

COVID-19 Update From EKA – May 4, 2020

Stay At Home Order Day 47

Today is day 44 of the [statewide "Stay-at-Home" Order](#). Fifty-five days ago, the World Health Organization declared COVID-19 a Pandemic.

If you have any COVID-19 government or communications questions, please reach out to any member of the EKA team. As always, feel free to share our COVID-19 updates. EKA's previous COVID-19 updates can be found [here](#).

Local Ordinances

Municipal governments are starting to impose various COVID-19-related regulations. As detailed in previous updates, Los Angeles requires many essential businesses to provide face coverings and handwashing breaks every 30 minutes. There is also a requirement that employers permit schedule changes for workers who need to care for their children and family members. Numerous localities, including [Sacramento](#), [San Mateo](#), [San Diego](#), and [Monterey](#) counties, require a mandatory Social Distancing Protocol that must be completed, posted and provided to any employees who work on-site. Some counties, like [Fresno](#) and [Madera](#), require daily screening of employees for fevers and other symptoms. And many others mandate face coverings for workers, including [Riverside County](#), [San Bernardino County](#), [Alameda County](#), [San Mateo County](#), and the Cities of [Los Angeles](#) and [San Francisco](#). These local changes are likely to continue, creating new compliance requirements that vary across jurisdictions. EKA urges everyone to continue to check County/City Health Orders and local ordinances or contact EKA for additional guidance.

New Guidance for People with Coronavirus-2019 (COVID-19)

The Centers for Disease Control and Prevention updated their guidance on how long people who are positive for COVID-19 should self-isolate. People who are positive or presumed positive for COVID-19 should now self-isolate for 10 days and 72 hours after fever and symptoms subside. This means people must stay home until their fever has resolved without the use of fever-reducing medications and there is an improvement in their respiratory symptoms (e.g., cough, shortness of breath) for at least 3 days (72 hours) after recovery, AND at least 10 days have passed since your symptoms first appeared or you were tested. The CDC says that if a person has been in close contact with a person who has tested positive for COVID-19 or is presumed to be infected with COVID-19, they must quarantine for 14 days from their last contact with that individual. If they begin experiencing symptoms, you must self-isolate for 10 days and 72 hours (it used to be 5 days) after fever and symptoms subside. Click [here](#) to review Home Isolation Instructions for People with Coronavirus-2019 (COVID-19) for further details.

LOS ANGELES COUNTY

Pods For Coronavirus Patients May Be Temporary Housing For Homeless People

KNBC-TV had a story regarding a solution for isolating COVID-19 patients that could help LA's homeless population in the form of individual pods that give people a place to stay

temporarily. The NBC story highlights the potential use of the Pods to get homeless people out of tents and off LA's streets. To view the story, click [here](#).

Supplemental Paid Sick Leave

As we have reported in previous updates, the Los Angeles County Board of Supervisors voted unanimously to enact an [interim urgency ordinance](#) to require employers with 500 or more employees within the United States to provide supplemental paid sick leave (SPSL) to covered employees immediately until December 31, 2020 (unless the Board extends its applicability). This development represents the fourth local emergency paid leave Ordinance in California (and possibly not the last), including one in the [City of Los Angeles](#), in addition to a statewide mandate effectuated by Governor Newsom's [Executive Order N-51-20](#) for covered food sector workers. The LA County ordinance provides that parties to a collective bargaining agreement (CBA) can expressly waive any or all of the law's requirements if the waiver is explicitly set forth in the CBA in clear and unambiguous terms, but the unilateral implementation of terms and conditions of employment by either party cannot occur. The LA [City Order](#) says that Collective Bargaining Agreements in effect on April 7, 2020 supersede the Ordinance if it contains COVID-19 related sick leave provisions. If not, the employer must comply with the Ordinance until the agreement is amended to expressly waive the provisions of the Ordinance. An agreement that expires or becomes open for renegotiation may expressly waive the provisions of the Ordinance.

Several localities have also issued supplemental paid sick leave orders that are intended to cover larger employers (500+) not covered by the FFCRA. For instance, [San Jose](#), and [San Francisco](#) all provide supplemental paid sick leave, and each has its own interpretation. Now more than ever, it is essential to check both County and City ordinances for any additional leave requirements. As we have noted in our previous updates, the facts, laws, and regulations regarding COVID-19 are developing rapidly. EKA urges you to consult with your legal counsel for guidance.

Helping Hands

Helping Hands is a nonprofit organization is connecting at-risk community members with local volunteers for support with critical errands like grocery shopping and pharmacy visits, enabling them to stay home and safe. If you have a loved one or know of someone that would benefit from this support, consider sharing this initiative with them or place a request on their behalf, click [here](#). Additionally, they're seeking more volunteers to support requests from those in need. If you or anyone you know would like to get involved, click [here](#).

LA County Food Resources

Los Angeles County is ensuring access to food for all residents. The County is currently mobilizing a Countywide response to hunger by coordinating public agencies, nonprofits, and volunteers to provide meals to anyone in need during the weeks and months to come. LA County residents can click [here](#) to visit the County COVID-19 website's food portal to receive or

provide support at this critical time. The LA County portal connects those in need to those who can help.

Testing

The County and City have been collaborating to bring COVID-19 testing to Los Angeles County residents. During a media briefing, Dr. Christina Ghaly from the County's Department of Health Services presented expanded testing eligibility criteria for the County's testing sites. Testing at County testing sites is prioritized for:

- Anyone with symptoms of COVID-19
- All essential workers, regardless of symptoms
- People over the age of 65 or those who have chronic underlying health conditions
- People in institutional congregate living facilities

The method to sign up for testing is the same for everyone in Los Angeles County. The testing registration portal can be accessed [here](#). Further information on the County's testing program is available on the County's COVID-19 [here](#). The County has an interactive dashboard that provides an overview of COVID-19 testing. To view Public Health's COVID-19 Surveillance Dashboard, click [here](#).

CITY OF LOS ANGELES

New COVID-19 Website

Controller Ron Galperin unveiled a COVID-19 Resource Hub website that gathers the latest federal, state and local data and information on services for people to get through the pandemic. The hub includes a dashboard illustrating the effects of the coronavirus on Los Angeles neighborhoods, including cases and deaths recorded, along with a map showing how stimulus dollars will be distributed by community. Information on food access, financial support, testing and medical treatment, education, utilities and internet, city services, legal assistance, and arts and culture are also provided. To view the new COVID-19 Resource Hub, click [here](#).

LAUSD College-Bound Students to Get Help with Admissions During COVID-19

Los Angeles Unified School District students set to graduate high school this year will be able to connect with counselors for free to help them through the college admissions process. The students can describe their problems and concerns with going to college once the pandemic subsides. They will be contacted within 48 hours by a counselor from their high school, a representative from the college they were admitted to or other professionals to help them navigate the admissions process. For more information, click [here](#).

Mayor's Fund

The [Mayor's Fund for Los Angeles](#) received a \$5 million donation to help fund another 20,000 Angeleno Cards to help people who have been financially burdened by COVID-19. This will increase the number of cards for people who have been affected financially by the pandemic from 45,000 to 60,000.

Artist Relief

The City Council approved a motion to create an Artist Relief Grant Fund, which would repurpose developer fees typically used to fund public arts events and instead provide financial relief to struggling artists and arts organizations in Council District 4 (CD4). The motion, introduced by CD4 Councilmember David Ryu, instructs the Department of Cultural Affairs to build a pilot of the program in Ryu's district, as well as a framework for potentially scaling up citywide. Artists and arts organizations based in CD4 that are interested in grant funding should click [here](#).

CULVER CITY

New Public Order: 9th Supplement to Public Order

The City Manager issued a [9th Supplement to Public Order](#), which mirrors the revised Safer at Home order issued by the City of Los Angeles on April 27, 2020. The new Order modifies and clarifies Culver City's "Safer at Home" Public Order as follows.

- Funerals with no more than 10 persons in attendance are considered an essential activity and are allowed, providing social distancing is practiced.
- Real estate and housing unit showings may be done virtually, or, if a virtual viewing is not feasible, by appointment with no more than two visitors at a time residing within the same household or living unit and one individual showing the unit. However, such in-person visits are not permitted when a tenant occupant is still residing in the residence, unless the owner first obtains the tenant's written consent.

The Order also clarifies which businesses are required to implement social distancing protocols, and requires that any non-essential business conducting minimum basic operations must keep its doors closed and locked to the public at all times and must post a sign on its main entrances stating that the business is closed to the public.

NORTHERN CALIFORNIA

Stay-At-Home Orders

Six San Francisco Bay Area counties that imposed the first broad stay-at-home orders in California loosened them, joining a growing list of local governments that are cracking the door to a less-restrictive life. The Bay Area order allows for landscaping, construction and other outdoor businesses, such as flea markets and nurseries, so long as social distancing is maintained. And in what could be a critical addition for many parents, it specifies that summer camps are allowed, but only for children of people allowed to work under the state order. The children must remain in groups of 12 or fewer and with the same supervisor and may not mingle with kids outside their group. The changes in local orders reflect the growing unrest among California residents and government officials over the Governor's Order and his plan for a slow and methodical reopening CA as other states move much more quickly. To see Bay Area County Health officials answer questions, click [here](#).

SACRAMENTO

Paid Sick Leave for the Food Industry

As mentioned in the LA County section, last month, Governor Newsom signed [Executive Order N-51-20](#), creating a COVID-19 Supplemental Paid Sick Leave that requires food industry employers with 500 or more employees to provide up to two weeks (80 hours) of supplemental paid sick leave to food sector workers unable to work due to COVID-19. The Executive Order is intended to fill a gap for essential food sector workers left uncovered by the federal [Families First Coronavirus Relief Act](#) (FFCRA) which only applies to employers with fewer than 500 employees. Importantly, if you are covered by this Order, there is a **required poster that employers must post**. Click [here](#) to view the English version of the poster. Click [here](#) to view a Spanish version of the poster. For more information on this Order, the California Department of Industrial Relations has published a series of answers to [Frequently Asked Questions](#). The new Ordinance applies employers who are covered by Industrial Welfare Commission [Wage Orders 3, 8, 13 and 14](#), Health & Safety Code [section 113789](#). Covered food sector workers range from farmworkers to those workers who work in the retail food supply chain, including pick-up, delivery, supply, packaging, retail, or preparation. Eligible workers thus include grocery workers, restaurant or fast-food workers, workers at warehouses where food is stored, and workers who pick-up or deliver any food items.

This supplemental paid sick leave is very similar to the Emergency Paid Sick Leave under the FFCRA. It can be used if workers cannot work because they are:

- Subject to a federal, state or local quarantine or isolation order related to COVID-19;
- Advised by a health care provider to self-quarantine or self-isolate due to concerns related to COVID-19; or
- Prohibited from working by the "Food Sector Worker's Hiring Entity" due to health concerns related to the potential transmission of COVID-19.
- The 80 hours of supplemental paid sick leave are pro-rated for part-time employees.
- The caps on the amount received by the worker are the same as under the FFCRA (\$511 a day and \$5,110 total). However, unlike the FFCRA, there are no tax credits.

Reverse Mortgages

Attorney General Becerra, as part of a coalition of 26 attorneys general, sent a letter to U.S. Department of Housing and Urban Development (HUD) Secretary Ben Carson requesting further action to protect senior homeowners during the COVID-19 public health emergency. In the letter, the coalition argues that action is necessary so that senior homeowners who have a HUD-insured Home Equity Conversion Mortgage (HECM) – also known as a "reverse mortgage" – are given a fair opportunity to retain their home amidst the public health emergency. A copy of the letter sent to Secretary Carson is available [here](#).

Governor Newsom Signs Executive Order on Marriages

Governor Newsom signed an executive order that will allow adults to obtain marriage licenses via videoconferencing rather than in-person amidst the COVID-19 pandemic. Under the Executive Order, adults will be able to obtain a marriage license, at the discretion of their local county clerk, through videoconferencing, as long as both adults are located within the State of

California, are present, and can present identification during the video conference. The license can then be issued via email. Additionally, adults who wish to be married can conduct a ceremony to solemnize the marriage via videoconference, as long as both parties are present, and have at least one witness who can join the live video conference. The provisions will be in place for the next 60 days for those who wish to be married during that time. The text of the Governor's Executive Order can be found [here](#) and a copy can be found [here](#).

NATIONAL

Paycheck Protection Program & Tax-Deductibility

The IRS on Thursday released guidance stating that expenses related to forgivable loans through the Paycheck Protection Program (PPP) **won't be tax-deductible**. Under the coronavirus relief law, the PPP loan forgiveness is not counted as taxable income. The IRS said in its guidance Thursday that expenses that result in forgiveness of a PPP loan are not tax-deductible in order to prevent a "double tax benefit." The IRS cited Section 256 of the tax code, which states that deductions can't be taken if they are tied to a certain class of tax-exempt income. If desired, Congress could override the IRS's stance by passing a law that explicitly allows the deductions. It has done so previously for religious leaders and military service members, allowing them to deduct property taxes and mortgage interest even if they're receiving tax-free housing allowances. To read the IRS notice, click [here](#).

As a reminder, the Paycheck Protection Program allows loans of up to \$10 million at 1% interest to employers with fewer than 500 workers to cover two months of payroll and overhead. If you keep your workers and do not cut their wages, the government will forgive most or all of the loan and even repay the bank that made you the loan. The loan amounts will be forgiven as long as: (1) The loan proceeds are used to cover payroll costs, and most mortgage interest, rent, and utility costs over the eight week period after the loan is made; and (2) Employee and compensation levels are maintained. Payroll costs are capped at \$100,000 for each employee. SBA lenders have details, though there has been controversy and hiccups in rolling out the program. On a related note, Treasury Secretary Steven Mnuchin and U.S. Small Business Administrator Jovita Carranza issued a statement on the PPP. To read the statement, click [here](#)

WHAT WE'RE READING

Various Government Agencies Issue Contradictory Guidance About Basic Employment Issues

Many employers are confused about the requirements of when employees who have had COVID-19 or been exposed to COVID-19 can return to work. They are rightfully confused because there are many different federal, state, and local guidelines being published that contradict each other. So I wanted to take a step back and address the simple questions of when can an employee who has had COVID-19 return to work, and can employers require a doctor's note from the employee prior to returning to work? To read the full story, click [here](#).

California Employers' Duties To Reimburse Employees Working From Home During The COVID-19 Pandemic

In response to "stay-at-home" orders issued by Governor Gavin Newsom and various California municipalities to prevent the further spread of the coronavirus (SARS-CoV-2) employers have been asking or requiring employees to work from home. In this regard, there may be uncertainty about whether employers are required to reimburse employees for expenses incurred to perform remote work. It can sometimes be difficult to determine which expenses, if any, employers must reimburse, and the amount of such reimbursements. Must an employer reimburse remote workers for all cell phone usage since supervisors are calling employees at home? What about printer ink costs? How about internet service? To read the full story, click [here](#).

Public Companies Received \$1 Billion In Stimulus Funds Meant For Small Businesses

Publicly traded companies have received more than \$1 billion in funds meant for small businesses from the federal government's economic stimulus package, according to data from securities filings compiled by The Washington Post. Nearly 300 public companies have reported receiving money from the fund, called the Paycheck Protection Program, according to the [data compiled by The Post](#). Recipients include 43 companies with more than 500 workers, the maximum typically allowed by the program. Several other recipients were prosperous enough to pay executives \$2 million or more. To read the full story, click [here](#). To read the full story, click [here](#).

Justice Department Sees Early Fraud Signs In SBA Loan Flurry

The Justice Department has begun a preliminary inquiry into how taxpayer money was lent out under the Paycheck Protection Program and has already found possible fraud among businesses seeking relief, a top official said. Assistant Attorney General Brian Benczkowski, who runs the department's criminal division, said prosecutors have contacted 15 to 20 of the largest loan processors and the Small Business Administration, which oversees one relief program, as part of an effort to police the trillions of dollars in federal aid being pushed out hastily to blunt the economic impact of the coronavirus pandemic. To read the full story, click [here](#).

How Profit and Incompetence Delayed N95 Masks While People Died at the VA

Federal agencies have hired contractors with no experience to find respirators and masks, fueling a black market filled with price gouging and multiple layers of profiteering brokers. One contractor called them "buccaneers and pirates." To read the full story, click [here](#).

As Businesses Reopen, Lawsuits Loom Over Covid-19 Exposure

As businesses begin to reopen following COVID-19 related shutdowns, there is a growing push to enact protections for businesses against a possible wave of lawsuits, according to a [report](#) in Law.com. To read the full story, click [here](#).

For Small Business Loan Program, Forgiveness May Be The Hardest Part

The U.S. government's \$660 billion small business rescue program has stumbled on missing paperwork, technology failure, and the misdirection of funds to big corporations. Now, it is

lurching toward another hurdle: forgiving those hastily arranged loans. The second round of the Small Business Administration's Paycheck Protection Program launched on Monday, allowing lenders to issue forgivable, government-guaranteed loans to small businesses shuttered by the novel coronavirus outbreak. To read the full story, click [here](#).

Chinese Lab Conducted Extensive Research On Deadly Bat Viruses, But There Is No Evidence Of Accidental Release

The mysterious origin of the novel coronavirus is now a matter of international dispute. The U.S. intelligence community concluded the virus is not man-made in a new report, but would not rule out the possibility that it was accidentally released from a virology lab in Wuhan, China, where the outbreak began late last year. To read the full story, click [here](#).

Analysis of Unemployment Insurance Claims in California During the COVID-19 Pandemic

This policy brief uses close to real-time information on daily initial UI claims in California from the state's Employment Development Department to better understand the magnitude of COVID-19's labor market impacts and how different types of workers are experiencing these impacts. This research is based on a partnership between the Labor Market Information Division of the California Employment Development Department and the California Policy Lab, a research center at the University of California, with sites at the UCLA and Berkeley campuses. To read the full story, click [here](#).

Thousands Of Healthcare Workers Are Laid Off Or Furloughed As Coronavirus Spreads

Healthcare workers, championed as heroes of the COVID-19 crisis and applauded for risking their lives to protect others, have been hit especially hard by the severe economic fallout wrought by the pandemic.

In California, thousands of nurses, doctors and other medical staff have been laid off or furloughed or have taken a pay cut since mid-March. The pain has been felt broadly, from major facilities such as Stanford Health Care to tiny rural hospitals to private practitioners. Across the nation, job losses in the healthcare sector have been second only to those in the restaurant industry, according to [federal labor statistics](#). To read the full story, click [here](#).

McDonald's Tests Restaurant Designed To Combat COVID-19 Spread

The COVID-19 pandemic has altered the way consumers behave, and as a result, McDonald's is attempting to change the way it operates by reportedly testing a new kind of restaurant focusing on social distancing and safety in the Netherlands. At the trial location in Arnhem, Netherlands, there will be hand sanitizers at the entrance, hand washing stations, customers will have to wait in designated waiting spots and have their food delivered by meal trolleys, [according to Reuters](#). To read the full story, click [here](#).

Asked To Leave Dorms, Housing Insecure Students Struggle To Stay Enrolled

March 20 was a defining day for Adam Sanchez. He was two months away from finishing his first year at California State University Los Angeles, living the freshman life in the dorms. That's the day he and the campus's 900 other dorm residents received an email telling them that the campus was shutting down and they had to leave for their own health and safety. "Which I was

really disappointed with, because they gave us three days to move out," Sanchez said. He'd started his freshman year taking in the campus open mics and events that focused on African American and Latino culture. Even though he grew up less than two miles away in El Sereno, the campus felt a world away. To read the full story, click [here](#).

Note: *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 are live and will bring you to the information mentioned.*