidance temporarily allows U.S. institutions (not foreign schools) to use online instruction without going through the regular approval process. In doing so, the Department also makes clear that accreditors can waive their distance education review requirements. However, it is up to each accreditor to announce that policy. The guidance states that instructors *must* initiate and be able to document substantive communication with students, either individually or collectively, on a regular basis.

Institutions can temporarily move classes online until they are given the "all clear" to resume classroom instruction; enter into temporary agreements with other schools for students to complete courses; ask the Department for permission for a temporary, reduced academic year; and/or accreditors can waive their requirements for students to complete a certain number of credits at an institution to finish their degrees. Again, the flexibility offered to accrediting agencies is dependent upon the agencies agreeing to adopt such policies.

Clock Hour Programs Not Fully Addressed

Importantly for schools that measure attendance in clock hours, this flexibility is *not* available for courses that lead to state licensure if the licensure body will not accept distance learning courses or hours or give credit for them toward the number of hours a student must complete. Therefore, clock hour institutions will want to work with their state licensure agencies to urge them to accept online learning options on an emergency basis or risk having enrolled students deemed Title IV ineligible if part or all of an affected program is provided through distance education.

Federal Student Aid Funds

The Department will also allow students to request a leave of absence and let institutions keep the Title IV funds to use when the students return, as long as they come back within the current length of an acceptable leave of absence, which is 180 days. For students who have not yet started their programs, the institution must return all Title IV funds and all Direct Loan funds credited to a student's account for the period. Institutions should also notify students' loan servicers that the student did not begin attendance to protect them from entering repayment

within six months of withdrawing. The Department will also allow schools to continue paying student federal work-study wages during a temporary coronavirus-related closure. However, the Department does not have the authority to waive the requirement to award Title IV funds based on a student's enrollment status if they fall below full-time enrollment or 12 credit hours. For additional updates, please continue to check the Department's [resource page](#).

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