

COVID-19 Update From EKA – March 24, 2020

As the world mobilizes to mitigate the impact of the Coronavirus, uncertainty abounds. EKA's media, government, public relations and crisis support services teams are tracking governments' response to the COVID-19 crisis. This update has been prepared 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.

EKA Business Resources

Several clients have contacted us as they prepare for operations after public health has been restored. We recognize that the COVID-19 outbreak is first and foremost a human tragedy, affecting millions of people. EKA has been gathering information to help businesses plan for and respond to the pandemic. If you have any questions about the availability of government resources to assist your company during these uncertain times, please call your EKA contact. As always, we are available to address your questions and concerns.

COUNTY OF LOS ANGELES

Guns

The Los Angeles County Sheriff said that enforcement efforts to close down local gun stores has been suspended after intervention from the County's legal counsel. [Sheriff Alex Villanueva told FOX 11 reporter Bill Melugin](#) that county counsel Mary Wickham issued an opinion that gun stores can be classified as essential businesses under the Governor's statewide executive Order. Sheriff Villanueva has reached out to the Governor's office to get clarification on how gun stores should be classified, but never got a response. Up until the legal opinion, Villanueva said a majority of gun shops were complying with his Order to close down. The Sheriff maintained that he believes gun stores should not be open to the general public right now because he feels there are too many first time buyers making panic purchases of guns they don't know how to operate and they aren't familiar with California's strict laws.

Property Taxes

The County Tax Collector has released new information on the impact of COVID-19 to tax payments. The April 10, 2020 deadline for property tax payments **will not** be extended. However, taxpayers unable to remit their taxes on time for reasons related to COVID-19 will be able to submit a request for a penalty cancellation starting April 11, 2020. That request will be considered by a special team. Please visit the [Los Angeles County Tax Collector webpage](#) for more information and answers to frequently asked questions.

Metrolink

Metrolink has decided to make changes to their service as a result of COVID-19 (Coronavirus). As of last Friday, ridership is down around 80% systemwide – this lack of demand means a temporary reduction of service levels can occur without the danger of creating crowding situations on trains. The service reduction will happen the morning of Thursday, March 26, and will be in effect until further notice. To view the temporary service reduction schedule, [click here](#).

Fraudulent Websites, Emails And Donation Requests

Los Angeles County issued a warning to residents about several fraud schemes designed to prey on the vulnerable in the midst of the COVID-19 public health crisis. Reports of malicious websites, email schemes, and suspicious links have come to the attention of law enforcement and public officials. Currently, there are several Coronavirus tracking and mapping sites that are actually malware websites. Instead of clicking on these links, cybersecurity experts advise that website users should instead hover over the link to verify the uniform resource locator (URL) before moving forward. Online hackers may also send users emails from fraudulent accounts impersonating official websites and doctors, or offering medical supplies and services. A trusted COVID-19 mapping resource is the Johns Hopkins Coronavirus Global Map, which can be found at coronavirus.jhu.edu. The Sheriff's Department put together a situational awareness COVID-19 [online scams document](#). Please remind your employees to be careful before going to non-trusted websites.

LAUSD

Yesterday, the District announced the extension of the school closures to May 1. [See the Superintendent's Address here](#). The District is investing \$100 million in emergency funds in an effort to close the digital divide and get all students connected to a device and internet during this time. Local Districts and administrators are working on a plan for the distribution of devices throughout the next few weeks, starting with the high school students and working down to the youngest students.

CITY OF LOS ANGELES

Safer At Home Enforcement

Mayor Eric Garcetti and City Attorney Mike Feuer assured strong enforcement of the City's "Safer at Home" emergency order, which requires Angelenos to stay in their residences in response to the COVID-19 pandemic. The ["Safer at Home" Order](#) requires residents to remain in their homes except for essential activities — including critical tasks such as securing food and health, safety and medical necessities, as well as caring for children, elder adults, family, friends and people with disabilities.

Failure to heed the Order is a misdemeanor that can result in fines or jail time. City Attorney Feuer has assigned his Neighborhood Prosecutor team to work with the Los Angeles Police Department to seek compliance and enforce the City's Order when necessary. Enforcement actions will start with verbal warnings and requests for voluntary compliance. If a business still fails to cooperate, the City will shut off the business's water and power. Here's how the Mayor described the escalating measures:

- The City is asking businesses to comply and encouraging local residents to call 311 to report non-essential businesses that are refusing.
- The City is launching a "Safer at Home Business Ambassadors Program" with city workers and volunteers from the Mayor's Crisis Response Team. Together with LAPD officers, these team members will visit non-essential businesses that are refusing to comply for the purpose of "obtaining voluntary compliance." This team will share information on repeat offenders with the LAPD, which could ultimately result in citations.

- Neighborhood prosecutors with the City Attorney's office, who help enforce public health and safety measures and cover every police station in the City, will also be contacting businesses to warn them of violations before escalating to stronger enforcement.
- Repeat offenders can ultimately face misdemeanor charges, and the City will, if it needs to, shut off a business's water and power.

City Council

On March 17 the L.A. City Council convened what would be the last Council meeting of March 2020. The agenda reflected items that traditionally appear before the Council, but also included a very long discussion regarding the impacts and response to many Covid-19 related issues. There are two motions [20-0147-S15](#) and [20-0147-S42](#) which have not yet been scheduled due to Covid-19 related cancellations, but are believed to be very close to a future hearing. The two items specifically attempt to create "just cause" terminations for all employees terminated during the current Covid-19 crisis and require employers to discharge and rehire employees solely based on seniority. Neither of these motions have been properly scheduled in the Council, nor have they had a committee hearing (because committee has been cancelled) yet it the Council could move forward with limited ability to address public concern.

Update On Parking Enforcement In Los Angeles

Last week LADOT announced changes to parking enforcement. Effective last night., LADOT Parking Enforcement personnel will NOT cite or tow vehicles with expired registrations. LADOT has RELAXED enforcement and will waive tickets issued on or after Monday 3/16 for the following categories:

- Residential street sweeping
- Peak/rush hour and gridlock zone parking restrictions
- Non-metered time limits in commercial zones
- Ticket/tow for abandoned vehicles, overnight parking, and oversize vehicles
- Expired registration on a vehicle
- No parking fine increases for 60 days
- Extended grace period for people dropping off or picking up
- Immediate extensions on all deadlines for payments until June 1
- Enforcement CONTINUES for:
 - Metered parking
 - Preferential parking districts
 - Posted time limits in residential areas
 - Posted temporary no-parking for repaving, street repair, and other street maintenance
 - Blocking emergency access (alleyways, fire hydrants, etc.)
 - Colored curb zones
 - Parking restrictions for city-owned lots

These changes will remain in effect until April 19, 2020 and are subject to extension.

Emergency Order

The Mayor issued an updated emergency [order](#) strengthening protections for residential tenants in response to the COVID-19 pandemic and announced that a moratorium on LADWP shutoffs for nonpayment would be extended indefinitely. The Mayor issued emergency moratoriums on

evictions of residential and commercial tenants in the City of Los Angeles during the local emergency period if the tenant is able to show an inability to pay rent due to circumstances related to the COVID-19 pandemic. He has extended all previously issued emergency orders to April 19, 2020, including previously announced tenant protections. Those protections were expanded with an order stating: "Residential tenants in the City of Los Angeles may not be evicted during the declared emergency in the City of Los Angeles if the eviction is a 'no-fault eviction' and any member of the household is ill, in isolation, or under quarantine. Under this Order, a 'no-fault eviction' means any eviction for which the notice to terminate a tenancy is not based on an alleged fault of the tenant, including without limitation, eviction notices served under California Code of Civil Procedure sections 1161(1), 1161(5), or 1161c."

Evictions

The Order also provides tenant protections against Ellis Act evictions, stating: "No party in the City of Los Angeles may remove occupied residential units from the rental market under the Ellis Act while this Order is in effect. Tenancies may not be terminated under the Ellis Act until 60 days after the expiration of this Order." "This Order applies to nonpayment eviction notices, no-fault eviction notices, and unlawful detainer actions based on such notices, served or filed on or after the date on which a local emergency was proclaimed. Nothing in this Order shall be construed to mean that the tenant will not still be obligated to pay lawfully charged rent."

Parking

The Order also provides that, "Parking enforcement will be relaxed and an extended grace period will be given to vehicles owned and operated by employees or employers who are engaged in manufacturing or healthcare activities listed as essential under the March 15, 2020 Public Order Under City of Los Angeles Emergency Authority and located in permanent or temporary industrial, manufacturing, or commercial zones of the City of Los Angeles."

LONG BEACH

Limited Access

Access is now closed to Belmont Veterans Memorial Pier, the El Dorado Nature Center and parking lots at City-owned parks and beaches through April 19 to prevent large groups of people from congregating in public spaces, in accordance with the [latest clarification](#) to the state's "Stay at Home" order and the City of Long Beach's "Safer at Home" order. Additionally, gatherings of any size will be prohibited citywide as part of the updated Order. The City took these steps because there were too many people ignoring social distancing while visiting trails and beaches. The City is allowing the public to ride bicycles, walk dogs or go for a run, but they are encouraging the public to avoid any type of gathering and to avoid groups of people.

Living in Vehicles

[Residents living in parking impacted neighborhoods](#) who have obtained special permits will still be allowed to park their vehicles at City-owned beach lots as a free alternative through April 30. Vehicles parking in a beach lot without a permit are subject to enforcement. Applications are still being accepted for free permits at following beach parking lots

CULVER CITY

In accordance with Public Health orders, additional park areas where social distancing cannot be maintained will be closed effective immediately. All sports and recreation areas have been closed until further notice. Parks remain open as outdoor-only facilities from dawn to dusk. The Culver City Senior Center is closed, but the Senior Nutrition Program is operating.

SACRAMENTO

COVID-19 - California's Census Count

In response to the coronavirus pandemic, the U.S. Census Bureau has suspended field operations and altered timeframes for the 2020 Census. The Bureau began its self-response period on March 12, when it started mailing out invitations to participate in the census to virtually every household in the country. Self-response remains the safest and most straightforward way to gather census data because, unlike in-person interviews, it does not raise the risk of coronavirus exposure.

Executive Order

An [executive order](#) has been issued to allow current recipients of safety net programs in California (CalWORKs, CalFresh, In-Home Supportive Services, Medi-Cal, and Cash Assistance for Immigrants) to continue receiving them without interruption during this time.

What Are "Critical Infrastructure Sectors?"

For businesses assessing whether and what operations can continue, the Order identified two reference sources: the "[CISA Critical Infrastructure Sectors](#)," a list of 16 critical sectors ("List"), and the much more detailed "[Guidance on the Essential Critical Infrastructure Workforce - Memorandum on Identification of Essential Critical Infrastructure Workers During Covid-19 Response](#)" (also by CISA) ("Guidance"). The Guidance includes 14 (not 16) critical sectors but provides a description of each as well as subheadings for some.

The first step in the assessment process is for companies to determine whether their business or some portion of it falls within the identified critical sectors in these two documents, which contain considerable overlap. In some cases, a business will not fall neatly within any of the critical sectors even though it may be included in the more detailed Guidance. For example, removal of medical waste is included in "hazardous materials" in the Guidance but does not fit squarely within any of the 16 identified critical sectors in the List.

Businesses should also refer to the California State Public Health Officer's further Guidance published on March 20, 2020, available [here](#). That further Guidance identifies additional businesses that are critical, for example, construction workers and service providers such as plumbers who support sanitation or safety on construction sites and projects, and professional services, such as legal or accounting services necessary to assist in compliance with legally mandated activities and critical sector services. Employers should also review the FAQs generally addressing the Order published on March 21, 2020, available [here](#). Employers can also check for updates at [California's COVID-19 page](#).

Medi-Cal

Medi-Cal covers all testing and treatment for the virus. For those with private insurance, current policy directives from the state of California say COVID-19 tests will be covered free of cost

under all health plans [regulated by the state](#). It should be noted that [H.R. 6201, The Families First Coronavirus Act](#), will prevent hunger among children during school closures

Housing

Governor Newsom [issued an Executive Order](#) to protect homeless Californians from COVID—19.

Insurance

Without federal action, insurance premiums are likely to skyrocket by as much as 40 percent or more in 2021 because of the costs of testing and caring for patients with COVID-19, Covered California reported. [In a report to congressional representatives](#), Covered California leaders noted that insurers are in the process of setting premiums right now. The report makes several recommendations that could mitigate the potential impact of cost increases for consumers and businesses

Disaster request

California didn't get everything it was seeking when it secured a major disaster declaration from President Trump — left out was money for numerous types of individual aid, including broader access to food stamps and unemployment benefits. In his declaration Sunday, which Trump issued just hours after Gov. Gavin Newsom requested it, the president gave a green light for funding to help state, local and tribal governments cope with response efforts to the Coronavirus. In his [letter](#) requesting a disaster declaration, Newsom wrote, "It is clear additional resources are immediately necessary to adequately respond to the unmet needs of the people and businesses of California."

- Disaster assistance that would provide relief to people who don't qualify for state-funded unemployment, such as business owners and people who are self-employed. Gig workers and freelancers whose income has dried up would be included among self-employed people.
- Funding for case workers to help the state's more than 150,000 homeless people secure shelter. Newsom said many homeless people "will not be able to recover" from the outbreak because city and county governments are soon going to run out of resources to help them.
- Funding to expand the number of people eligible for food stamps. Under Newsom's request, people could more easily qualify for food stamps if they lose a job because of the coronavirus outbreak, and people who already get food stamps could get extra assistance.

The only specific request for individuals that Trump approved was funding to pay crisis counselors to help people struggling with mental health issues due to the outbreak. The Federal Emergency Management Agency, which oversees disaster relief, declined to explain why the other types of assistance weren't granted in Trump's declaration.

Emergency Legislation and State Actions Related to Coronavirus

Emergency Bills. On March 17, 2020, Governor Gavin Newsom signed the following measures into law in response to Coronavirus:

- [S.B. 89 \(Senate Budget and Fiscal Review Committee\)](#). This measure provides the Governor with additional expenditure authority to address the COVID-19 Proclamation of Emergency with a \$500.0 million State General Fund appropriation.
- [SB 117 \(Senate Budget and Fiscal Review Committee\)](#). This measure provides funding and other statutory changes to help local education agencies during closures due to COVID-19.

Executive Order to Protect Homeowners and Renters. On March 16, 2020, Governor Newsom issued [Executive Order N-28-20](#) authorizing local governments to halt evictions for renters and homeowners, slow foreclosures, and protect against utility shutoffs for Californians affected by COVID-19.

Executive Order on Eligibility for Safety Net Services and Adjusting Public Meeting Requirements. On March 17, 2020, Governor Newsom issued [Executive Order Executive Order N-29-20](#), which waives eligibility re-determinations for 90 days for Californians who participate in safety net services; and provides additional Guidance on the Brown Act.

Executive Order on the Delivery of Vital Goods and Employment. On March 17, 2020, Governor Newsom issued [Executive Order N-31-20](#), which eases restrictions on commercial drivers; and suspends labor law that governs employer notice requirements related to relocations, terminations, and mass layoffs.

NATIONAL

\$2 Trillion Virus Rescue Bill

The White House and Senate leaders of both parties announced an agreement on unprecedented emergency legislation to rush sweeping aid to businesses, workers and a health care system slammed by the coronavirus pandemic. It still needs to be finalized in detailed legislative language. The legislation aims to flood the economy with capital by sending \$1,200 checks to many Americans and \$500 to most children, **create a \$367 billion loan program for small businesses to help deal with payroll problems** and setting up a \$500 billion fund for industries, cities and states. Other provisions include a massive boost to unemployment insurance, \$150 billion for state and local stimulus funds and \$150 billion for hospitals among numerous other provisions.

Shareholder Lawsuit

A shareholder at one of the companies Sen. Richard Burr sold stock from in the weeks before the coronavirus pandemic rocked the U.S. is suing the senator, alleging the top Republican committed securities fraud by “exploiting material information unavailable to the public.” The [complaint](#), filed in the U.S. District Court for the District of Columbia alleges that Burr “has acted as a scofflaw in a time of national crisis.”

Trump sets new date for lifting restrictions: Easter

The President said Tuesday that he would like to have the government restrictions on travel and social gatherings eased by Easter, which comes on Sunday, April 12. Shortly after Trump’s remarks, three major U.S. health organizations – representing the nation’s doctors, nurses and

hospitals – issued a public plea to Americans to stay home. “Staying at home in this urgent moment is our best defense to turn the tide against COVID-19,” wrote the American Medical Association, American Hospital Association, and American Nurses Association in an open letter. Sen. Dick Durbin Tuesday implored President Donald Trump not to ease too soon public restrictions aimed at stemming the spread of Coronavirus.

President to use Defense Production Act for first time for test kits

The Trump administration triggered the Defense Production Act for the first time to obtain about 60,000 coronavirus test kits to help health care workers confront a widespread shortage of medical supplies amid the unfolding crisis. The Korean War-era law allows the President to address the shortage of medical supplies by directing private companies to expedite the production of medical equipment. Trump invoked the DPA last week but has resisted calls from governors and other officials to actually enforce it as the administration scrambles to expand coronavirus testing across the country.

Updated EEOC Guidance

Developments continue to occur rapidly with the Coronavirus impact. As mentioned in previous updates, California clarified the list of essential businesses that are exempt from its shelter-in-place Order (while a handful of other states adopted their own shelter-in-place orders). The EEOC also issued some updated guidance for employers on how to respond to pandemic-related issues in the workplace. Meanwhile, the Secretary of Labor is working on (but still has not published) Guidance on various unclear aspects of the recently passed Families First Coronavirus Response Act. Here are some key updates on these items:

California Shelter in Place Order—Exempt Essential Businesses

When Governor Newsom issued his Shelter in Place Order last week, the Order was very unclear as to which businesses were considered “essential businesses” that are exempt from the Order and allowed to remain open. Over the weekend, the Governor’s office issued clarification in this regard, listing the types of workers (by sector) that perform essential, exempt work. Changes continue to be made to this list, but the most current list is available [here](#). Generally speaking, the sectors that have exempt workers include healthcare/public health, emergency services, public works, food and agriculture (including many retail grocery and similar stores, Big Box stores that sell household goods, and restaurants limited to takeout service), energy, water and wastewater, transportation and logistics, communications and information technology, financial services, legal services, hazardous materials, critical manufacturing, chemical workers, and various “other” workers. If you believe you have an essential workforce, you should review the list and ensure that your workers are, in fact, exempt. It is also a good idea to provide any essential workers with a letter or card they can carry identifying them as an essential worker (with brief explanation why), in the event they are stopped by law enforcement and questioned about not sheltering at home. The California order is in place until further notice by the Governor’s office.

Updated EEOC Guidance

The EEOC has updated its Guidance for employers on various virus-related issues in the workplace. The updated Guidance is [here](#). Among other things, the EEOC clarified that during the pandemic, employers may ask employees if they have flu-like symptoms and may send

employees home if they have flu-like symptoms. Employers also may conduct temperature checks of all workers entering the workplace. Note, however, that any information an employer collects regarding employee symptoms/temperatures would be subject to medical confidentiality requirements. In California, collecting such information also may trigger CCPA (California Consumer Privacy Act) notice requirements. The EEOC guidance still remains unclear as to whether employers may directly ask employees if they have underlying medical conditions that put them at higher risk for severe virus-related complications. The EEOC indicated that Covid-19 is a “direct threat” to the workplace which may justify disability-related inquiries, but their Guidance on this issue is not entirely clear. As such, it remains best to avoid asking such direct questions. Instead, you can tell employees which groups are considered high risk (65 and older, those with compromised immune systems or certain underlying medical conditions) and ask the employee to let you know if they are in a high-risk group (without disclosing the nature of any underlying medical condition). You can also ask if employees have been exposed to someone with the virus.

The EEOC has added Guidance for employers who are hiring during the pandemic as well. The EEOC advises that employers may screen applicants for symptoms of the virus after a conditional job offer has been made, assuming the employer screens all applicants and does not pick and choose among different groups. Employers may also conduct temperature checks. Finally, an employer may withdraw a job offer if a prospective employees has the virus and cannot work, assuming the employer has an immediate need to fill.

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