

Weekly COVID-19 Update From EKA – September 30, 2020

Coronavirus Facts

The [Safer at Home](#) order have been in place in Los Angeles since March 19. The coronavirus has killed over 1 million people worldwide since it was first documented in December. At the time of this writing, the US has more than 7.1 million confirmed cases of the coronavirus. More than 205,070 people in the US have died from the virus.

Previous EKA COVID-19 updates

Our previous COVID-19 updates can be found [here](#). Feel free to share our updates with friends and colleagues. We hope you find the information in the EKA updates and the questions they raise to be informative. If you have any COVID-19 government or communications questions, please reach out to any member of the EKA team.

LOS ANGELES COUNTY

In-Person School Waivers, Reopen Breweries, Wineries, Card Rooms

The Board of Supervisors voted unanimously to allow a limited number of schools to apply for waivers to offer in-person instruction for students in pre-kindergarten through 2nd grade. On a split 3-2 vote after a drawn-out debate, the board also allowed breweries, wineries and card rooms to reopen. Supervisors Sheila Kuehl and Mark Ridley-Thomas dissented. Near the end of the board meeting, Hahn introduced a motion not on the board's agenda to allow breweries and wineries to open outdoors in one week, offering limited hours with reservations required. Kuehl said she could not support the motion, noting that Ferrer didn't recommend such reopenings. "In my humble opinion, it's not a great idea to say, 'Thank you, Dr. Ferrer, but we're not going to listen to your advice,'" Kuehl said. Ridley-Thomas pointed out that motions not on the agenda are typically considered at a future meeting unless it is a matter of urgency, and repeatedly pressed for Hahn to allow the board to try to reach consensus on the matter. Ferrer had warned that there might be a legal issue with treating bars and breweries differently, but Hahn did not seek county counsel's opinion before calling for a vote. Supervisor Hilda Solis called for an amendment to Hahn's motion that would allow card rooms to open outdoors as well, signaling her aye vote for the brewery motion. Ultimately, the motion passed on the 3-2 vote.

The county will offer waivers for up to 30 schools per week, prioritizing those with the highest number of low-income students who receive free or reduced-price school lunches. Waivers will be offered equally across all five county supervisorial districts, but if the cap is not reached in any given week, schools with the highest percentage of students qualified for lunch subsidies will be accommodated, regardless of location. Waivers will need to be approved by the state. Public health director Barbara Ferrer initially talked to the board Tuesday about the possibility of additional businesses reopening, including nail salons and card rooms, which have been cleared by the state to reopen if individual counties authorize them to do so. Ferrer said there are only seven card rooms countywide, and she would be open to considering allowing them to

open outdoors, only without food or beverages served at tables. Craft breweries have also been pushing hard to reopen on a limited basis, and Ferrer noted that the state's four-tier coronavirus economic-recovery roadmap allows breweries to open if they have an in-house meal program. Los Angeles County is in Tier 1 of that map, the most restrictive level, and it has limited openings to breweries that have a public health permit to serve food, while other counties have allowed breweries and bars to open if they have a food truck on hand. Ferrer stopped short of recommending any changes to the current health order other than the school waivers.

Burbank Extends Closure of San Fernando Boulevard For Outdoor Dining

Burbank is extending its outdoor dining program on San Fernando Boulevard until January 18, meaning that downtown vehicle traffic on the popular street will continue to be prohibited. The Downtown Business Improvement District advocated for the closure and provided funding for the barricades, along with tables, chairs, umbrellas and decor for open seating along the boulevard. Restaurants have to obtain a permit to use the dining space, and they can apply for one by contacting the Economic Development Team at 818-238-5180. Businesses that already have permits will be automatically extended.

CITY OF LOS ANGELES

LA City Council Approves \$6 Million to Aid Street Vendors With Permits and Equipment

As reported in [Eater](#), the Los Angeles City Council voted to direct \$6 million in funding to LA's struggling street vendors. The COVID-19 Street Vending Recovery Fund will be in the form of grants from the federal CARES Act to aid vendors with costs towards permits and equipment. [CBS-LA](#) reports that vendors can apply for grants up to \$5,000 to pay for protective gear, permit applications, and supplies to help them operate legally and comply with local laws and safety requirements. The \$6 million will be distributed through the Los Angeles Regional COVID Fund. According to [Nithya Raman](#) there are about 50,000 street vendors operating in Los Angeles, 10,000 of whom sell food. Councilman Gil Cedillo estimates that barely a dozen LA street vendors have valid licenses to operate.

Some UCLA Faculty And Staff To Work Remotely Through March 19

UCLA announced it will allow some faculty and staff to work remotely through the end of its winter quarter, March 19, in an effort to limit the number of people on campus during the COVID-19 pandemic. The extension applies to faculty and staff at UCLA who have successfully been able to work remotely. It does not apply to those who have been working on campus, are associated with the ramp-up of UCLA research or instructors and support staff who have been approved to conduct winter courses with an on-campus component.

RIVERSIDE & SAN BERNARDINO

Nail Salons Can Legally Reopen Indoors

Riverside County has officially moved into the "red" tier of the state's economic reopening matrix, advancing out of the more-restrictive purple tier. The announcement came at the same time Riverside County Supervisor Jeff Hewitt was asking his colleagues to support a proposed two-month plan to lift all public health regulations. The centerpiece standard within the plan is a compromise concession by the [governor and California Department of Public Health](#) to set the allowable testing positivity rate at 14%, which the county currently easily meets. As of yesterday, San Bernardino remained in the most restrictive purple tier, with a reported case rate of 7.7 per 100,000 residents and a positivity rate of 5.7%. In order to move to the red tier, the county will have to maintain a case rate between 4 and 7 per 100,000 residents and a positivity rate between 5% and 8% for two consecutive weeks.

ORANGE COUNTY

Disney Lays Off 28,000 Workers

Disney is laying off 28,000 workers at its Disneyland and Disney World theme parks due to continued struggles caused by the coronavirus pandemic. The company did not say how many of the affected employees worked at the Anaheim theme park and how many worked at Disney World in Florida. Disneyland remains closed per state COVID-19 guidelines, but Disney and Orange County officials have lobbied hard in recent weeks in an attempt to convince Gov. Gavin Newsom to allow the park to reopen. Disney World, which comprises four separate Disney theme parks near Orlando including Magic Kingdom, reopened this summer with restrictions amid the pandemic, but attendance has been down sharply. "In light of the prolonged impact of COVID-19 on our business, including limited capacity due to physical distancing requirements and the continued uncertainty regarding the duration of the pandemic -- exacerbated in California by the state's unwillingness to lift restrictions that would allow Disneyland to reopen -- we have made the very difficult decision to begin the process of reducing our workforce at our Parks, Experiences and Products segment at all levels, having kept non-working Cast Members on furlough since April, while paying healthcare benefits," Disney Chairman Josh D'Amaro said. The Downtown Disney shopping and entertainment district reopened to the public on July 9, although some individual businesses remained closed.

VENTURA COUNTY

Ventura County Meets Metrics To Move Tiers

If Ventura County sustains its new case rate of COVID-19 for seven more days, places of worship and restaurants could open indoors with restrictions and schools could soon opt for in-person classes. State officials announced the county recorded an adjusted average of 7.0 COVID cases a day per 100,000 residents for the week ending September 19. With no room to spare, and with help from an adjustment given for test volumes in the region, the rate meets the 7.0 or better benchmark for the red tier in the [state's four-color COVID reopening plan](#). If Ventura can meet the COVID case and positivity thresholds for a second consecutive week, it will move

forward into the red tier on October 6, easing restrictions on businesses, some of them now able to operate only outdoors. That's when the sector can reopen/

SACRAMENTO

Executive Orders

Governor Newsom's executive orders can be found [here](#).

New Executive Order In On Evictions

Governor Newsom today signed an executive order to extend the authorization for local governments to halt evictions for commercial renters impacted by the COVID-19 pandemic through March 31, 2021, and address a variety of issues in response to the pandemic. The order permits these individuals to participate in the Secretary of State's address confidentiality program. The order also allows the Department of Managed Health Care to gather information to assess the impacts of the pandemic on health care providers and health care service plans. Additionally, the order extends provisions allowing certain posting, filing and notice requirements under the California Environmental Quality Act (CEQA) to be fulfilled electronically. The text of the Governor's executive order can be found [here](#) and a copy can be found [here](#).

Cal/Osha Cites Santa Rosa Police, Bay Area Hospitals, Care Facilities

Cal/OSHA has cited the Santa Rosa Police Department, along with several Bay Area hospitals and skilled nursing facilities for failing to protect employees from COVID-19. The safety and health citations come with proposed penalties ranging from \$2,060 to \$32,000, depending on the severity. Aside from Santa Rosa Police, Sutter Health's California Pacific Medical Center Davies Campus in San Francisco, and the Santa Clara Valley Medical Center main campus on S. Bascom in San Jose were cited for violations of the state's COVID-19 protocols for workers exposed to the virus. In addition, Hayward's Gateway Care & Rehabilitation Center, and San Jose's Canyon Springs Post-Acute and Ridge Post-Acute were also cited. The employers were cited for not taking steps to update their workplace safety plans to properly address hazards related to the virus, according to Cal/OSHA. The Santa Rosa Police Department was cited for failure to screen people showing COVID-19 symptoms in March, and for not reporting to Cal/OSHA multiple serious illnesses suffered by employees who contracted COVID-19. Detective Marylou Armer, a 20-year veteran of the department, [died from COVID-19 complications](#) after being exposed by another employee who had shown symptoms. Cal/OSHA said it did not learn of the Armer's death until two weeks after it happened. Cal/OSHA noted it [has created guidance](#) for many industries in multiple languages including videos, daily checklists and detailed guidelines on how to protect workers from the virus. This guidance provides a roadmap for employers on their existing obligations to protect workers from COVID-19. Employers are required to report any suspected cases of COVID-19 must be promptly reported to local public health authorities, and California law requires employers report to Cal/OSHA any serious illness, serious injury or death of a worker while on the job or in connection with work within eight hours of when they become aware of the illness.

Privacy Protection To Public Health Workers

California will allow public health officials to participate in a program to keep their home addresses confidential, a protection previously reserved for victims of violence, abuse and stalking and reproductive health care workers. The [executive order](#) signed Gavin Newsom is a response to alleged threats made to health officers across California during the coronavirus pandemic. More than a dozen public health leaders have left their jobs amid such harassment over their role in mask rules and stay-at-home orders. A series examining how the US public health front lines have been left understaffed and ill-prepared to save us from the coronavirus pandemic. The executive order would allow health officials to register with the Secretary of State's Safe at Home program. Those in the program are given an alternative mailing address to use for public records so that their home addresses are not revealed. According to the AP, nationwide, at least 61 state or local health leaders in 27 states have resigned, retired or been fired since April, according to a review by The Associated Press and KHN, a figure that has doubled since the newsrooms [first began tracking the departures](#) in June. Thirteen of those departures have been in California, including 11 county health officials and the state's two top public health officials.

New Law Mandates Cal/OSHA's Infection Prevention Outreach To Agricultural Workers

Governor Newsom signed [Assembly Bill 2043](#) which tasks the Division of Occupational Safety and Health within the Department of Industrial Relations ("Cal/OSHA") with conducting a statewide outreach campaign to apprise Agricultural employees of best practices for coronavirus ("COVID-19") infection prevention and their right to receive COVID-19-related employment benefits, including access to paid sick leave and workers' compensation. Under the emergency bill, Cal/OSHA will disseminate information, in both English and Spanish, on COVID-19 infection prevention available on the agency's website and in current Guidance Documents. The bill also requires Cal/OSHA to initiate a statewide campaign to agricultural workers on best practices related to COVID-19 infection prevention and safety measures, including where to report workplace safety complaints. As part of the campaign, Cal/OSHA, in partnership with community organizations and employee representatives, will make public service announcements on local Spanish radio stations and distribute workplace signs for employers to post in both English and Spanish. The legislation requires Cal/OSHA to compile and report information on Cal/OSHA investigations related to COVID-19 infection prevention in agricultural settings, including statistical information and investigation details such as the subject matter, findings, and results, on the agency's website. The specific information required in the report includes the number of investigations in each county and, for each investigation a descriptive summary, discussion on how the investigation was conducted, and investigation result.

NATIONAL

House Democrats Introduce \$2.2 Trillion COVID-19 Relief Bill

According to USA Today, House Democrats unveiled a \$2.2 trillion COVID-19 relief bill in a long-shot push to break the impasse on [negotiations](#) before the election, though the bill is likely to face opposition in the Republican-controlled Senate if it passes the House. Many of the benefits approved by Congress ran out this year, leaving millions of Americans waiting for

urgently needed aid. The bill, an updated version of legislation passed by House Democrats, would provide a round of \$1,200 relief checks, reauthorize the small-business lending program, bring back the \$600 federal boost to the unemployment benefit through January and provide assistance for the airline industry. The bill includes:

- \$225 billion in education funding, with \$182 billion for K-12 schools and about \$39 billion for post-secondary education
- \$120 billion in grants for restaurants
- \$436 billion in assistance for state, local and tribal governments
- \$75 billion for COVID-19 testing, tracing and isolation measures
- \$15 billion in funding for the [U.S. Postal Service](#)
- Increased food assistance benefits

The House could act on the bill as soon as this week. Although the Senate is unlikely to act on the legislation, it represents a negotiating point more than \$1 trillion lower than Democrats' previous proposal.

LEGAL DEVELOPMENTS

Westfield Sues LA County to Reopen Indoor Malls

Westfield filed a lawsuit against Los Angeles County for the "unlawful and unjustifiable" decision not to allow indoor malls to reopen despite state health officials giving the go-ahead. The class-action lawsuit filed in the United States District Court against the County of Los Angeles and several public officials over the decision to keep indoor malls closed due to the COVID-19 pandemic. The lawsuit is alleging that the county "forced hundreds of businesses in indoor malls to close, kept thousands of county residents out of work, caused millions of dollars in lost wages and revenue, and brought many businesses to the brink of collapse—without offering a single valid, science- or health-based reason for their actions." "In doing so, the County and its officials have overtly discriminated against businesses in indoor malls and their employees without any rational basis whatsoever, trampling the constitutional rights of those businesses and individuals," the suit reads. In addition to the County of Los Angeles, the suit also lists the County Board of Supervisors, County Health Officer Dr. Muntu Davis, County Public Health Director Dr. Barbara Ferrer and Los Angeles County Sheriff Alex Villanueva as defendants. In July, *Commercial Observer* reported that Westfield sued Gap over [\\$10 million of missed rent](#) payments for stores around the country. Sandy Sigal, CEO of NewMark Merrill Companies, which owns and manages more than 50 shopping centers and retail properties in California, told CO that he [expects more permanent closures](#), and that a lot of tenants are probably "at the end of the rope," and in "desperate need of further stimulus support."

Judge Mulls Scope of Contempt Hearing Against

Los Angeles Superior Court Judge Mitchell L. Beckloff said he will decide later on the scope of a hearing on whether Grace Community Church and its pastor should be held in contempt for continuing to hold indoor services. The Judge could fine both the Sun Valley house of worship and Pastor John MacArthur \$3,000 each if he agrees with Los Angeles County health officials

that they had no legal excuse for not abiding by his orders by holding an indoor service and for staging an outdoor service without requiring attendees to wear masks and observe social distancing, all on September 13, three days after the preliminary injunction was issued. About 3,000 people attended the indoor service, according to the county's court papers. In a sworn declaration, MacArthur said that as of September 23, no coronavirus cases had developed among congregation members during nine indoor services. Beckloff asked for briefing from both sides before the next hearing on November 13. He said any court trials in the courthouse cannot occur before November 16 and that he has two contempt hearings in other cases that will take place first. Beckloff said he was inclined to agree with the church's attorneys that they should be able to raise constitutional issues and have a longer trial than lawyers for the county believe is necessary. Amnon Siegel, an attorney for the county and a proponent of finding the church and pastor in contempt, said the only question is whether the preliminary injunction is void and that a lengthy hearing is not unwarranted. The church has filed a separate lawsuit against the county that is pending in Burbank Superior Court.

Judge Issues Injunction Against Newbury Park Chapel

According to the Ventura County Star, A judge issued a preliminary injunction Monday to force the Godspcak Calvary Chapel and Pastor Rob McCoy to stop holding indoor worship services, but McCoy said afterward that the Newbury Park church won't comply. The injunction replaces a temporary restraining order issued two months ago, a short-term measure that courts take to gain compliance. A preliminary injunction typically lasts until the matter goes to trial and a judgment is rendered. That could be many months away although it's possible that the public health orders forbidding indoor services could be lifted by then because the county will have met the state's standards for containing COVID-19. The church's attorneys asked Ventura County Superior Court Judge Vincent O'Neill Jr. not to impose the injunction, saying that neither the law nor the amount of reported disease justifies the closures of indoor services they argue infringe on religious liberty.

Judge Finds Ventura County Gym In Contempt

A judge found a Ventura County gym in contempt of court for violating a injunction to stop indoor operations. Ventura County prosecutors say BSF Fitness in Ventura has defied county and state public health department orders banning indoor operations because of coronavirus safety concerns. The preliminary injunction was issued September 4, and ordered BSF to comply with safety requirements. At a hearing, prosecutors presented information that the Ventura gym continued indoor operations on September 8th, 9th, and 10th. A number of gyms in the region have moved operations outdoors to comply with health orders. The court ordered BSF to pay a \$500 fine for each day of illegal operation, and is requiring it to reimburse the District Attorney's office for costs associated with the case.

Court Dismisses COVID-19 Flight Cancellation and Refund Class Action Lawsuit

With airlines facing over 30 class actions across the country seeking refunds for COVID-19 related flight cancellations, Pillsbury client Norwegian Air is the first to obtain a dismissal with prejudice. Since the coronavirus pandemic started, there have been dozens of class actions brought against airlines by passengers seeking refunds and damages for flights cancelled due to

COVID-19 and the related travel ban. But on September 18, 2020, the Central District of California issued an order dismissing a putative class action against Norwegian Air without leave to amend. The Court rejected this argument. It held "that boilerplate contractual language guaranteeing compliance with international or domestic aviation laws does not incorporate extraneous law into the terms of an airfare contract." It explained that a contract provision "that identifies an exact regulation or statute and guarantees compliance with it" is generally sufficient to incorporate that law, but that a "contract that broadly vows to abide by all applicable laws" is not. The plaintiff also argued that California Civil Code section 1657 required that Norwegian Air refund her within a reasonable amount of time. The Court disagreed. Norwegian Air's contract of carriage does not include any provision requiring that it refund passengers within a certain period of time, and the plaintiff's attempt to add that obligation to the agreement through state law was preempted by the Airline Deregulation Act (ADA). The Court therefore granted Norwegian Air's motion to dismiss and refused to give the plaintiff leave to amend her claims—or add a rescission claim, which would likewise be preempted by the ADA.

Landlords Suing To Push Back Against Eviction Ban

According to the [AP](#), landlords are going to courts, claiming that the national eviction moratorium unfairly strains their finances and violates their property rights. At least 26 such lawsuits have been filed by property owners this year, including several federal challenges of President Trump's directive, delivered by the Centers for Disease Control and Prevention, that broadly prevents evictions through the end of 2020. The [CDC's directive](#), which took effect September 4, is based on the agency's broad powers to protect public health. The agency put it in the context of other historic, unprecedented and exceedingly rare government responses to the pandemic, and said stopping evictions is an effective way of preventing the spread of the coronavirus. To be eligible for this protection, renters must earn \$198,000 or less for couples filing jointly, or \$99,000 for single filers; demonstrate that they've sought government help to pay the rent; declare that they can't pay because of COVID-19 hardships, and affirm that they are likely to become homeless if evicted. The CDC's directive was handed down just as many other eviction bans — including the CARES Act's eviction moratorium, which covered an estimated 12 million people in federally supported housing — were set to expire.

QUESTIONS EKA HAS RECEIVED

If you have a specific COVID-19 question, click [here](#) and we will attempt to answer it in our update.

Are PPP loans reported to the IRS?

According to a report in Accounting Today, The Internal Revenue Service said Tuesday that lenders who make Paycheck Protection Program loans that are later forgiven under the CARES Act should not file information returns or furnish payee statements to report the forgiveness. In [Announcement 2020-12](#), the IRS said that when all or a portion of the stated principal amount of a covered loan is forgiven because the recipient satisfies the forgiveness requirements under section 1106 of the CARES Act, an entity isn't required to, "for federal income tax purposes

only," and should not, file a Form 1099-C information return with the IRS or provide a payee statement to the recipient as a result of the forgiveness. The full story can be found [here](#).

Many Banks Not Yet Accepting PPP Forgiveness Applications

Although the Small Business Administration opened its Paycheck Protection Program forgiveness portal on August 10, many contractors have found their banks are not ready to accept applications. The portal allows lenders to submit completed PPP loan forgiveness applications to the SBA for its review. This means that small businesses across the country that took money from the government assistance program designed to keep workers on the job during the COVID-19 pandemic, have to wait to submit their applications and find out if their loans will be forgiven. Many banks have indicated that they are waiting to see if new guidance or legislation will streamline the forgiveness process. They are also want to see if [Congress will pass legislation](#) providing automatic forgiveness for loans of \$150,000 or less. Major lending institutions such as Chase and PNC Bank have not begun accepting forgiveness applications, according to their websites.

What Are The New Workers Compensation Benefits For Employees That Test Positive For COVID-19

Effective immediately, [Senate Bill \(SB\) 1159](#) is a new California law that establishes presumptions about workers' compensation benefits for employees who contract COVID-19. This article explains in a series of questions and answers what employers need to know about workers' compensation under this new law if an employee tests positive for COVID-19. The new law codifies presumptions in Governor Newsom's [Executive Order N-62-20](#) (the "Order") issued on May 6, 2020 into a new Labor Code Section 3212.86 which expands the above presumption to frontline workers who suffer a COVID-19 related illness between July 6, 2020 and January 1, 2023 if certain requirements are met.

Which Frontline Workers Are Covered?

This Section covers (1) active firefighting members, (2) peace officers, (3) fire and rescue service coordinators, (4) employees who provide direct patient care, or custodial employees in contact with COVID-19 patients who work at a health care facility, (5) authorized registered nurses, (6) emergency medical technicians-I, -II, and -paramedics, (7) employees who provide direct patient care for home health agencies, (8) other employees of health facilities other than those described under No. 4 above, unless the employer can establish that the employee had no contact with a COVID-19 positive patient in the previous 14 days, and (9) providers of in-home supportive services when they provide services outside of their own home. As you are aware, things are changing quickly and there is a lack of clear-cut authority or bright line rules on implementation. This article is not intended to be an unequivocal, one-size fits all guidance, but instead represents our interpretation of where things currently and generally stand. This article does not address the potential impacts of the numerous other local, state and federal orders that have been issued in response to the COVID-19 pandemic, including, without limitation, potential liability should an employee become ill, requirements regarding family leave, sick pay and other issues. The new law is quite comprehensive and we urge you to seek counsel from your legal counsel if you have any specific questions.

WHAT WE'RE READING

Coronavirus: How The Tier System Impacts Each County And Business Sector

If you find the state's four-color system of tiers a little confusing, scroll for a breakdown of what it means by business sectors. The state's Blueprint for a Safer Economy explains: Every county in California is assigned to a tier based on its test positivity and adjusted case rate. At a minimum, counties must remain in a tier for at least 3 weeks before moving forward. Data is reviewed weekly and tiers are updated on Tuesdays. To move forward, a county must meet the next tier's criteria for two consecutive weeks. If a county's metrics worsen for two consecutive weeks, it will be assigned a more restrictive tier. To read the full story, click [here](#).

No forgiveness: Small businesses still on hook for rescue loans

When the government pledged to give small businesses billions of dollars in rescue loans during the pandemic, it was an offer almost too good to refuse: The loans could be forgiven if employers only maintained payroll. In little more than four months, the Paycheck Protection Program doled out \$525 billion in loans to 5.2 million borrowers, which economists estimate saved millions of jobs. But to date, none of the loans have been forgiven. To read the full story, click [here](#).

Small Businesses Agonize Over PPP Loan Forgiveness

The Paycheck Protection Program pumped \$525 billion in forgivable loans to small businesses from early April through early August. The program has been praised for saving jobs and buoying struggling businesses and criticized for its clumsy rollout, fraud, and for favoring companies with established banking relationships over underbanked ventures. To read the full story, click [here](#).

Why You May Want to Wait to File for PPP Loan Forgiveness

Most Paycheck Protection Program ("PPP") borrowers are working toward full forgiveness of their PPP loans and are anxious to get this process started. A borrower generally may submit a loan forgiveness application any time on or before the maturity of the loan—including before the end of the covered period—if the borrower has used all of the loan proceeds. But that does not mean a borrower should submit a loan forgiveness application as soon as possible. There are many considerations you should take into account when deciding when to submit forgiveness applications to the lender. To read the full story, click [here](#).

Businesses Could Face Billions Of Dollars In Lawsuits From Employees Who Brought Covid-19 Home To Relatives

Businesses with Covid-19 outbreaks are facing an emerging legal threat from claims that workers brought coronavirus home and infected relatives, which one risk analysis firm said could cost employers billions of dollars. The daughter of Esperanza Ugalde of Illinois filed in August what lawyers believe is the first wrongful death "take home" lawsuit, alleging her mother died of Covid-19 that her father contracted at Aurora Packing Co's meat processing plant. To read the full story, click [here](#).

Five California State Legislators Send Letter Asking to Open LA County Cardrooms Outside

A letter from five state legislators representing hard-hit cities with cardrooms in Los Angeles County was sent to the Los Angeles Board of Supervisors calling for the safe opening of the cardrooms outdoors in their cities. The letter was signed by Assemblymembers Mike Gipson, Patrick O'Donnell, and Wendy Carillo and by State Senators Steven Bradford and Bob Archuleta. To read the full story, click [here](#).

Coronavirus Updates: 9% Of American Adults Exposed To COVID-19; World Deaths Could Double Before A Vaccine Is Widely Available, WHO Warns

Americans have a long way to go for "herd immunity" given that only about 9% of adults in the US have been exposed to COVID-19. That's according to the largest study so far that looks for evidence of the disease in peoples' blood. California's health secretary said Friday that there have been increases in the number of newly confirmed cases, hospital emergency department visits for COVID-19 and new hospitalizations for confirmed or suspected cases. To read the full story, click [here](#).

COVID-19 may lead to a flood of lawsuits; should businesses be shielded?

More than 5,000 lawsuits related to the COVID-19 pandemic have already been filed across the United States. And experts say we may be at the start of a 'tidal wave' of litigation. Some argue that businesses should be shielded against frivolous lawsuits to protect them from bankruptcy, but critics say that would take away a victim's vital right to hold employers accountable. To read the full story, click [here](#).

Cal/OSHA Issues First COVID-19 Related Citations

In early September, the California Division of Occupational Safety and Health ("Cal/OSHA") announced that it cited 11 employers for not protecting employees from COVID-19 exposure. The inspections were conducted in industries where employees have an increased risk of exposure, including food processing, meatpacking, health care, agriculture and retail. The proposed penalties ranged from \$2,025 to \$51,190. To read the full story, click [here](#).

Thought No One Was Answering Calls At California's EDD? You Were Nearly Right, Report Says

If you thought it was impossible to reach a human being about your California unemployment insurance claim in the last six months, you were nearly right, according to a recent report released by Gov. Gavin Newsom's administration. No more than one in 1,000 callers per day have reached someone at the number the Employment Development Department has told people to call for help with their claims, leaving callers "without a statistically significant chance of being served," according to [a new report](#) from a team of government executives Newsom appointed to address problems at the department. To read the full story, click [here](#).

Trump's Vaccine Czar Refuses to Give Up Stock in Drug Company Involved in His Government Role

The administration calls Moncef Slaoui, who leads its vaccine race, a "contractor" to sidestep rules against personally profiting from government positions. Slaoui owns \$10 million in stock of a company working with his team to develop a vaccine. To read the full story, click [here](#).

California reopens more widely as infections hit lowest rate

Under the changes announced Tuesday, the Bay Area counties of Alameda, San Mateo and Solano, and San Luis Obispo and Riverside counties in Southern California moved from the most restrictive tier. El Dorado, Lassen and Nevada counties improved from substantial to moderate. Mariposa County improved to the minimal category. If improvement trends continue, Ghaly said he anticipates restrictions will be eased for more counties next week. To read the full story, click [here](#).

24 Hour Fitness Reopens A Day After Riverside County Gets Clearance To Open Gyms

One day after Riverside County moved from the purple tier to red tier under state rules for reopening during the coronavirus pandemic, 24 Hour Fitness clubs in five cities welcomed customers eager to work out Wednesday, September 23. "We had a line outside the door when we came in this morning," District Manager Kevin Rogers said of the 24 Hour Fitness Riverside gym on Madison Street, next to the 91 Freeway. "They were ready to go." To read the full story, click [here](#).

Nail Salons Can Reopen Indoors, COVID Tests Now Available To All

Dr. Mark Ghaly, the state's health and human services secretary, said during a press briefing that an examination of how nail salons can make indoor operations safer led to the decision. The state is allowing nail salons to resume services inside even in counties in the most restrictive "purple" tier — a designation for widespread virus transmission — in California's reopening blueprint. ... The state also has reported significant improvements in testing availability and quicker test results. After months of delayed test results, with some Californians reporting waiting two weeks or more to hear back, now about 90% of test results are coming in under 48 hours, said Dr. Erica Pan, the state's acting health officer. To read the full story, click [here](#).

San Diego County Escapes Being Elevated To Most Restrictive Tier

It takes two straight weeks of bad numbers for a county to topple a tier and had the case rate been over 7 again this week, local leaders would have found themselves with a decision to make. They would have had to choose one of two paths: go along with the reductions that dropping a tier would require or revolt by refusing to enforce such edicts, subjecting the region to millions in lost state revenue and a very public fight with Gov. Gavin Newsom. Tuesday's numbers clearly diffused what could otherwise have been a very tense standoff. Supervisors made it clear last week that they thought positive cases among San Diego State University students should have been removed from the state's calculations and, after meeting behind closed doors Thursday and Monday, seemed ready to choose a different path had the purple tier been a certainty. To read the full story, click [here](#).

The Bay Area's Small Business Closure Crisis Is Already Here

The Bay Area has some of the highest business closure rates in the nation, according to newly released data from Yelp. Roughly one out of every 100 businesses in the San Francisco metropolitan area, which includes Alameda, Contra Costa, San Mateo and Marin counties, has permanently closed since March 1, according to the data, which is based on firms listed on Yelp's platform. That's about 2,900 businesses. Another 3,300 are temporarily closed. In the San Jose metro, which includes Santa Clara and San Benito counties, about 9 out of every 1,000 businesses are permanently closed. Those are the second and fifth-highest closure rates in the US. The other metro areas in the top five — Honolulu, Las Vegas and San Diego — are, like San Francisco, heavily dependent on tourism. To read the full story, click [here](#).

Fewer Students Attending California Community Colleges, Early Fall Numbers Show

California's community college system is experiencing a systemwide decline of student enrollment this fall, with some campuses reporting double-digit losses. The fact that fewer students have enrolled for this fall reveals a worrisome decline for the nation's largest college system — with 116 institutions serving more than two million students. While enrollments have been largely flat in recent years, with variations among the colleges, the situation appears to be different this year, with the picture complicated by the coronavirus pandemic, job losses, the transition to mostly online classes and historic wildfires. To read the full story, click [here](#).

California Sees Steep Drop In Reports Of Child Abuse Since School Campuses Closed

From April through August, reports of suspected child abuse statewide dropped 28% compared to reports during those same months in 2019, according to data from the California Department of Social Services provided to EdSource. Teachers, along with doctors, police, social workers and other professionals who come in contact with children, are mandated by the state to report child abuse to county departments of Child Protective Services. Teachers make up the largest percentage — about 20% — of those who make reports, according to the Child Welfare League of America. Police and attorneys were the next largest group, at about 18%, followed by social workers, friends, neighbors and relatives. To read the full story, click [here](#).

Johnson & Johnson Begins The Final Stage Of Clinical Trials For Its Vaccine

Although they started a couple of months behind the other so-called Phase 3 trials in the United States, Johnson & Johnson's trials, which began on Monday, will be the largest, with plans to enroll 60,000 participants. And this experimental vaccine may have considerable advantages over some of its competitors, experts said. It does not need to be stored in subzero temperatures, and may require just one dose instead of two. To read the full story, click [here](#).

Draft Guidelines Say Covid-19 Vaccine to Require Strict Review for Authorization

US health regulators have drafted guidelines that would require a Covid-19 vaccine to meet rigorous standards to gain a speedy clearance for use, according to people familiar with the matter, an effort to ensure the shots work safely before they are widely distributed. Among the proposed requirements is that a coronavirus shot reduce the rate of infections by 50% compared with a placebo, which the regulators have already required for a regular approval of any Covid-19 vaccines. To read the full story, click [here](#).

Trump Urges UN to Blame China for the Virus

President Donald Trump at the UN called on the nations of the world to hold China accountable for the global spread of the coronavirus. "As we pursue this bright future, we must hold accountable the nation that unleashed this plague upon the world: China," Trump said. In pre-recorded remarks from the White House, Trump said the US has "waged a fierce battle against the invisible enemy, the China virus," which claimed "countless lives" worldwide. To read the full story, click [here](#).

Enactment Of AB 685 Establishes COVID-19 Exposure Notice Requirements For California Employers And Cal/OSHA Enforcement Changes

On September 17, 2020, Governor Newsom signed [Assembly Bill \(AB\) 685](#) into law, establishing new requirements for employers to notify employees and their unions about a potential COVID-19 exposure in the workplace. The new law, which will be in effect from January 1, 2021, until January 1, 2023, also requires employers to report a COVID-19 "outbreak" at the worksite to local health authorities. Further, AB 685 relaxes the pre-citation requirements that the Division of Occupational Safety and Health ("Cal/OSHA") must follow before issuing a citation for a serious violation related to COVID-19. This article breaks down the various requirements of the new law and identifies potential complications or issues that employers should be aware of when attempting to comply with the new requirements. To read the full story, click [here](#).

COVID-19 Exposure Notification Requirements Coming To A Workplace Near You

As California's legislative session comes to an end, a wave of new COVID-19 related laws that impact employers are being signed into law. On September 17, 2020, Governor Newsom [signed AB 685](#), which will require employers to provide specific notices to employees exposed to COVID-19 within one business day of becoming aware of the exposure, and impacts COVID-19 related alleged Cal/OSHA violations. To read the full story, click [here](#).

Employment Attorneys Brace for Major California Law Changes

California enacted a slate of new laws on worker classification, Covid-19, family leave, and court issues that will affect how employment lawyers advise their clients on workplace compliance and litigate disputes. The measures come as the state grapples with a global pandemic, devastating wildfires, and a swelling racial justice movement, and employers work to keep up with emergency measures and implement policy changes. To read the full story, click [here](#).

When Will Children Get A COVID-19 Vaccine? It's Going To Be A While

Children are not included in the ongoing trials for a COVID-19 vaccine, so it's likely to be well into next year or beyond before they'll be able to get vaccinated against the [coronavirus](#) that causes the disease. Some say that's not a problem because the vast majority of children don't get severely ill from COVID-19. To read the full story, click [here](#).

Workers' Compensation Liability Is Catching In California

Senate Bill 1159 was signed into law by Governor Newsom on September 17, 2020, and went into effect immediately. Under the new law, if employees test positive for COVID-19 under specific circumstances, there is a rebuttable presumption that their exposure occurred at the workplace. Unless rebutted, this

presumption creates a compensable injury for purposes of qualifying for workers' compensation benefits. SB 1159 also creates reporting requirements for employers through January 1, 2023. To read the full story, click [here](#).

Johnson & Johnson Starts Phase Three Trial for Vaccine

Johnson & Johnson announced Wednesday that it has launched its final trial for a coronavirus vaccine that would require only one dose. The development means four coronavirus vaccines have reached phase three trials in the US. Leading infectious disease expert Anthony Fauci called the news "an unprecedented feat for the scientific community. To read the full story, click [here](#).

CDC Defends Coronavirus Guidance Reversals

Robert Redfield, the head of the Centers for Disease Control and Prevention, said on Wednesday that the public can trust his agency despite recent missteps amid the coronavirus pandemic. The agency announced Monday that it made a mistake in recently posting draft guidance that said airborne coronavirus particles could travel over 6 feet and that the inhalation of such particles could be the main way the virus spreads. To read the full story, click [here](#).

Parents Sue LA Unified as Students Struggle With Distance Learning

Parents sued the Los Angeles Unified School District on Thursday claiming the district's at-home learning plan during the Covid-19 pandemic has pushed students, especially those of color and children with disabilities, further behind in their education. Schools across the Golden State shut their doors in March after Governor Gavin Newsom said the state's more than 6 million students would take part in classes remotely due to the outbreak of the novel coronavirus. To read the full story, click [here](#).

Pac-12 Announces It Will Begin College Football Season On November 6

The Pac-12 will join the Big Ten in attempting to play football this fall, the league announced Thursday, reversing a decision made in August to postpone until the winter or spring at the earliest due to the health concerns posed by the coronavirus pandemic. Pac-12 play will begin on November 6 with a seven-game schedule consisting of only league games and culminating with the conference championship game on December 18. In addition to the conference championship, the final weekend will feature crossover games between teams from the North and South divisions. To read the full story, click [here](#).

COVID-19 Mutation May Be Evolving To Bypass Mask-Wearing, Hand-Washing

A new COVID-19 mutation appears to be even more contagious, according to a study — and experts say it could be a response by the virus to defeat masks and other social-distancing efforts. Scientists in a paper published Wednesday identified a new strain of the virus, which accounted for 99.9 percent of cases during the second wave in the Houston, Texas, area, the Washington Post reported. To read the full story, click [here](#).

A Real Vaccine Before the Election? It'd Take a Miracle.

There is a small chance that Pfizer's vaccine trial will yield results by November 3. But it could still take weeks for FDA review. Here's everything that has to happen and how to tell a political stunt from a real vaccine. To read the full story, click [here](#).

WeHo's Saddle Ranch Chop House Joins Lawsuit Against Insurers

Four popular steakhouses — one of that is in West Hollywood — are suing three insurance companies for allegedly breaching a contract to pay them for losses incurred while the restaurants were forced to close during the coronavirus pandemic. To read the full story, click [here](#).

Some College Students Didn't Show Up Amid COVID-19, Recession – Especially At Community College

When Hannah Hyatt imagined her freshman year at Clemson University, she had a clear picture in mind: crisp fall mornings hustling by Bowman Field on her way to class, hanging with new friends at her dorm and Saturdays spent at a packed Memorial Stadium, cheering on one of the best college football teams in the country. To read the full story, click [here](#).

How to Select, Wear, and Clean Your Mask

Wear a mask correctly and consistently for the best protection. Be sure to wash your hands before putting on a mask and do not touch the mask when wearing it. Make sure the mask covers your nose and mouth and fits securely under your chin and against the sides of your face. To read the full story, click [here](#).

Coronavirus Map: Age 18-49 Are 59.9% Of Cases And 7.3% Of Deaths In California On September 28

According to the California Department of Public Health several counties could be lowered by a tier on Tuesday, September 29. Once a county is lowered, or raised, a tier it must remain there for at least three weeks. A county must also meet criteria for the next tier in daily coronavirus positive cases per 100,000 and testing positivity – meaning the rate at which tests are coming back positive – for two consecutive weeks in order to progress down a level. To read the full story, click [here](#).

Remote Work Expenses and Employer Reimbursement Requirements

With the pandemic continuing, many offices remain closed and many employees are performing their job duties remotely from home. This had led many employers reasonably to ask, "what types of expenses are we required to pay for?" Unfortunately, the law is very unclear on this issue and there are no bright-line answers for employers. Here is some background, along with some tips for compliance. To read the full story, click [here](#).

11 Bars In NYC, Long Island Lose Liquor Licenses Due To COVID-19 Violation

The State Liquor Authority suspended the liquor licenses of 11 more bars and restaurants in New York City and on Long Island as part of its ongoing crackdown against COVID-19-related violations, Gov. Andrew Cuomo said Tuesday. The SLA has suspended a total of

217 New York state businesses' liquor licenses for pandemic-related violations. To read the full story, click [here](#).

Coronavirus Spread Increasing In Marin County As Statewide Cases Fall

The rate at which COVID-19 is spreading in Marin has jumped this week to its highest point in more than two months, representing an early warning that the county's coronavirus outlook could soon take a turn for the worse, according to the county's public health officer. To read the full story, click [here](#).

A Primer For The Media On Viruses, Vaccines, And Covid-19

2020 is a year when many things besides people have died, or at least placed on indefinite life support. Music and most arts and culture (at least audience-based), education, a person's livelihood, social trust and interaction, common sense and common decency, debate, and we can include responsible journalism to the list. To read the full story, click [here](#).

A Viral March Across The Planet, Tracked By A Map In Motion

On a Thursday night in early January, the disease that would become known as COVID-19 claimed its first victim, a 61-year-old man who succumbed to the newly identified coronavirus in the city of Wuhan, in the People's Republic of China. To read the full story, click [here](#).

Quick Guide: What California's Color-Coded County Tracking System Means For Schools

What is the color-coded county tracking system and how does it affect schools? To read the full story, click [here](#).

Note: While EKA monitors governmental announcements, guidelines and recommendations, our updates are prepared for informational purposes and are compiled from publicly available sources. Our updates should not be considered health, medical, legal, or tax advice. Always consult a qualified professional regarding any specific questions you may have. All hyperlinks are live and will bring you to the information mentioned. If you are not interested in receiving future emails from us, then please reply with a "Remove" in the subject line and mention the email addresses to be removed.