

## Weekly COVID-19 Update From EKA – October 21, 2020

### Nine Months of Coronavirus

The [Safer at Home](#) order has been in place in Los Angeles since March 19. Click [here](#) to track the COVID-19 outbreaks across the United States with daily updated maps, total cases and deaths. The worldwide outbreak of the coronavirus currently is more than 38.8 million confirmed cases across more than 180 countries. The novel coronavirus has caused about 285,000 more deaths in the US between February 1 and September 16 than in an average year, according to a report released yesterday by the CDC.

### 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 EKA team members.

## OPENING & CLOSING

### GROW

As some companies begin to return to offices and other places of work, many companies are implementing "Gradually Returning to Our Workplace (GROW) plans. HR professionals recommend that companies establish a multi-disciplinary team that is responsible for developing, implementing and monitoring a return to work plan.

### Schools

LA County Public Health continues to receive school waiver applications for grades TK-2. Public Health has received 62 applications from schools for waivers to open for grades TK-2 in-person learning. A number of these applications were incomplete, so they are working with schools to ensure they submit all of the necessary pieces for their applications. The review process takes 2-3 weeks and includes consultation with the California Department of Public Health. Schools need to wait until their applications have been approved before opening. Schools are currently permitted to open for in-person learning and necessary assessments for high-need students while adhering to the school reopening protocols. The Reopening Protocols, COVID-19 Surveillance Interactive Dashboard, Roadmap to Recovery, Recovery Dashboard can be found [here](#).

### CA Releases Guidelines For Theme Parks

California will allow large theme parks to reopen with modifications when the counties where they're located move into the state's least-restrictive "yellow" tier, a change that likely puts theme parks at least weeks — and potentially months — away from resuming operations. The announcement was made Tuesday by California Health and Human Services Secretary Dr. Mark Ghaly, who [released](#) the state's much-anticipated reopening protocols for theme parks during the COVID-19 pandemic. The guidelines had been expected earlier this month but were delayed.

## LOS ANGELES COUNTY

### **Public Health to Update Health Officer Order Regarding Private Gatherings**

As previously noted, the State updated guidance to allow private gatherings of three or fewer households, as long as the private gathering is outdoors, everyone wears a cloth face covering and keeps at least six feet of physical distance, food is in single-serve disposable containers, and the duration of the gathering is two hours or less. As a result, Public Health update the Health Officer Order to align with this change in the State guidance. The new order is posted [here](#). Large public events and gatherings remain prohibited, even if held outdoors.

### **Jewish Free Loan Association**

As the need for financial relief continues to grow during the COVID-19 pandemic, Supervisor Mark Ridley-Thomas is partnering with the Jewish Free Loan Association (JFLA) to extend financial help to families in financial distress who are living in the Second Supervisor District by offering no-fee, zero-interest loans. Recognizing the urgent need for support, a grant of \$500,000 has been allocated by Supervisor Ridley-Thomas to facilitate emergency loans of \$3,00-\$6,000 for individuals and families and up to \$18,000 to aid small businesses who may not qualify through normal financial channels. Not only can JFLA's loans be used to help individuals and families facing personal financial struggles, they can also be used to support Those in need of financial assistance should click [here](#) for more information and to apply for a loan.

### **LA County May See More Infections**

As cases of Covid-19 in Los Angeles County ticked up in the first weeks of October due to workplace outbreaks, public health officials said infections will continue to go up in the coming weeks as more businesses reopen. With more people venturing back to work outside of their homes, there are now increased opportunities for outbreaks at warehouses, manufacturing factories, office and retail jobs, according to Los Angeles County Public Health Director Barbara Ferrer.

### **Los Angeles County Remains In Tier 1**

Los Angeles County remains in Tier 1, the most restrictive tier, in the state's [Blueprint for a Safer Economy](#). The tiered framework places counties in one of 4 tiers depending on three metrics measuring community transmission and health equity. Options for sector re-openings, including schools, and permitted activities are aligned with each Tier. The County's level of community transmission is still too high to advance to the next tier. This week, Public Health updated the Health Officer Order to align with State guidance on private gatherings, which allow limited private gatherings with three or fewer households. All private gatherings must occur outdoors. Attendees must wear a cloth face covering when they are together except when they are eating or drinking and keep at least six feet of physical distance. Food must be served in single-serve disposable containers, and the duration of the gathering should be two hours or less.

### **Pastors Discuss Inequality against Christians at Walnut Fair**

Nearly 100 Southern California pastors plan to meet in Dana Point this week to discuss what they consider unfair treatment by Los Angeles County health officials of faith-based events including a recent family fair in Walnut that drew more than an estimated 500 people despite warnings about spreading COVID-19. "The Los Angeles County Public Health Department threatened to shut down the event, levy fines," event organizer Marc Ang said. He claims it was implied that he might face arrest. "LA County is unfairly treating the faith community while giving special treatment to leftist liberal groups as evidenced by their preferential treatment of the lack of social distancing events..." Ang said, attempting to cite Saturday's Women's March in downtown LA as one such example. The event, which included a petting zoo and puppet show, was held Saturday at On a Mission Church in Walnut and attended by about 500-600 people during the four-hour event, according to the event publicist. Two people believed to be public health officials were denied entry because the fair was being held on private property, the publicist said.

## **CITY OF LOS ANGELES**

### **LA Planning Dept. Seeks Regulatory Relief for Small Businesses**

The Los Angeles City Planning Department released a draft ordinance that would give small businesses leniency on certain regulations during a state of emergency, such as the COVID-19 pandemic. The proposed ordinance aims to spur the recovery of these vital businesses, as well as prepare a path for neighborhood recuperation in the future during declared citywide states of emergency. Consistent with direction by the City Council, City Planning staff proposed a regulatory framework to take effect during a declared state of emergency and upon emergency order from the mayor or by resolution from the council. The framework would be in place for the term of the local emergency and up to 12 months after its expiration or termination. The council could extend the provisions for a maximum of 36 months past the expiration of the local emergency as well as terminate the provisions after the expiration of the local emergency. The proposed local emergency code amendment has two main components. The first addresses the extension of time limits for the expiration of certain permits, such as conditional use permits, and the second addresses parking requirements. In limited situations, the second component would grant modifications to existing parking requirements for businesses that meet a set of specific eligibility criteria. Vehicle parking requirements could change the use of existing buildings, which would not trigger new parking requirements. Also, conditions of approval requiring valet parking and off-site parking requirements could be suspended. In the coming weeks, City Planning staff said they will hold a public hearing on the draft ordinance, then they will prepare a report with recommendations for consideration by the City Planning Commission.

## **SACRAMENTO**

Chris Micheli from [Aprea & Micheli, Inc](#) advises that the CDPH put out two "guidance" documents on AB 685 compliance on 10/16/20 last Friday, which have some immediate implications. Below is the advisory from Chris.

**First - CDPH provided a new "[Definitions](#)" page** - The definitions are really helpful, on the whole. We asked for a number of these, and it is really good to have a central location where definitions can be found by employers.

- **Outbreak:** the page defines outbreak for purposes of COVID-19 as "at least three COVID-19 cases among workers at the same worksite within a 14-day period." This is a good change because it eliminates our concern that a technical "outbreak" would occur if three infected customers visited the same store in a two-week period ... which we had objected to, and which labor wasn't willing to agree was a legitimate concern. So that resolves that.
- **"Case"** of COVID 19: it defines a case in parallel to the definition included in AB 685, which we were ok with (positive viral test, diagnosis, order to isolate, or death)
- **Infectious Period:** It defines infectious period under the medical definitions which we were aware of, but can be hard to apply for an employer. This isn't helpful substantively.
  - For those who test positive with symptoms - 2 days before symptoms until: 10 days after symptoms end, 24 hours w/o fever (no medication), and "other symptoms have improved".
  - For those who test positive w/o symptoms - 2 days before submitting a positive test, and 10 days after first positive test.
- **"Lab Confirmed Test":** the page clarifies our issue with the definition of lab-confirmed test to specify that it only applies to "a positive result on any viral test for COVID-19," with a footnote giving the scientific terms for qualifying tests. This is a good change and is what Sen Pan requested at the Sen Labor Committee Hearing.

**Second - CDPH put out a "[guidance](#)" on compliance with AB 685** - This is a more lengthy document, which you will want to review. I'd like to quickly highlight a few pieces:

- **Who gets notice?:** This guidance does not clearly address our concern re the different populations identified in AB 685 for notice. The guidance identifies the types of information that must be provided, but doesn't discuss the differences in definition re who gets what notice that were signed into law. That said, we're still hopeful about this getting addressed in cleanup, as labor and the author's office seem onboard.
- **Reporting to Local Health Dept:** The guidance provides that employers must presently report "outbreaks" as defined under AB 685 (3 cases within two weeks) to LHD. Specifically, under a heading of: "How is AB 685 different from CDPH's COVID-19 employer guidance?" , it provides: "*CDPH's guidance, "Responding to COVID-19 in the Workplace for Employers," also requires employers to notify local health departments if there are 3 or more cases of COVID-19 in their workplace within a 2-week period. This requirement is already in effect, so employers must follow it now. The additional requirements under AB 685 go into effect on January 1, 2021.*" This "requirement" was

apparently introduced by revising the text of a CDPH guidance the day after AB 685 was signed, available [here](#):

The next question is: how different is this from existing practice? CDPH had been urging reporting of even individual cases this summer, but it wasn't clear how much that would be enforced or what the legal backing was. On that note - I am not aware of any COVID-19-related citations issued by Cal/OSHA on this issue, so that may indicate their enforcement priority is more on workplace protections than reporting. Regardless, we need to be aware that we have a Cal/OSHA-approved guidance document, available [here](#): which is technically enforceable via citation that requires reporting of outbreaks. In short - you'll want to look at preparing your mechanism to report any potential outbreaks (3 or more cases w/in 2 weeks, per the definitions) before January 1. The outbreak guidance document, available [here](#), also includes an instruction that "Employers are also encouraged to contact the LHD regarding any laboratory confirmed case of COVID-19 in the workplace", but distinguishes that from the requirement to report where an outbreak occurs.

### **California Rules Now Allow for 3 Households to Socialize**

The state is easing its coronavirus restrictions to allow up to three households to socialize outdoors, an expansion of rules aimed at people tempted to have even larger gatherings around Halloween, Thanksgiving and end-of-year holidays. Three households can gather so long as they wear masks and follow other safety precautions designed to stem the spread of the virus, under the new guidelines from the California Department of Public Health. State health officials previously discouraged gatherings outside of a single household. To view the guidelines, click [here](#).

### **Workers' Comp Bill Creates Disputable Presumption and New Reporting Requirements**

As detailed in an alert from [Covington & Burling LLP](#), Governor Gavin Newsom recently signed [Senate Bill \(SB\) 1159](#), which adds COVID-19-related illness or death to the list of injuries covered under the state's workers' compensation program and creates new employer reporting responsibilities. The law codifies and extends [Executive Order N-62-20](#), which was issued on May 6, 2020 and created a rebuttable presumption that employees with a COVID-19-related illness on or before July 5, 2020 contracted the virus at work and were eligible for workers' compensation. The new law is retroactive to July 6, 2020 and expires on January 1, 2023.

*Disputable Presumption for COVID-19 Cases During Workplace "Outbreaks"* Workers' compensation generally provides benefits for employees who are injured or become ill in the course of their employment. Given the wide reach of COVID-19, however, it may be difficult to identify where the employee was exposed to the coronavirus for the purposes of showing that their exposure was caused by and arose out of their employment. In California, however, SB 1159 creates a "disputable presumption" that a COVID-19-related illness arose out of and in the course of employment, and is thus compensable, for employees who test positive during a COVID-19 "outbreak" at the employee's "specific place of employment," and whose employer has five or more employees. The new law specifies that workers' compensation awarded for COVID-19 claims includes "full hospital, surgical, medical treatment, disability indemnity, and death

benefits." Under SB 1159 all of the following circumstances must exist for the presumption to apply:

1. The employee tests positive within 14 days after a day that the employee performed labor or services at the employee's place of employment at the employer's direction;
2. The day on which the employee performed labor or services at the employee's place of employment at the employer's direction was on or after July 6, 2020. The date of injury is the last date the employee performed labor or services at the employee's place of employment at the employer's direction prior to the positive test; and
3. The employee's positive test occurred during an outbreak at the employee's specific place of employment.

A COVID-19 "outbreak" occurs if, within 14 calendar days, one of the following occurs: (1) four employees test positive for COVID-19 (if the employer has 100 employees or fewer at a specific place of employment); (2) 4% of the number of employees who reported to the specific place of employment test positive for COVID-19 (if the employer has more than 100 employees at a specific place of employment); or (3) a specific place of employment is ordered to close by a local public health department, the State Department of Public Health, or Cal/OSHA due to risk of infection with COVID-19. A "specific place of employment" is defined as "the building, store, facility, or agricultural field where an employee performs work at the employer's direction." The law also provides a disputable presumption for firefighters, peace officers, fire and rescue coordinators, and certain kinds of health care and health facility workers that come in contact with COVID-19 patients ("First Responders and Health Care Workers"), that test positive for or are diagnosed with COVID-19 within 14 days of working onsite for an employer on or after July 6, 2020.

According to [FAQs](#) regarding SB 1159 released by the California Department of Industrial Relations, Division of Workers' Compensation ("DWC"), the presumption is applicable only for a COVID-19 diagnosis based on a positive "PCR test," which detects the presence of the virus. Antibody testing may not be relied on for a confirmed diagnosis under the statute. Notably for employers, the "presumption is disputable and may be controverted by other evidence," such as: (1) measures in place to reduce the potential transmission of COVID-19 in the employee's place of employment; (2) the employee's non-occupational risks of contracting COVID-19; and (3) any other evidence normally used to dispute a claim. Further, if an employee has any available COVID-19-related paid sick leave benefits (e.g., FFCRA's Emergency Paid Sick Leave or California's supplemental paid sick leave under AB 1867), those benefits must be used and exhausted before receiving any temporary disability benefits. The DWC's FAQs explain that employers will have up to 45 days to investigate and make a decision whether to accept or deny a workers' compensation claim. If the employer fails to reject the claim within 45 days, the employee's injury or illness is presumed compensable, and the employer can then rebut that presumption only with evidence it discovered after the 45-day period. Employers have only 30 days to investigate and accept or deny claims brought by First Responders and Health Care Workers. If an employer rejects the claim, the claimant has the right to have the issue decided by a workers' compensation judge.

### *New Reporting Requirements*

SB 1159 also creates new reporting requirements for employers. When an employer "knows or reasonably should know that an employee has tested positive for COVID-19" the employer must report to its claims administrator the following information in writing within three business days:

1. That an employee has tested positive (note that personally identifiable information about the employee should only be provided if the employee asserts the infection is work-related or has filed a claim form under Labor Code 5401);
2. The date the employee tested positive (i.e., the date the specimen was collected for testing);
3. The address(es) of the employee's specific place(s) of employment during the 14-day period preceding the date of the employee's positive test; and
4. The highest number of employees who reported to work at the employee's specific place of employment in the 45-day period preceding the last day the employee worked at each specific place of employment.

Retroactively, if an employer is aware that an employee tested positive between July 6, 2020 and September 17, 2020, the employer must report the information in items #1-3 above to its claims administrator within 30 business days of the date SB 1159 took effect (i.e., by October 29, 2020) and report the highest number of employees who reported to work at each of the employee's specific places of employment on any work date between July 6, 2020 and September 17, 2020. This information will be used by the claims administrator to determine whether a COVID-19 outbreak has occurred. California employers with employees working remotely at least part-time during the pandemic should note that SB 1159 specifies that "place of employment" does not include an employee's home or residence (unless the employee provides home health care services). Employers, therefore, would not need to report employees who test positive for COVID-19 but had only worked from home prior to the statute's effective date. However, the statute likely requires reporting the confirmed case of a remote employee who tested positive prior to the statute's effective date if that employee also worked at onsite anytime between July 6 and the effective date. Employers who fail to report the above information or who intentionally submit false or misleading information are subject to a \$10,000 penalty assessed by the California Labor Commissioner.

### **Steps To Take Now**

To satisfy the requirements under the new law, California employers should develop a protocol for requesting and collecting specific information about positive COVID-19 cases in the workplace from July 6 onward. Employers may consider designating a person who is responsible for reporting that information to the claims administrator in order to ensure that the law's reporting requirements are met. Further, employers should plan for how they will collect evidence to dispute the presumption that an employee's COVID-19 diagnosis arose out of and in the course of employment. For example, if employers are aware of a positive test that

could be connected to the workplace, they should immediately begin collecting information about the circumstances of the employee's exposure to COVID-19 (including any evidence that the exposure occurred outside of work). Given the challenges posed by this new law, employers should take all reasonable steps to maintain a safe workplace, such as implementing health screenings and rigorous sanitation protocols to reduce the risk of viral transmission in the workplace. Where feasible, employers would also be well-advised to encourage employees to work remotely and to refrain from entering the worksite without permission.

## NATIONAL

### Second Stimulus Check

The White House has sent mixed messages of its own. Treasury Secretary Steven Mnuchin indicated last week that a deal with lawmakers before the November 3 presidential election appears unlikely, though Trump suggested a compromise involving more money than he has proposed in the past could [still be in play](#). Mnuchin and House Speaker Nancy Pelosi of California have been haggling for months over a relief package. Election year politics has clearly played a part in the process. The talks appeared in jeopardy last week when Trump instructed White House officials to pull out of negotiations. But he reversed course after stocks plunged and some Republicans criticized the move. Pelosi has questioned Trump's motives in pursuing a deal, suggesting the president just wants to take credit for the jolt a stimulus would provide to the economy and the direct payments that would be distributed to grateful Americans. Congress is past the point at which it can deliver more coronavirus aid soon, with differences between House Speaker Nancy Pelosi, Senate Republicans and President Trump proving insurmountable. Trump's Republican allies are reconvening the Senate this week to vote on a virus proposal, but it's a bill that failed once before and that Trump himself now derides as too small.

For now, discussions are ongoing. The Democratic-controlled House passed a \$2.2 trillion package earlier this month, a scaled-down version of a bill they approved this summer. The White House recently countered with a \$1.8 trillion proposal, which was panned by both Pelosi, who said it was riddled with deficiencies, as well as Republican lawmakers, who said it's too costly. Though both Mnuchin and Pelosi have admitted they are still at odds over several specific aspects of an aid package, both sides seem to agree that it should provide another round of stimulus checks for American households. Both the Democrats' bill and the White House proposal include provisions for a second round of stimulus checks that could end up paying out more than the first round did this spring. Under a congressional relief bill passed in March, adults making less than \$99,000 a year received checks of up to \$1,200, and families received an extra \$500 for each child. The recent White House proposal includes a second round of stimulus checks of \$1,200 per adult and \$1,000 per child – up from the child stipend doled out this spring. The House bill also includes \$1,200 stimulus checks for adults and an extra \$500 for dependents of all ages. Even if the White House comes to an agreement with Democrats on another package, it could face opposition from the Republicans in the Senate, who are wary of additional massive spending. Trump has repeatedly said he supports another round of \$1,200 checks and suggested a stand-alone bill, though the proposal went nowhere.



## **SBA Clarifies Rules Regarding PPP Loans And Changes Of Ownership**

In a recently issued [procedural notice](#), the Small Business Association addressed a lingering question of borrowers and lenders related to the Paycheck Protection Program process: What procedures are required for changes of ownership of an entity that has received PPP funds? The notice describes when change of ownership is considered to have occurred and what impact such change has on a PPP borrower's responsibilities under the program. For the purposes of the PPP, a "change of ownership" takes place when one of the following occurs:

- At least 20% of the common stock or other ownership interest of a PPP borrower (including a publicly traded entity) is sold or otherwise transferred, whether in one or more transactions, including to an affiliate or an existing owner of the entity;
- The PPP borrower sells or otherwise transfers at least 50% of its assets (measured by fair market value), whether in one or more transactions; or
- A PPP borrower is merged with or into another entity.

If SBA consent is required, the PPP lender is required to submit certain documents to the SBA, including documents relating to the transaction and information about the buyer and its ownership. The SBA will review and provide a decision within 60 days of receipt of a complete request. The PPP borrower remains responsible for all obligations under its PPP loan in the event of change of ownership, including performance obligations under the PPP loan, certifications it made in connection with its loan application, retention of records and providing records in connection with a request from the PPP lender or the SBA, as well as other applicable PPP requirements. In addition, before undergoing a change of ownership, a PPP borrower must notify its PPP lender in writing and provide the lender with copies of relevant documentation related to the transaction prior to closing.

## **LEGAL DEVELOPMENTS**

### **More Than 30 Lawsuits Have Been Filed In CA Over COVID-19**

According to The Center Square, More than 30 lawsuits have been filed against California since March over various COVID-19 executive orders. Among them are several active cases related to businesses that were forced to close, grievances by landlords, and plaintiffs claiming the executive orders violate federal and state laws. Active lawsuits filed by small business owners of fitness centers, salon owners and nonprofit organizations are ongoing and have not yet been ruled on in their respective courts.

- In *Antoon v. Newsom*, filed May 27 by Thomas Antoon of Pacifica Beach Yoga, the plaintiff alleges that the state shutting his business has caused him not to be able to buy medication and has caused "signs of mental health deterioration." He alleges the governor's order has deprived him and others of their right to assemble, to own private property, to due process, and from unreasonable search and seizure, and cruel and unusual punishment perpetrated by state and local officials.
- In *Ibarra v. Newsom*, filed May 12 by two hair salon owners, a barbering and cosmetology school, and an industry group, plaintiffs allege that by not designating their

services as essential, the state and local officials have violated their rights to due process and equal protection under the law and the right to own private property.

- Another lawsuit (Best Supplement Guide v. Newsom) filed May 12 by a small chain of gyms in Sacramento and Lodi against the governor and state and local officials alleges that state and local orders violate their rights to free speech, to assemble, to own private property, to due process and equal protection under the law, and violate basic contract law.
- In Tresner v. Newsom, filed May 18 by the owner of a Rio Linda gym north of Sacramento, the governor, state and county health officials were sued for damages inflicted on his business. The plaintiff alleges that the "strong-arm and forced closure" of Rio Linda Fitness has cost him \$100,000.
- Culinary Studios Inc v. Newsom was filed September 17 by 10 restaurants and bars in Fresno County. They sued Newsom and other officials arguing the orders are "completely arbitrary, random and ridiculous" and violate their right to equal protection under the law. They estimate their financial losses total \$200 million as a result of Newsom's and others' orders.
- Other lawsuits relate to landlord grievances, such as Michie v. Newsom and Bols v. Newsom, both filed on May 8.
- In Bols v. Newsom, San Diego landlord JD Bols, whose tenants include hair salons and churches, sued the governor and other officials over the shelter-in-place orders. He argues the orders violate due process and equal protection under the law and the right to own private property.
- Individuals and groups who argue the orders violate state and federal law include Samuel Armstrong of Los Angeles County, who sued Newsom April 23, claiming the statewide shelter in place order violates the 14th Amendment.
- Another lawsuit is Six v. Newsom, in which six California residents claim Newsom's shelter-in-place order violates their right to due process and equal protection under the law. Their complaint cites a memo from the U.S Department of Justice warning state and local officials about "overbearing infringement of constitutional and statutory protections."
- Several other lawsuits have been filed or amended since March addressing religious liberty and education policies.

## WHAT WE'RE READING

### **Eight Months In, California Is Containing Covid-19 As Other States Spike. Here's Why.**

Eight months into the coronavirus pandemic, California has become a rare case: a state that has contained the transmission of COVID-19 and isn't experiencing another surge — yet, at least. Nationwide, daily infections are up one-quarter in the last two weeks, and the country just reported its most in a single day since July. Lightly populated North Dakota is seeing 85 new cases a day per 100,000 residents over the last two weeks. California? Ten new cases per 100,000, up just 2% in two weeks.

To read the full story, click [here](#).

### **Your Type And Covid-19 Risk Could Be Linked. Here's What The Research Says.**

A growing body of evidence suggests that blood type may play a role in the risk of becoming infected with the coronavirus or developing life-threatening complications from the illness. But it does not mean that any single blood type is more protective or more dangerous regarding Covid-19, and the evidence may indeed raise more questions than answers. To read the full story, click [here](#).

### **Hawaii Vacations Become A Lot Easier Thursday, But Are Tourists Really Welcome?**

Hawaii is going to start providing an alternative to its mandatory quarantine rule starting Thursday, but don't pack your swimsuit without knowing the details. Visiting the islands still won't be as carefree as it has been in the past, and there are still elements in the plan to be worked out. To read the full story, click [here](#).

### **Is It The Flu Or COVID-19? How To Tell The Difference**

Due to overlapping symptoms between influenza and COVID-19, physicians and health experts are urging everyone six months and older to get vaccinated for the flu this year. One infection can make you more susceptible to others by weakening your immune system. The flu vaccine reduces the severity and risk of serious complications, according to the Mayo Clinic. But it will not protect you from COVID-19. To read the full story, click [here](#).

### **Does the Flu Vaccine Affect My Chances of Getting COVID-19?**

Flu vaccines protect against seasonal influenza, not the coronavirus — but avoiding the flu is especially important this year. Health officials are urging people to get either the flu shot or the nasal spray so that doctors and hospitals don't face the strain of having to treat influenza in the midst of the coronavirus pandemic. To read the full story, click [here](#).

### **Vaccine Storage Issues Could Leave 3 Billion People Without Access; As Pandemic Flares Globally, New Strategies Target Hot Spots**

From factory to syringe, the world's most promising coronavirus vaccine candidates need non-stop sterile refrigeration to stay potent and safe. But despite enormous strides in equipping developing countries to maintain the vaccine "cold chain," nearly 3 billion of the world's 7.8 billion people live where temperature-controlled storage is insufficient for an immunization campaign to bring COVID-19 under control. To read the full story, click [here](#).

### **Stress From COVID-19 Has Led To A Surge In Teeth Grinding, Dentists Say**

Dentists around the country say they've seen a [surge](#) in excessive teeth grinding or clenching, known as bruxism, since the pandemic began. Chronic teeth grinding wears down enamel, the outermost protective layer of the tooth, resulting in teeth fractures, or even loss of teeth in serious cases. It can also cause muscles around the jaw to ache. To read the full story, click [here](#).

### **Can Theme Parks Help Keep Californians Safe In California?**

One of the problems with making plans is that people are usually involved. We are pesky beings, aren't we? Always wanting to do our own thing and not sticking with the script. That makes leadership a challenge, and especially so in times of crisis that leave people fearful, frustrated and, eventually, angry. So I don't envy what California Gov. Gavin Newsom faces right now. Without a vaccine or a proven, universal treatment, the best way to fight this pandemic is to keep people from spreading it. But doing that means persuading people to change their ways. To read the full story, click [here](#).

### **The Pandemic's Effect on Community College Enrollment**

As COVID-19 began to spread this past spring, course enrollment dropped substantially at California's community colleges, especially among African American and Native American/Alaska Native students. To read the full story, click [here](#).

### **Health Experts Report Increased Demand For Flu Shots Amid Coronavirus Crisis**

With the coronavirus lingering and flu season in full swing, health experts say between now and early November is the best time to get a flu shot. Doctors at local hospitals like Baton Rouge General say it's more important than ever because of the COVID-19 pandemic. To read the full story, click [here](#).

### **Diseases Fade, But Rarely Leave**

When will the pandemic end? All these months in, with over 37 million COVID-19 cases and more than 1 million deaths globally, you may be wondering, with increasing exasperation, how long this will continue. To read the full story, click [here](#).

### **LA County Sees Rise In Workplace Outbreaks As Infection Rate Creeps Upward**

With more businesses reopening, Los Angeles County has seen a recent rise in workplace coronavirus outbreaks, health officials said Wednesday, while also reporting an uptick in the transmission rate that could translate to more cases. To read the full story, click [here](#).

### **Lawmakers Hear Of Problems, Progress At Troubled EDD**

Companies should establish a multi-disciplinary team that is responsible for developing, implementing and monitoring a return to work plan. This team could be comprised of company leaders from key departments, such as legal, human resources, information technology, operations and health and safety, as well as representatives from employee constituent groups. Companies should also consider retaining external advisors (e.g., public health experts or professionals) to provide additional guidance when needed, especially those companies with facilities that may need reconfiguration to maintain better distancing between employees. Given the uncertainty regarding the lasting impact of COVID-19, the return to work planning team should remain assembled to monitor issues that arise upon the workforce's return to the office. To read the full story, click [here](#).

### **Disney CEO Says 'Arbitrary' Disneyland Reopening Guidelines Not Based On 'Actual Fact'**

Disney CEO Bob Chapek says California's "arbitrary" theme park reopening guidelines have been set up by Gov. Gavin Newsom's administration "without regard for actual fact" and are

the most stringent standards in the United States. ... Initial draft guidelines from the state reportedly call for reopening individual California theme parks at 25% capacity once their county reaches the least-restrictive "minimal" risk level and limiting attendance to residents who live within 120 miles of each park. "It's not much of a negotiation," Chapek told CNBC. "It's pretty much a mandate that we stay closed." To read the full story, click [here](#).

### **How Will California Distribute Coronavirus Vaccines? Bay Area Planning For Multiple Scenarios**

California and Bay Area health officials are laying the groundwork for how to distribute coronavirus vaccines, a public health undertaking unprecedented in scale and complexity. Federal and state agencies have yet to publicly share plans for how they will distribute those vaccines, if and when the FDA authorizes them. But some groups key to shaping vaccine policy are signaling that health care workers may be the first Americans to gain access to vaccinations, with some possibly getting vaccinated early next year. To read the full story, click [here](#).

### **Child Care Centers Don't Drive Coronavirus Infections, National Study Shows**

A large national study published by the American Academy of Pediatrics on Wednesday provides some of the clearest evidence yet that child care centers don't hasten the spread of the novel coronavirus, even in communities where overall infections are high. ... The study surveyed 57,335 providers serving almost 4 million children in two-thirds of the counties in the US, including Puerto Rico. It found that those who continued to work during the first three months of the pandemic were no more likely to have fallen ill than those who did not. To read the full story, click [here](#).

### **US Virus Cases Climb Toward a Third Peak**

The number of new coronavirus cases in the United States is surging once again after growth slowed in late summer. While the geography of the pandemic is now shifting to the Midwest and to more rural areas, cases are trending upward in most states, many of which are setting weekly records for new cases. ... The rise since mid-September has been especially profound in the Midwest and Mountain West, where hospitals are filling up and rural areas are seeing staggering outbreaks. The regions are home to almost all of the metro areas with the country's worst outbreaks right now. To read the full story, click [here](#).

### **US Jobless Claims Rose to 898,000 Last Week**

The number of new applications for unemployment benefits rose last week to the highest level since late August, as persistent layoffs hold back the economic recovery. Claims increased to 898,000 last week, holding above the pre-pandemic high point of 695,000, according to Thursday's Labor Department report. After steadily declining from a peak of near 7 million in March, claims have clocked in between 800,000 and 900,000 for more than a month as companies readjust their head counts. To read the full story, click [here](#).

### **Millions of workers face jobless benefits cliff with lifeline set to expire**

The Senate reconvenes on Monday, giving lawmakers about two weeks to send legislation to President Donald Trump before the November 3 election. But the sides are far apart, with

Democrats demanding at least \$2 trillion in funds, Republicans pushing for \$500 billion, and the White House attempting to bridge the gap even as Trump sends conflicting signals about what he wants. Meanwhile, the US is inching closer to a December 31 deadline when several key federal jobless aid programs created under the March CARES Act will be cut off entirely. If the government doesn't pass legislation, more than half of those receiving unemployment benefits — about 13.4 million people — stand to be left with no income. To read the full story, click [here](#).

### **Federal food program going away; pandemic-related hunger isn't**

In May, when the US Dept. of Agriculture launched the Farmers to Families food box program, Secretary of Agriculture Sonny Perdue termed it a "win-win-win." Hungry Americans would get fresh produce and other food via food distributors, while the nation's farmers, whose crops otherwise would rot in the fields, also would get a boost. Nationally, about \$4 billion has been spent helping organizations like Orange County Food Bank and Second Harvest Food Bank of Orange County distribute fresh products. But Perdue announced an end to the program last month, and unless there's a new round of funding, the money will run out at the end of October. Local food bank operators say that could be horrible news for thousands of struggling families. To read the full story, click [here](#).

### **Thousands Await PPP Loan Forgiveness Amid Uncertainty From Feds**

Federal loans are keeping doors open for thousands of small businesses amid the pandemic but uncertainty from Congress is stalling applications for Paycheck Protection Program forgiveness. Business owners who received \$50,000 or less may apply for a "simpler" loan forgiveness application, according to the U.S. Small Business Administration. But that amount could still change, along with the application process if Congress chooses to. To read the full story, click [here](#).

### **SBA Loan Forgiveness Prompts Relief, But Also Confusion About Timeline And Rules**

Philadelphia's small-business owners are relieved to hear that their Small Business Administration's loans of up to \$50,000 could be wiped clean. But no one is rushing to lenders yet to apply for forgiveness. First, sweeter terms may be on the horizon. To read the full story, click [here](#).

### **An Unbelievable Chain Of Oppression': America's History Of Racism Was A Preexisting Condition For COVID-19**

A Louisiana pastor prays as his parishioners die, first from cancer and now from [COVID-19](#). An Indigenous community in New Mexico lacks adequate health care as the death toll mounts. A sick hospital worker in New Jersey frets about infecting others in her heavily populated neighborhood. To read the full story, click [here](#).

### **Coronavirus Study Finds Air On Planes Is Safer Than Homes Or Operating Rooms**

A new study conducted for the Department of Defense adds credence to the growing belief that airline passengers face minimal risk of contracting coronavirus when flying. The study found the risk of aerosol dispersion — transmission of the virus through the air — was reduced

99.7% thanks to high air exchange rates, HEPA-filtered recirculation and downward ventilation found on modern jets. To read the full story, click [here](#).

### **Justin Trudeau: Canada-US border will stay closed until America gets COVID-19 under control**

Don't bet on the U.S.-Canadian border reopening after the closure agreement expires October 21.

In an interview Wednesday, Canadian Prime Minister Justin Trudeau said his country is committed to keeping the border closed until the United States gets control of COVID-19. To read the full story, click [here](#).

### **Pfizer Could Apply for Emergency Use of Covid-19 Vaccine by Late November**

Chief Executive Albert Bourla said Friday the company could start to see from a large study whether the vaccine works by the end of this month and would have data on its safety by the third week of November. If the preliminary results indicate the vaccine can work safely, Pfizer could ask US health regulators to permit use by late November, Mr. Bourla said. The timetable, which Mr. Bourla provided in a letter posted to Pfizer's website, suggests the shots could start going into use in late November, or more likely in December, since regulators would probably need some time to review the study data as well as Pfizer's manufacturing operations. To read the full story, click [here](#).

### **Fed Vice Chair: US Economy Will Take Years To Fully Recover From Coronavirus**

Federal Reserve Board Vice Chairman Richard Clarida said Wednesday that it could take the US economy years to fully recover from the coronavirus pandemic and would likely require further fiscal support from [President Trump](#) and Congress to make it out of the woods. To read the full story, click [here](#).

### **As Virus Flares Globally, New Strategies Target Hot Spots**

After entire nations were shut down during the first surge of the coronavirus earlier this year, some countries and US states are trying more targeted measures as cases rise again around the world, especially in Europe and the Americas. New York's new round of virus shutdowns zeroes in on individual neighborhoods, closing schools and businesses in hot spots measuring just a couple of square miles. To read the full story, click [here](#).

### **Risk Of COVID-19 Exposure On Planes 'Virtually Nonexistent' When Masked, Study Shows**

United Airlines says the risk of COVID-19 exposure onboard its aircraft is "virtually non-existent" after a new study finds that when masks are worn there is only a 0.003% chance particles from a passenger can enter the passenger's breathing space who is sitting beside them. The study, conducted by the Department of Defense in partnership with United Airlines, was published Thursday. They ran 300 tests in a little over six months with a mannequin on a United plane. To read the full story, click [here](#).

### **Ventilation And Air Filtration Play A Key Role In Preventing The Spread Of COVID-19 Indoors**

As the nation reopens after COVID-19 restrictions, people across the country are making decisions about going back to the office or putting their children back in classrooms. But how

can you make the right call? We asked the experts how to improve indoor air quality, and what questions to ask your boss or school administrator. "Often indoors, people are the source of contaminants," says Dr. Shelly Miller, a professor of mechanical engineering at the University of Colorado Boulder. Your chances of being infected depend on the size of the room and the number of people infected with COVID-19 inside.

To read the full story, click [here](#).

### **Some California Hospitals Refused Covid-19 Transfers For Financial Reasons, State Emails Show**

Several large Southern California hospital systems improperly refused or delayed accepting Covid-19 patients based on their insurance status, according to internal emails among local and state government, hospital and emergency-response officials, leaving severely ill patients waiting for care and adding strain on hospitals overrun by the pandemic. Disaster-response experts said the refusals and delays exposed ways that some hospitals have put finances ahead of pandemic relief. Some instances might have violated a federal law that protects access to emergency care, while in other instances the actions ran counter to medical ethics, the experts said. To read the full story, click [here](#).

### **Study Says Remdesivir Not Effective Against COVID-19; Bay Area Scientists Disagree**

Bay Area scientists and physicians were troubled Friday by a World Health Organization study that claims the antiviral drug remdesivir does not appear to help hospitalized coronavirus patients. The study, a compilation of numerous drug trials involving 11,000 coronavirus patients in 30 countries, said the drug made by Gilead Sciences of Foster City has "little or no effect on mortality" and may not speed up recovery. ... But infectious disease specialists familiar with remdesivir criticized the WHO study, which has not been peer reviewed. They say it was far less rigorous than previous studies that showed hospitalized coronavirus patients who received remdesivir recovered about a third faster than patients who didn't get the drug. To read the full story, click [here](#).

### **The Total Number Of Virus Cases Around The World Has Surpassed 40 Million**

The global total of coronavirus cases has passed 40 million, according to a New York Times database. As of Monday, at least 1.1 million people have died, and the virus has been detected in nearly every country. An average of at least 350,000 new cases a day have been reported over the past week, the highest levels of the pandemic. The United States has the world's highest caseload, with 8.1 million, followed by India (7.5 million), Brazil (5.2 million), Russia (1.4 million) and Argentina (989,000). To read the full story, click [here](#).

### **Canada Keeps Border Closed As Covid-19 Cases Spike In US.**

Canada is keeping its land border with the United States closed to nonessential travel for another month as the Trudeau government expresses concerns about coronavirus caseloads south of the frontier. Public Safety Minister Bill Blair announced Monday that Canada will extend the border restrictions until November 21. The agreement with the US on the border, in place since March, was due to expire Wednesday. To read more, click [here](#).



### **Biden Slams Trump For Calling Fauci A 'Disaster'**

Former Vice President Joe Biden slammed President Trump on Monday for calling Anthony Fauci a "disaster" and dismissing public health experts, accusing the president of "waving a white flag" in the country's fight against the coronavirus pandemic. To read the full story, click [here](#).

### **LAUSD Superintendent Beutner Questions LA County's Coronavirus Priorities**

Los Angeles Unified School District Superintendent Austin Beutner called into question Monday, October 19, the priorities of the Los Angeles County Department of Public Health and the Board of Supervisors in choosing to allow certain business sectors to reopen before the vast majority of schools. To read the full story, click [here](#).

### **California Wants Statewide Panel To Review Any COVID Vaccine**

Coronavirus vaccines approved by the US Food and Drug Administration in coming months will not be distributed in California until a statewide panel of health experts can ensure they meet safety requirements, Gov. Gavin Newsom announced Monday. While there is no vaccine available yet, California and other states have been gearing up for its eventual distribution. On Friday, California sent a draft of its vaccination plan to the Centers for Disease Control and Prevention. In the draft, state officials said a scientific safety review workgroup, made up of immunization and public health experts from agencies and universities across the state, will help "ensure public confidence in vaccine safety, efficacy, and implementation efforts." To read the full story, click [here](#).

### **California's Feared Surge Of Virus Cases Hasn't Happened**

Near the end of September, with coronavirus cases falling and more schools and businesses reopening, Gov. Gavin Newsom's administration urged restraint, citing a statistical model that predicted a startling 89% increase in virus hospitalizations in the next month. That hasn't happened. Instead, state data shows hospitalizations have fallen by about 15% since that warning while the weekly average number of new cases continues to decline even as other more populous states like Florida, Ohio and Illinois see increases. California's good news isn't enough to change what Newsom calls his "slow" and "stubborn" approach to reopening the world's fifth-largest economy. He again cautioned people against "being overly exuberant" about those coronavirus numbers, pointing to a "decline in the rate of decline" of hospitalizations. To read the full story, click [here](#).

### **As Washington Scrambles For More Bailout Money, The Fed Sits On Mountain Of Untapped Funds**

The White House and Congress are fighting over an economic relief bill, and [odds appear low](#) they will reach a deal before the November election. Yet hundreds of billions of dollars already set aside by lawmakers to support the Federal Reserve's emergency aid programs may never be touched, illustrating the unevenness of Congress's bailout decisions from earlier this year. [here](#).

### **Santa Monica Has Issued Over 40 Face Covering Citations**

The City of Santa Monica says that since the pandemic began over 40 citations carrying fines starting at \$100 have been issued to people not wearing face coverings. Under City of Santa Monica rules, when individuals are or can be in contact with or walking near or past others who are non-household members in both public and private spaces, a face covering must be visible and ready to be immediately put on whenever a moving person approaches within 30 feet of a non-household member. To

**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.