

COVID-19 Update From EKA – March 27, 2020

EKA's media, government, public relations and crisis support services teams are tracking the state, local and national government responses 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.

COUNTY OF LOS ANGELES

Property Owners Affected by COVID-19)

Supervisors Solis and Barger have [submitted a motion](#) that will be heard at the Supervisors meeting on March 31 to Instruct the Treasurer and Tax Collector, in consultation with County Counsel appropriately consider the impact of COVID-19 on property owners that may become delinquent on their 2019-20 Annual Secured Property Taxes second installment, as qualifying under "circumstances beyond a taxpayer's control," and consider cancellation of any penalty, costs or other charges resulting from that tax delinquency on a case-by-case basis; and continue to message the public, in multiple languages, about valid alternative payment options for property taxes, including paying online, via telephone or mail-in payments, in lieu of in-person transactions. (20-1874)

New Orders Directing Self-Quarantine And Self-Isolation

In an effort to slow the spread of COVID-19, protect vulnerable individuals, and prevent the Los Angeles County healthcare system from being overwhelmed, the L.A. County Health Officer has issued two new separate orders:

- [Self-quarantine](#) of anyone exposed to an individual diagnosed with or likely to have COVID-19.
- [Self-isolation](#) of anyone diagnosed with or showing symptoms consistent with COVID-19 within 14 days of being in close contact with a person who had or was believed to have COVID-19.

These new Orders ensure that individuals who test positive for COVID-19, and those who are told by a clinician they are presumed to be positive for COVID-19 are required to self-isolate for a period of at least 3 days without symptoms, including being fever free without taking medicine, and 7 days since symptoms started, whichever is longer. Additionally, those who have been in close contact with someone who is positive or presumed positive must quarantine themselves for 14 days from the last time they had contact with the ill person. The Health Department said it is critically important that everyone adheres to all the social distancing measures and practice good public health hygiene, including washing hands as frequently as possible. The notice explains the key differences between self-quarantine and self-isolation.

Emergency Operations Center

Click [here](#) to view the most recent Los Angeles County Emergency Operations Center COVID-19 update.

L.A. County Business and Worker Disaster Help Center

The Board of Supervisors, the Departments of Consumer and Business Affairs (DCBA) and Workforce Development, Aging and Community Services (WDACS) launched the new L.A. County Business and Worker Disaster Help Center, a new centralized call center and website providing free, one-on-one counseling and support for business owners and workers who have been adversely affected by the ongoing Coronavirus/COVID-19 emergency. The center is for business owners struggling to keep their doors open and workers who are uncertain about their next paycheck, Telephone: (833) 238-4450 Online: LACountyHelpCenter.org Email: DisasterHelpCenter@lacounty.gov Social media: @LACHelpCenter on Twitter, Facebook, and Instagram.

Sheriff Villanueva

Sheriff Villanueva hosted a press conference to provide information and updates related to the COVID-19 Pandemic. Sheriff Villanueva stated criminals using the COVID-19 Pandemic as a means of financial gain. The Sheriff urged the public not to open or reply to any electronic communication unless it was sent from a government account.

Sheriff Villanueva also addressed the temporary shutdown of guns and ammunition sales outside of Law Enforcement and Private Security organizations. The order will be effective for all unincorporated L.A County areas, including 42 contract cities where LASD provides law enforcement services.

Sheriff Villanueva stated that yesterday, March 25, 2020, he received notification that the L.A. County Board of Supervisors (BOS) plan to remove the Sheriff as the head of Emergency operations. It appears that the BOS chose to use its own version of the National Incident Management System. Sheriff Villanueva emphasized that "The county leaders should strive for a more collaborative 'One Team LA' mindset" and urged everyone to concentrate their efforts only on important issues in fighting the COVID-19 Pandemic. You can watch the full press conference click [here](#).

CITY OF LOS ANGELES

Worker Retention Ordinance

As mentioned previously, the Los Angeles City Council is going to have an emergency meeting today on several items that will have a **significant impact on the business community**. The Los Angeles Area Chamber of Commerce has posted the [Right of Recall](#), [Worker Retention](#) and [Paid Leave](#) items on their website. The main topics of concern for the business community are related to (1) [worker retention](#) (item 2 on the agenda); (2) [paid sick leave](#) (item 4 on the agenda) NOTE: These items require 12 votes.

- **Worker Retention:** Employers can only terminate based on cause, cannot terminate because of the impacts of Covid-19. Retroactive to March 4 (when the emergency was declared). Employers can rehire employees based on seniority, but must rehire into a similar position or retrain. The "sunset" is in March 2022, but can be extended by Council action prior to January 2022.
- **Sick Leave:** The measure would require all employers within the City to provide an additional 80 hours of COVID-19-related paid leave to the extent permitted by law, in

addition to recently enacted Federal Legislation designed to require additional sick leave. This paid sick leave is due even if the government shuts down the employer's business.

It is unclear if these items will pass in their current form or will be amended. Because of the nature of the emergency, the council process has been sidestepped and there have been no committee meetings or discussion other than what will take place today. The Chamber of Commerce, along with VICA, BizFed, CCA and other business organizations, have coordinated their review and opposition to motions that impede the rights of employers. Business groups have created [an action alert](#) that explains their position. They have distributed [talking points](#) and [contact information](#) for people to contact the City Council. To read some of the growing opposition to the motions, click [here](#). It is unclear if these items will pass in their current form or will be amended.

There will be no physical access to the meeting for the meeting that starts at 11 am today. You can follow the proceedings on Channel 35 and utilize the live feed transmitted to The LA Switch (see info below). Those wishing to comment on the meeting can also submit written comments by going to the [agenda](#) and clicking on the submit written comment prompt. Because of the nature of the emergency, the council process has been sidestepped and there have been no committee meetings or discussion other than what will take place today. Live Council meetings can be heard via phone at (213) 621-City (Metro), (818) 904-9450 (Valley), (310) 471-CITY (Westside) and (310) 547-CITY (San Pedro Area). Click [here](#) to learn how you can participate in today's council meeting. It is unclear how the Council will provide a forum for public comment other than using the conference call line that is provided on the agenda: (669) 900-6833 and use Meeting ID No. 459 499 150 The agenda is located [here](#).

Other items the Council will be voting on today include:

- An ordinance creating tenant protections during the Coronavirus COVID-19 Emergency Declaration.
- An ordinance to provide workers of grocery, drug retail, and food delivery platforms with added protections during the COVID-19 Pandemic.
- An ordinance requiring retail food stores to dedicate one hour of customer business exclusively to the elderly and the disabled.

Relief for Restaurants

One of the hardest-hit industries is the food and restaurant industry. Councilwoman Monica Rodriguez has introduced several motions to support families and businesses. One [motion](#) would provide a one-year gross receipts tax holiday for the restaurant industry. The Office of Finance [report](#) suggests the City generates \$10M per year in Gross Receipts from restaurants. Another [motion](#) relates to health code enforcement. The motions instruct the Chief Legislative Analyst and Chief Administrative Officer to report back on all economic relief programs made available to the restaurant industry at the Federal, State, and County levels and provide recommendations to funding a City program that can fill in the gaps.

L.A.'s Eviction Moratorium

To support residential and commercial renters impacted by COVID-19, the City of Los Angeles recently issued a temporary [eviction moratorium](#). **To be clear: renters are still obligated to pay**

lawfully charged rent. However, during this period, tenants may not be evicted for failure to pay rent due to the financial impacts related to COVID-19. The circumstances covered for nonpayment of rent may include:

- Loss of income due to workplace closure or reduced hours due to COVID-19
- Loss of income or childcare expenditures due to school closures
- Health care expenditures stemming from COVID-19 infection of the tenant or a member of the tenant's household who is ill with COVID-19
- Reasonable expenditures stemming from government ordered emergency measures.

Tenants will have up to six months following the expiration of the local emergency to repay any back rent due. For more information, please visit the [Housing + Community Investment Development website](#) or call 866-557-RENT OR 866-557-7368.

Port of Los Angeles

Terminal operators in the ports of Los Angeles will begin delaying the start of their night shift by one hour, so cargo-handling equipment can be sanitized as part of the effort to stem the spread of the coronavirus disease 2019 (COVID-19). The work shifts at West Coast ports are normally 8 am to 5 pm and 6 pm to 3 am. Under the new coronavirus sanitation measures, the night shift will be 7 pm to 4 am.

LONG BEACH

A new emergency ordinance, effective now, temporarily halts evictions for residential and commercial tenants affected by the COVID-19 Pandemic, as part of a comprehensive rental relief package unanimously approved by the City Council. The emergency ordinance is retroactive to March 4, 2020, when Gov. Gavin Newsom declared a State of Emergency to address the COVID-19 outbreak in California.

- If a tenant is unable to pay rent between March 4 and May 31, due to a reduction in income caused by COVID-19, they must notify their landlords that rent will not be paid on time. Tenants are then required to provide documentation of substantial income losses caused by job layoffs, out-of-pocket medical expenses or requirements to stay at home due to COVID-19. Protected tenants have until November 30 to pay all delayed rent to their landlords without incurring late charges.
- Through May 31, landlords issuing notifications for rental nonpayment notifications must include information about the City's emergency ordinance so that tenants are aware of their rights.
- In a related move, the City Council also voted Tuesday for the Housing Authority to suspend the termination of housing assistance payments through May 31, aimed at ensuring recipients can comply with the City's [Safer at Home](#) order.
- Additionally, the City Council voted Tuesday to extend operations for the Winter Shelter through September 30 for people experiencing homelessness. The temporary shelter was initially scheduled to close April 1.
- Under an agreement reached between the City and the United States Veterans Initiative, some of the beds from the Winter Shelter will be relocated to the former North Neighborhood Library at 5571 Orange Ave. The move ensures COVID-19-related

distancing at the shelter while also continuing the availability of 125 beds for people experiencing homelessness.

CULVER CITY

Call for Volunteers

At last night's Culver City meeting, the Council deliberated on an item for hospitality workers protections (similar to what L.A. is considering today) that was continued due to lack of information. The agenda item was added as an emergency item yesterday and heavily backed by Unite Here Local 11. The City Attorney will soon release implementation measures for commercial tenant protections per the City's March 20. The Council extended residential tenant protections until May 30, but these protections are not COVID-19 related.

The City is seeking volunteers to help assist those in need (including older adults) and officials are asking interested parties to [email the City](#) or call the City's Coronavirus Hotline at (310) 253-6890 (7:30 am to 5:30 pm). If you email or leave a message at the Hotline after hours, please include your name, phone number, email address, and any special skills you may have (language, equipment, certifications, etc.) and preferred volunteer activity (deliver groceries to older adults, make phone calls, etc.) You can also find additional volunteer opportunities [on the California Volunteers webpage](#). Get the latest updates about the [City of Culver City's response to Coronavirus](#) (COVID-19).

SACRAMENTO

DMV

California's Department of Motor Vehicles is shutting down all of its field offices for the rest of the month because of the coronavirus outbreak and expanding the number of transactions that customers can complete online. In a message to DMV employees Thursday afternoon, the department announced the offices will be closed so they can be thoroughly cleaned in order to "protect the health and safety of customers and employees during the coronavirus pandemic." Those locations are expected to reopen to employees on April 1, according to the memo. The department is canceling in-office appointments, and the memo does not say when they can be rescheduled.

Business Impact

The entire world is vigilant as the COVID-19 Pandemic enters the workforce leaving business after business to make urgent and substantial changes. Many businesses will be forced to make difficult decisions to reduce their workforce either partially or completely. Since 1978, California has offered employers experiencing a temporary slowdown the opportunity to enroll in a [Work Share program managed by the EDD](#), potentially saving many jobs. If your business currently has a workforce who is willing and able to work, but your business is slow, the Work Sharing program may be a viable option. This program allows:

- Employers to reduce employee's wages or hours in lieu of a layoff or total furlough.
- Employees to remain employed by the Company but are eligible to receive unemployment (U.I.) benefits.

- Employers to get assistance while going through financial difficulty.
- Employees not to have to seek other employment in order to be eligible for U.I. Benefits.

Work Sharing Claim vs. Unemployment Insurance Claim

The difference in work-sharing versus unemployment claims for employees with reduced hours is potentially more money in their pockets. Under the Work Sharing plan, the employee will be eligible for a percentage of the wages lost based on the approved weekly benefit amount. If they file outside the program, the employee may not be eligible at the same rate because the reduced wages may not be enough to generate a claim. An employee can still be a part of the Work Sharing plan if they have been reduced by more than 60% or have no hours of work for up to three weeks. In this case, the employee could receive up to the approved total weekly benefit amount. If the employee remains unemployed by more than 60% or with no hours after three weeks, the claim will transition to a regular unemployment claim. The employee can, however, return after three weeks of no work, work for a week (or take PTO/Vacation), and then restart another three-week period of no hours. The employer also has the flexibility to shift schedules intermittently between reduced hours and no hours. Employers participating in the Work Sharing Program must provide a list of all employees who might apply to assist the unemployment office from inadvertently treating your employee's Work Share claim as a regular U.I. Claim. Communication and constant contact with the program office is critical to avoid termination of the Work Share plan.

Employer Requirements

To participate, employers must meet all of the following requirements:

- Be a legally registered business in California
- Have an active California State Employer Account Number
- At least 10% of the employer's regular workforce or a unit of the workforce, and a minimum of two employees, must be affected by a reduction in hours and wages
- Hours and wages must be reduced by at least 10% and not exceed 60% per employee
- Health benefits must remain the same as before, or they must meet the same standards as other employees who are not participating in Work Sharing
- Retirement benefits must meet the same terms and conditions as before, or they must meet the same as other employees not participating in Work Sharing
- The collective bargaining agent of employees in a bargaining unit must agree to participate voluntarily and sign the application for Work Sharing
- Identify the affected work units to be covered by the Work Sharing plan and identify each participating employee by their full name and Social Security number
- Notify employees in advance of the intent to participate in the Work Sharing program
- Identify how many layoffs will be avoided by participating in the Work Sharing program
- Provide the EDD with any necessary reports or documents relating to the Work Sharing plan

Restrictions

There are some restrictions to the program. Leased, intermittent, seasonal, or temporary service employees as well as corporate officers or major stockholders with investment in the Company

are unable to participate. Although an unintended layoff may occur, the Work Share Program should not be used as a transition to layoff.

Application Process (subject to change)

- [File DE8686](#) by mail, which becomes effective on the Sunday of the week before the application is filed
- Set up takes about ten days (may be delayed due to the influx of new applications)
- EDD Special Claims Office will send a letter of approval
- EDD will mail claim packet for each participating employee, and a ten-week supply of weekly certifications for each employee
- Employer issues certifications to affected employees each week for the duration of the program
- These forms must be mailed into the EDD weekly
- A Work Share Plan can remain in effect for one year before it must be renewed
- Benefits to be paid weekly, proportionate to the percentage of reduction in hours and wages

Employer Considerations

The Work Share Program has been operating for over 40 years, assisting employers during economic hardships. CEA suggests that employers thoughtfully consider this program, as it may assist in a smoother transition back to a full workforce. The employer's unemployment insurance tax rate result will be the same under this program as it would be if they perform layoffs, should employees file for unemployment. Although the administrative process may seem daunting, businesses should analyze the program to see if this is a viable solution to what may be a short term disruption. Visit [EDD's Work Sharing Program](#) for more information.

NATIONAL

Centers for Disease Control & Prevention

The CDC has [updated its guidelines](#) on what to do if you are sick and the steps to help prevent the spread of COVID-19. The CDC also updated several other documents:

- [Resources for Hospitals and Healthcare Professionals Preparing for Patients with Suspected or Confirmed COVID-19](#)
- [Personal Protective Equipment \(PPE\) Burn Rate Calculator](#)

Families First Coronavirus Response Act

As previously reported, the Senate approved the [Families First Coronavirus Response Act](#). The bill has to be approved by the House and then signed by the President, which is expected. The new law would take effect "no later than" 15 days from the date of its enactment which is **April 1** and ends on December 31, 2020. This new law will provide significant new benefits to employees in terms of Paid Sick Leave and Paid Emergency Family Medical Leave Act (FMLA) leave. The law provides some tax credits for employers. Below are some important highlights of this new law.

Tax Credits for Employers Providing Paid Sick Leave and Paid Emergency FMLA

The new Act provides a series of quarterly refundable tax credits for employers who are required to provide the emergency paid sick leave and emergency paid FMLA leave. These tax credits are allowed against the employer portion of Social Security taxes. While this limits the application of the tax credit, employers will be reimbursed if their costs for qualified sick leave or qualified family leave wages to exceed the taxes they would owe.

Specifically, employers are entitled to a payroll tax credit for each calendar quarter in an amount equal to 100% of the qualified paid sick leave wages paid by the employer in the quarter not to exceed a set aggregate per day and per employee. More information will be provided as the IRS issues guidance.

Emergency Paid Sick Leave

Employers with fewer than 500 employees must provide employees with up to 80 hours of emergency paid sick leave benefits to be used for Coronavirus-related absences, pro-rated for part-time employees. This is a lump sum of hours to be given to employees that would be available to use right away. This leave is in addition to any other leave. California employers with existing paid sick leave policies do not appear to be exempt. The law is in place until December 31, 2020. An employee may use paid sick leave if the employee is unable to work for any of the following reasons:

1. The employee is subject to a federal, state, or local quarantine or isolation order related to Coronavirus;
2. The employee is advised by a health care provider to self-quarantine due to Coronavirus;
3. The employee is experiencing symptoms of Coronavirus and seeking a medical diagnosis;
4. The employee is caring for an individual who is under a quarantine or isolation order or has been advised to self-quarantine;
5. The employee is caring for a child whose school or childcare has been closed due to Coronavirus;
6. The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services.

Employees using paid sick leave for (1)–(3) above must be paid their "regular rate of pay." Employees using leave for reasons (4)–(6) must be paid 2/3 of these amounts. Note, however, that the amount paid is capped:

- An employee using paid sick leave for reasons (1)–(3) above need not be paid more than \$511 per day and/or \$5,110 in the aggregate; and
- An employee using paid sick leave for reasons (4)–(6) above need not be paid more than \$200 per day and/or \$2,000 in the aggregate. If an employee does not have a set schedule of hours, paid sick leave is based on the average number of hours the employee was scheduled per day over the six-month period prior to the use of the leave.

The Secretary of Labor can issue regulations within the next two weeks to exempt health care providers, emergency responders, and **employers with fewer than 50 employees** from this paid sick leave law if compliance would jeopardize business viability. **There is no built-in exemption, however — so we will have to wait and see.**

You may be asking, "What about employers with 500 or more employees?" According to legislative authors, the sponsors did not want to give the tax credits to larger businesses who can fund these leaves. Treasury Secretary Steven Mnuchin said that "big companies can afford these things." [Speaker Pelosi said on Twitter](#) "I don't support U.S. taxpayer money subsidizing corporations to provide benefits to workers that they should already be providing."

Emergency Family and Medical Leave Act

The new law also includes a significant amendment and expansion of the Family and Medical Leave Act ("FMLA") through December 31, 2020. The current employee threshold for FMLA coverage would change from only covering employers with 50 or more employees to instead covering those employers with fewer than 500 employees. The Secretary of Labor has the authority to issue regulations to exempt small businesses with less than 50 employees, healthcare providers, and emergency responders, but they are not yet exempt.

Unlike current FMLA requirements, employees are eligible for the leave if they have worked for the employer for at least 30 calendar days. The leave can be used for a "qualifying need" related to a public health emergency concerning Coronavirus, as declared by federal, state, or local authorities.

- A "qualifying need" is limited to circumstances where the employee is unable to work or telework due to the need to care for a child under 18 if the child's school or childcare is closed due to a Coronavirus-related public health emergency.

While the current FMLA is unpaid, FMLA under this new Act provides for paid leave during this emergency.

- The first 10 days of emergency FMLA leave may be unpaid. The employee may elect (but may not be required) to use accrued vacation or sick leave during this time
- After the 10-day period, the employer must generally pay two-thirds of the employee's regular rate of pay not to exceed \$200 per day and \$10,000 aggregate. Part-time employees will have a different calculation.

Gig-Economy Workers

The Senate's \$2 trillion coronavirus economic bill includes help for gig-economy workers, like Uber and Lyft drivers, who have seen their livelihood dissolve during the coronavirus crisis. For the first time, these workers would qualify for unemployment insurance. They would also qualify for the additional four months of extra payments this bill would provide to everyone who collects unemployment. It isn't clear exactly how much money a month drivers, contract workers, and freelancers could get, but they should qualify for a weekly payment equivalent to if they were a laid-off full-time employee. The maximum weekly amount varies by state, but the extra unemployment insurance would add up to a maximum of \$600 more a week.

Social Distancing Guidelines

The federal government will move to relax social distancing recommendations for some counties as President Trump hopes to restart the nation's economy in the middle of the coronavirus pandemic, the President wrote in a [letter to governors](#) Thursday.

ARTICLES OF INTEREST

Bill Gates

Microsoft co-founder Bill Gates said the U.S. acted too slowly and missed its chance to avoid mandatory stay-at-home orders to deal with the COVID-19 crisis. In 2015, the year after West Africa's Ebola outbreak spooked the rest of the world, Bill Gates gave an 8-minute TED Talk called "[The next outbreak?](#) We're not ready." Now, 2020's novel coronavirus outbreak is making him look like a prophet.

Find out how much you will Receive

According to the Washington Post, more than **80 percent of adults in the United States will receive a payment** from [the \\$2 trillion stimulus bill](#) that passed the Senate 96-0. Payments will arrive in the form of a check or direct deposit. The Post has created a [calculator](#) for people will receive.

CONNECTING EKA CLIENTS & RESOURCES

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.

EKA's Alliance Partner [A.P. Triton](#) stands ready to assist local, county and state governmental agencies in their planning and preparation for the COVID-19 Pandemic. Since the onset of the Pandemic, A.P. Triton has fielded numerous calls from existing clients as well as cities, counties and Fire service leadership on how best to implement best practice models to keep first responders safe, but at the same time, respond to the needs of their communities.

- A.P. Triton has developed and implemented, quickly, several practices and deployment models for first responders that ensure safety and provide the highest levels of continuity of service delivery.
- A.P. Triton understands this is a challenging time for cities and specifically for first responders. We are working hard to minimize the disruption of service delivery to communities by assisting local and county governments in developing practices to ensure the highest level of service during these difficult times
- A.P. Triton stands ready to assist and answer any questions municipalities have regarding how best to respond to the needs of your community, but at the same time, keep your first responders safe in that effort.

If you are interested in this offer, please reach out to Eric Rose at Eric@ekapr.com

Avaya

EKA Client [Avaya](#) wants to help our communities more easily communicate and collaborate. Given the immediate needs in the education, nonprofit and public sectors to

maintain continuity and keep students, volunteers, city councils and employees engaged, Avaya has taken action to help. Avaya is providing Avaya Spaces™ (Business Version) at **no charge** with no obligation worldwide through August 31, 2020. This cloud-based app is easy to use and provides video conferencing, team spaces, and file sharing. Here is the link to [Avaya Spaces](#) and the [User Guide](#). The links below will help to provide:

- An [overview of Avaya Spaces](#), which can be shared with your users to help to get acclimated with the Avaya Spaces environment.
- [Education videos](#) that will show end users how to utilize features and functionality of Avaya Spaces.

If you are interested in this offer, please reach out to Marcus Allen at Marcus@ekapr.com, who will initiate the request with Avaya. This free offer does not require the end user to be a current Avaya customer.

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