

## COVID-19 Update From EKA – April 8, 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 Pandemic. This update has been prepared for informational purposes and is compiled from publicly available sources and is not intended to be legal or tax advice. All hyperlinks below are live and will bring you to the information mentioned.

### **Mandated Face Coverings in Los Angeles**

Mayor Garcetti last night issued an emergency order that will require many workers providing non-medical essential services to wear face coverings while at work. The [Order](#) takes effect April 10 and also requires customers at grocery stores and many other essential businesses to wear face coverings — adds a new layer of protection for Angelenos in the fight against COVID-19. Under the Mayor's emergency order, employers of many non-medical essential businesses must either provide workers with cloth face coverings that shield their noses and mouths or reimburse employees for their cost. Essential businesses must also implement physical distancing measures for employees, customers, and visitors; make sure employees have access to a clean and sanitary restroom, stocked with all necessary cleansing products like soap and sanitizer; and allow employees to wash their hands at least every 30 minutes. Non-medical essential businesses described in the Order will be allowed to refuse service to customers who do not wear face coverings. The Order also recommends that, whenever possible, businesses install plexiglass barriers between cashiers and customers.

### **Department of Labor Guidance on Masks**

As many employers adjust to operate during the COVID-19 Pandemic and strive to protect their workers, the federal government and states are scrambling to ensure healthcare workers and first responders have an adequate supply of N95 masks and other personal protective equipment (PPE). The U.S. Department of Labor issued OSHA's [Enforcement Guidance for Respiratory Protection](#) and the N95 Shortage. The guidance attempts to balance the need to protect healthcare workers who desperately require PPE (like N95 masks) for COVID-19, with the need to protect other employees during essential work that involves respiratory hazards. Overall, guidance regarding masks has been somewhat inconsistent to date. Now, to protect everyone and slow the spread, the messaging indicates that the general public and workers who do not *require* respiratory protection at work under OSHA's [Respiratory Protection Standard](#) should use homemade fabric or cloth masks (which are not PPE subject to the Standard). Employers should consult the OSHA Guidance, summarized below, and consider implementing a conservation plan for PPE and a temporary policy for their workers during the Pandemic.

### **Updated Rent Guidance From The AG**

Following the [Judicial Council of California's](#) emergency meeting, California Attorney General Xavier Becerra issued updated guidance to California tenants as a result of the Judicial Council's April 6 emergency eviction rule, which expanded the statewide protections previously put in place by Governor Newsom. The Attorney General alerts all tenants of the following aspects of the statewide rules currently in place:

- Tenants still owe rent; if you can afford to pay your rent, you should.

- If you cannot pay all of your rent, you should be aware that your landlord can still file an eviction case against you, but the case will not proceed until at least 90 days following the end of the State of emergency.
- Local measures may offer additional protection, since they remain in effect following the Governor's executive Order. Research local eviction moratoriums that may apply in your area.

Neither the recent Judicial Council's emergency eviction rule nor the Governor's Order stops landlords from filing eviction cases. But, during the ongoing State of emergency and for 90 days after it is lifted, the Judicial Council rule prevents new eviction cases from proceeding, except where a court determines that eviction is necessary to protect public health and safety. Specifically, the Judicial Council's rule prevents courts from issuing a summons, which is a document landlords need to serve on tenants in order to start the clock on the tenant's time to respond. Courts will also not enter judgment against tenants for failure to appear. Additionally, eviction trials in existing cases will be delayed for at least 60 days. Finally, under the Governor's executive Order, until May 31, 2020, qualifying tenants who retain documentation to prove their inability to pay rent and timely notify their landlords that they cannot do so are protected against lockout by the sheriff. The Judicial Council's full emergency eviction rule is available [here](#). The Governor's full executive Order is available [here](#).

## COUNTY OF LOS ANGELES

### LA County Financial Resources For Employees, Employers & Seniors

The County of Los Angeles is providing residents and their families with important resources throughout the COVID-19 crisis that address financial stressors. Resources for Employees and Employers

- **Unemployment Insurance:** File at [edd.ca.gov/unemployment](http://edd.ca.gov/unemployment) or 1-800-300-5616
- **EDD WorkShare Program for Employers:**
  - [Information](#) and [Application for Employers](#)
  - The phone number for Employers: 1-916-464-3343
  - The phone number for Employees: 1-916-464-3300
- **Employer Assistance Grant Fund:** Last week, California Governor Newsom announced that Los Angeles County would receive state funding to assist local workers and businesses during this crisis. The funding will be used to provide employment, training, and other supportive services to displaced workers, as well as rapid response and layoff aversion services to small and mid-sized businesses.
- **America's Job Centers of California (AJCC)** provides workers and job seekers many of the resources normally available in-person at AJCCs, including job openings, online education, and information for recently laid-off workers.
  - Virtual AJCC: [workforce.lacounty.gov](http://workforce.lacounty.gov)
- **Senior Meals:** WDACS and the City of Los Angeles Department of Aging provide free, home-delivered meals to older adults age 60 and older who are impacted by the COVID-19 crisis.

- Sign up if you need this service at (800) 510-2020.
- **Frauds:** All LA County residents, especially seniors, should be on the lookout for frauds and schemes that include coronavirus treatments and vaccines, as well as attempts to obtain your Medicare number or other personal information.
  - For additional information on healthcare fraud, please click [here](#) or or call 1-855-613-7080.

## CITY OF LOS ANGELES

### **Eviction Moratorium & Sweeping Freeze On Rent Increases**

Los Angeles City Councilmen Mike Bonin and David Ryu co-introduced several proposals, including an eviction moratorium, a sweeping freeze on rent increases, and for state and federal action on rent and mortgage forgiveness during the coronavirus pandemic. The ordinances would be retroactive to the Mayor's March 4, 2020 declaration of local emergency and effective until 90 days after the end of the declaration. The motion also calls on the State to lift legal barriers to enacting the rent freeze on unregulated units. As noted below in the Sacramento section, the California Judicial Court ruled Friday to halt all eviction proceedings, but the councilmen claimed that landlords continue to initiate them. The city's current stop on evictions only protects tenants if they've been directly affected by the coronavirus and can show proof of hardship.

- They proposed an incentive for banks that do business with the city to disclose their plans to provide mortgage and rent relief, and in exchange, they would be prioritized when future contracts are decided. As the city's current orders require people to pay back the rent they owed within 12 months of the end of the Pandemic, they recommended the city should convert unpaid rent incurred during the Pandemic into consumer debt, which can't be obtained through an unlawful detainer process. Additional motions introduced yesterday include:
- Construction Hours Limitations –Instructs the City Attorney (CA) and LADBS to restrict hours for construction in residential and multi-residential zones by two hours on the weekdays and by one hour on Saturday and National Holidays.
- Transient Occupancy Hotel Exemptions –Instructs CA to prepare an emergency ordinance to exempt transient occupancy hotels that provide accommodations to vulnerable populations or to quarantine COVID-19 patients for more than 30 consecutive days from the Residential Hotel Unit Conversion and Demolition Ordinance for the duration of the local emergency.
- Prohibition on Tenant Lockouts & Utility Shutoffs –Instructs the CA to draft an emergency ordinance prohibiting property owners/managers from terminating a tenancy by serving a notice to terminate a tenancy, using lockouts or utility shutoff actions, except to protect the health and safety of other occupants at the property. The Ordinance would be retroactive to March 4, 2020, and in effect for 30 days after the declaration of local emergency is lifted.
- Notification Extension & Landlord Fees –Motion would move the deadline for a tenant to notify their landlord of non-payment of April 2020 rent to 4.17.20 and amend the LAMC to include fees and penalties for landlords who violate regulations regarding repayment of

rent and/or establishing rent repayment agreements during the declaration of local emergency.

The proposals were all sent to city council committees. The council has not held a committee meeting in almost a month, but proposals can be waived by committees and sent back to the full council.

### **Sick Leave Ordinance**

Following the passage of [the COVID-19 Supplemental Paid Sick Leave Ordinance](#) by the Los Angeles City Council, (which will either be signed by the Mayor or go into effect without his signature) all employers within the City of Los Angeles who are not already doing so must provide all employees with two weeks (80 hours) of supplemental, paid sick leave, so that employees may self-quarantine or seek medical treatment related to COVID-19 symptoms. The Ordinance seeks to ensure individuals who work for employers with more than 500 employees or more receive two weeks of paid COVID-19-related leave after the Families First Coronavirus Response Act extended those protections only to employers with less than 500 employees. The Ordinance covers employees who were employed from February 3, 2020 to March 4, 2020.

Employees will be eligible to use the additional paid leave if: (1) the employee is subject to a Federal, State or local quarantine order; (2) the employee is at least 65 years old or has a health condition, such as heart disease, asthma, lung disease, or a weakened immune system; (3) the employee is caring for an individual who has been quarantined or advised by a medical provider to quarantine; or (4) the employee is caring for their child due to a school or childcare closure and is unable to work remotely. Employees may request the additional paid sick leave orally or in writing and are not required to provide a doctor's note to substantiate the reasons for taking the leave. There are exceptions to the Ordinance, such as healthcare providers or first responders, and employees may waive the supplemental paid sick leave if they are covered by a collective bargaining agreement that is bilaterally modified. The paid sick leave will be paid at the employees' regular rates of pay, with a maximum accrual of \$511 per day. Importantly, this Ordinance gives an eligible employee the right to sue their employer in court where they are not provided this benefit.

## **CULVER CITY**

### **Commercial Tenant Eviction Moratorium Extended**

Culver City issued the [Fifth Supplement to Public Order](#) extending the [Commercial Tenant Eviction Moratorium](#) through 11:59 p.m. on May 31, 2020. Landlords may not evict a commercial tenant if the tenant can show an inability to pay rent due to circumstances related to the COVID-19 Pandemic. Additional information is available on the [COVID-19 Business Resources page](#).

## **SACRAMENTO**

### **Local Employer Affordable Housing Fees**

Assembly member Chu has introduced [AB 2843](#), a bill that would impose an up to \$150 per employee "head tax" on any business with more than 50 employees. The money would go into a

newly created housing assistance fund to be administered by local governments. The California Chamber is leading the opposition to this legislation. Companies wishing to sign on opposing the AB 2843 should send an email with your logo to [martha.maltz@calchamber.com](mailto:martha.maltz@calchamber.com) by COB April 13, 2020.

### **California Administrative Agencies Guidance for Employers**

The law firm of Epstein Becker Green has created a concise overview of the administrative rules for companies. California administrative agencies recently published information to guide both employers and employees on employment-related issues raised by the 2019 novel coronavirus, also known as COVID-19. The Division of Labor Standards Enforcement ("DLSE") has published [Frequently Asked Questions](#), and the Employment Development Department ("EDD") has set up a [webpage](#) with [Frequently Asked Questions](#) and other information. Highlights are summarized below. Given the increased cases of the coronavirus in the United States and California, employers should familiarize themselves with these resources.

#### **Paid Sick Leave/Paid Time Off**

If an employee has paid sick leave available, the employee must be permitted to use that sick leave for absences due to the coronavirus. This is so if the employee is ill or if the employee's family member is ill. Paid sick leave also covers preventative care, which may include self-quarantine as a result of potential exposure. However, employers may not *require* that employees use paid sick leave in the case of a quarantine. The guidance does not reflect if there is a difference for a mandatory or voluntary quarantine. Although employers may ordinarily require employees to use paid sick leave for covered purposes (e.g., the illness of an employee or family member), we believe it would be wise to make the use of paid sick leave *optional* in connection with the coronavirus in light of the agencies' guidance that employers may not require employees to use paid sick time in connection with quarantines or school closures with no stated exception for overlapping situations where the employee or family member is also sick. In addition, if an employee does not have paid sick leave available, employees may use other vacation or paid time off in accordance with an employer's policies.

#### **School Closures**

If an employee's child's school or daycare is closed for reasons related to the coronavirus, an employee may take paid sick leave or other paid leave available, as discussed above. Employees at worksites with 25 or more employees are also entitled to up to 40 hours of unpaid leave per year for school activities and school-related emergencies, which would include the closure of a school or daycare facility. Whether employees may use paid sick time or other paid time off in connection with a school closure will be determined by the employer's policies. As noted above, we believe it would be wise for employers not to require employees to use paid sick time for coronavirus-related reasons. Instead, we believe this should be made optional to employees. And the use of vacation may be required if that is consistent with an employer's policies.

#### **Travel**

Employers may request that employees inform them if they are planning to travel or have traveled to countries considered by the Centers for Disease Control and Prevention to be [high-risk areas](#) for exposure to the coronavirus. The DLSE's Frequently Asked Questions also state that employers may not inquire into areas of medical privacy.

## **Reporting Time**

If an employee reports to work for a regularly scheduled shift but is not permitted to work at least half of that shift, reporting time pay is due. The employee must be compensated for half of the scheduled shift, with a minimum of two hours and a maximum of four hours of reporting time pay due. There is no exception in the law or guidance for an employer determining that the employee appears to be sick. Therefore, if an employee reports to work and the employer sends the employee home due to visible symptoms or recent travel to a high-risk area, reporting time pay should be issued. Reporting time pay is *not* required when (1) the employee requests to go home sick, or (2) operations cannot commence or continue as a result of a recommendation by civil authorities. However, the declaration of a state of emergency, standing alone, would not excuse the reporting time pay obligation. More information on reporting time pay can be found [here](#).

## **Exempt Employees**

Employers must pay exempt employees performing any work during a workweek their full weekly salaries if they do not work the full workweek because the employer failed to make work available. Exempt employees who perform no work in a full workweek generally do not need to be paid their salaries for that week. An employer may not deduct from an exempt employee's salary for absences of less than a full day for personal reasons or sickness. However, the employer may take partial-day deductions from an employee's sick leave bank so that the employee is paid for his or her sick time by using accrued sick leave, in accordance with the above discussion of paid sick time. If an exempt employee does not have paid sick time available, no salary deduction may be made for missing a partial day.

## **State Disability Insurance**

The EDD advises that if an employee is unable to work due to medical quarantine or illness related to the coronavirus, as certified by a medical professional, short-term State Disability Insurance ("SDI") benefit payments may be available to the eligible worker who has a full or partial loss of wages. Additionally, [Governor Newsom's March 12, 2020, executive order](#) waives the one-week unpaid waiting period for claims related to COVID-19, so employees may begin to collect SDI benefits during the first week they are out of work.

## **Paid Family Leave**

If an employee is unable to work due to caring for an ill or quarantined family member with COVID-19, as certified by a medical professional, the employee may apply for Paid Family Leave benefits ("PFL") from the State. This benefit is currently limited to six weeks but will increase to eight weeks as of June 1, 2020.

## **Unemployment Insurance**

Partial wage replacement benefit payments may be available to workers who lose their job, have their hours reduced, or are temporarily unemployed but expect to return to work for the same employer for reasons related to the coronavirus. If a worker is temporarily laid off but expects to return to work, the normal requirement to actively seek work will be waived, but the worker must remain able, available, and ready to work during the period of unemployment. The EDD guidance also suggests that it may consider unemployment benefits on a case-by-case basis for

employees who have to miss work due to the shutdown of a child's school. The [Executive Order](#) eliminated the one-week waiting period for unemployment insurance claims related to COVID-19, so employees may be eligible for benefits right away. Finally, while employees are not eligible to collect SDI and unemployment insurance benefits at the same time, employees can apply for unemployment insurance if business operations are shut down or hours reduced while they are out on disability. Similarly, if an employee becomes ill while collecting unemployment insurance, and is eligible, the employee can apply for disability insurance, which may provide a greater benefit. The employee's unemployment insurance claim would then be suspended for the period of disability.

### **Workers' Compensation**

Employees who are unable to work because they were exposed to and contracted COVID-19 on the job may be eligible for workers' compensation benefits.

### **EDD Employer Assistance**

Employers considering layoffs or work reductions because of the coronavirus may wish to examine the EDD's Work Sharing Program, which permits employers to reduce hours for employees, while providing wage replacement through Unemployment Insurance, without laying off workers or removing them from the payroll. The EDD also offers tax assistance to employers affected by the coronavirus, including 60-day extensions to file state payroll reports or to deposit state payroll taxes without penalty or interest. More information about the Work Sharing Program may be found [here](#).

## **PRIVATE SOURCES OF ASSISTANCE**

There are a few private-sector sources of assistance available, including:

### [Facebook Small Business Grants](#)

Program offers \$100M in cash grants and credits for Facebook advertisements for up to 30,000 eligible small businesses worldwide.

### [Food and Beverage Industry Relief Fund](#)

Provides emergency funding to restaurant/bar owners and their employees.

### [Verizon-LISC Small Business Recovery Fund](#)

LISC will provide grants of up to \$10,000 to businesses facing immediate financial pressure because of COVID-19—especially entrepreneurs of color, women-owned businesses and other enterprises in historically underserved communities.

## **ARTICLES OF INTEREST**

### **Kroger Limits Shoppers Entering Stores Due To COVID-19 Concerns**

Kroger stores nationwide are limiting the number of shoppers permitted inside stores at a given time to prevent the spread of COVID-19. Kroger said the shopper limits would vary by store size. But under Kroger's new reduced capacity limits, the number will be one person per 120 square feet. So a traditional grocery-pharmacy "combo" store of 60,000 to 75,000 square feet

would allow 500 to 625 shoppers at a time. Larger Marketplace stores that are 125,000 square feet or larger would permit more than 1,000 shoppers at a time. Smaller format stores, like Downtown's 45,000- square-foot location, would only allow about 375 at a time. To read more, click [here](#).

### **Coronavirus Task Force Must Work Remotely After Positive COVID-19 Test**

A critical White House unit that is getting, shipping and distributing goods to fight the spread of the coronavirus has been ordered to vacate its war room and begin working remotely after a "partner" of the group tested positive for COVID-19, according to an email that Federal Emergency Management Agency officials sent to staff members. To read more, click [here](#).

### **Online Tool Helps People Register With The IRS, Calculate Stimulus Check**

The IRS and online tax preparation company TurboTax have teamed up to help some Americans get their stimulus checks faster. The payments are coming soon for people who have direct deposit and who have already filed a 2019 tax return or are social security recipients. For those people, TurboTax created an online tool that tells them if they qualify for a stimulus check and calculates the amount. Those who haven't filed a 2019 tax return can use the tool to register with the IRS to get their stimulus money. Click [here](#) to be directed to the TurboTax COVID-19 site.

### **Auto Insurance Refunds**

At least two auto insurance companies say they will refund policyholders some of their monthly premiums as millions stay at home due to the coronavirus outbreak. Insurers Allstate and American Family Insurance say they plan to refund part of customers' monthly fees, a response to savings the industry is reaping as a result of fewer cars being on the road. Click [here](#) to read more.

### **California Prediction: When Coronavirus Deaths Will Peak**

The [Institute for Health Metrics and Evaluation](#), an independent research center at the University of Washington, has released COVID-19 projections for all 50 states and nations around the world. The models predict the "extent and timing of deaths and excess demand for hospital services due to COVID-19," the institute says. The model for California, as of April 7, predicted that COVID-19 deaths per day would peak on April 17. Projections assume "full social distancing" through May. To read the full story and view the pulldown box and graphics, click [here](#).