

## **Weekly COVID-19 Update From EKA February 17, 2021**

In the US, the first known COVID-19 fatality occurred on February 6, 2020. From there, the wave of daily deaths started rising. Across the country, more than 27 million people have contracted the coronavirus, and 485,000 have died.

### **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.

## **VACCINATION**

### **Millions Added to California's Vaccine Eligibility List**

The State will soon expand its list of people eligible for coronavirus vaccinations by another 4 million to 6 million people by adding the severely disabled and those with health conditions that put them at high risk for infection and death, state Health Secretary Dr. Mark Ghaly said Friday. Among those who will become eligible on March 15 are people with certain cancer, heart, lung and kidney conditions, as well as pregnant women, those with Down syndrome, organ transplant recipients and the severely obese. They join people 65 and over and those in high-risk job descriptions who already were eligible under the State's plan. Vaccine shortages have plagued California and Ghaly couldn't say how long it will take for the State to vaccinate the estimated 17 million to 19 million people who will be eligible for the vaccine once the new additions are made. The State also broadly defined eligible individuals as those who are likely to develop a severe life-threatening illness or death from a COVID-19 infection or are limited in their ability to receive ongoing care or services vital to their survival.

### **Third-Party Administrator**

The State announced that in the next several weeks, the vaccination effort statewide would be coordinated by a third-party administrator, Blue Shield of California. Public Health is working with Blue Shield and the State to ensure an efficient and effective vaccine distribution system that meets the needs of all communities. During and after this transition, [Public Health's website](#), will remain a portal for the latest information about COVID-19 and the vaccine, as well as link people to the statewide appointment registration system.

### **Blue Shield Outlines How It Will Distribute COVID-19 Vaccine In California**

Blue Shield of California will create an algorithm to determine where to allocate COVID-19 vaccines statewide with the goal of being able to administer 3 million shots a week by March 1, according to a contract made public Monday that grants the insurance giant far-reaching powers in overseeing the State's distribution of doses. The company will immediately work to centralize the State's COVID-19 vaccination program after a sluggish start due to a lack of available doses, complex regulations dictating which Californians should be prioritized, and data-reporting issues.

### **LA County Teachers, Essential Workers Could Begin Getting COVID-19 Vaccine Within Weeks**

Some Los Angeles County teachers, food workers and first responders could begin receiving COVID-19 vaccinations in two to three weeks. However, with supplies of both the Pfizer-BioNTech and Moderna vaccines expected to remain tight in the weeks to come, and with the majority of LA County's seniors still waiting to receive their shots, officials warned it would take time for large numbers of educators, child-care workers, food and agricultural employees and emergency services and law enforcement workers to receive their shots.

### **Los Angeles County Department of Public Health**

Los Angeles County Department of Public Health continues working on strategies that improve access to vaccines for people who are older with limited mobility and needing assistance securing appointments. Public Health is organizing mobile teams to bring vaccinations directly to seniors living in housing developments or accessing senior centers in hardest-hit communities. LA County is actively vaccinating healthcare workers, staff and residents at long-term care facilities, and residents 65 years or older. [Residents who are currently eligible for the vaccination](#), with internet access and a computer, are urged to use the [Vaccinate LA County website](#) to reserve an appointment. For those without access to the internet or with disabilities, a call center is open daily from 8 AM to 8:30 PM to help schedule appointments; dial (833) 540-0473 if you are in need of assistance. Please note that this phone line is reserved for people with disabilities or those who don't have internet access. Click [here](#) to visit the LA County COVID-19 Vaccine website for the latest information.

### **Vaccines In Long Beach**

The City launched their mobile vaccine clinics to ensure low-income seniors and people who are not able to access the internet, and those who primarily speak a language other than English get vaccinated when it's their turn. Residents should visit VaxLB by clicking [here to sign up](#). This will help us keep everyone updated on where the City is with vaccinations. The site will also notified residents when it is their turn to get the

vaccine and help the City know who in Long Beach still needs a vaccine. The site and sign-up form are available in English, Spanish, Tagalog and Khmer.

### **Tracking COVID-19 Vaccine Distribution By State: How Many People Have Been Vaccinated In The US?**

Click [here](#) to see how many COVID-19 vaccines your State received and how many people have been given one so far.

## **REOPENING**

### **CDC's Advice For Reopening Schools Safely**

The Centers for Disease Control and Prevention released new guidelines Friday for how to open K-12 schools safely in a bid to help students across the nation resume in-person learning before the end of the 2020-21 school year. The [newly released guidance](#) stresses five key mitigation strategies that, layered with each other, provide teachers, staff and students significant protection from the coronavirus that causes COVID-19, said Dr. Rochelle Walensky, director of the CDC. The strategies include universal mask wearing at school, maintaining at least 6 feet of social distance, frequent hand washing, cleaning and ventilating school facilities and contact tracing, isolation and quarantine protocols. The agency also described a four-tiered system for reopening based on the number of daily new cases in a community over the past seven days, and the percentage of tests that came back positive over the same time period. To be in the lowest tier would require a community to have fewer than 9 new cases per 100,000 people in the past seven days and less than 5% testing positivity. The new recommendations are not a mandate.

### **Riverside Reopening**

Many Riverside County businesses can reopen amid [the coronavirus pandemic](#), but the three key metrics state officials use to determine whether counties can do so continue to trend in the right direction. Not since mid-December has Riverside County's adjusted case rate been so low. As for the two other figures used to determine when more businesses can reopen, the county's 14.4% overall positivity rate and 16.4% health equity metric, or positivity rate in socioeconomically disadvantaged communities, also represent recent lows. To advance on the State's color-coded tier system, a county needs two consecutive weeks of a seven-day adjusted case rate between four and seven daily new cases per 100,000 residents, a positivity rate between 5% and 8% and a health equity rate between 5.3% and 8%. Meeting these benchmarks would move the county from the most-restrictive purple tier, meaning there is a widespread risk of transmission, to the red, or substantial risk, tier. Counties in the red tier can reopen more indoor businesses.

### **County Superintendent Announces Some Elementary Schools Can Reopen**

Los Angeles County Department of Public Health and school officials noted the state permits elementary schools to reopen as soon as an adjusted case rate of 25 diagnoses per 100,000 people is reached, and that that threshold was reached Monday. Debra Duardo, superintendent for the Los Angeles County Office of Education said that TK-6 schools that have submitted their COVID-19 Safety Plans to the State a week ago are able to reopen. She said, “elementary schools that have not yet submitted their COVID-19 Safety Plans to the state and county will be allowed to reopen seven business days after they do so.” It has been 11 months since the State closed LA County schools.

## **LOS ANGELES COUNTY**

### **Supervisor Kathryn Barge Asks Newsom To Reopen K-6 Classrooms**

Supervisor Kathryn Barger sent a letter to Gov. Gavin Newsom urging him to allow all elementary schools to open immediately. But calls to reopen schools continue to be met with resistance by teachers unions. The union representing teachers in Los Angeles Unified pushed back on the CDC guidance and Barger’s letter. The California Teachers Association held a news conference with parents explaining why they think it’s too soon for schools to reopen. Barger requested that the governor allow counties identified as purple in the State’s color-coded reopening tier system to open classrooms for grades 7-12. To read Barger’s letter, click [here](#).

## **SACRAMENTO**

### **Senator Authors Bill to Require 72 Hour Notification**

Senator Rosilicie Ochoa Bogh has introduced [Senate Bill 336](#) to ensure local communities are aware of any changes to the state or local public health orders by requiring them to be posted to relevant websites and shared with local organizations at least 72 hours before changes go into effect. Current law authorizes California’s Department of Public Health (CDPH) to take necessary measures to study and prevent the spread of a communicable disease. Existing law also requires local health officers to take similar steps to prevent the spread of the disease. Under existing law, these measures can be made effective immediately and have the force of law. SB 336 would require that CDPH publish new COVID-19 measures at least 72 hours on its website before taking effect. CDPH would also be required to contact local organizations to ensure that all parts of our communities, their residents, and employers are aware of all new measures and are promptly prepared to make the required changes. SB 336 would take effect immediately upon approval by the Legislature and the Governor and will only

remain in effect for the duration of this current public health crisis as caused by COVID-19.

## Legal Developments

### Restaurant Asks 9th Circ. To Revive COVID-19 Coverage Fight

Plan Check, a Los Angeles restaurant urged the Ninth Circuit to revive its proposed class action seeking coverage from AmGuard Insurance Co. for losses stemming from COVID-19 shutdown orders, arguing that federal courts around the country have wrongly tossed virus coverage suits for fear of burdening the insurance industry with payment obligations. In a brief, Plan Check said the lower court violated California rules of insurance policy construction when it ruled in favor of AmGuard after acknowledging that Plan Check's policy interpretation was "conceivable." Plan Check sued AmGuard last June, seeking to force the insurer to cover its financial losses from state-mandated closures during the pandemic, and hoping to represent all California restaurants that held a policy with AmGuard and experienced similar coverage denials. Last September, a California federal judge tossed the suit, siding with the insurer that the restaurant did not incur property damage. Federal district courts across the country "appear to have given in to certain analytical errors out of concern for imposing a heavy burden on the insurance industry," Plan Check argued in its appellate brief. LA Has No 'Requirement' to Show Outdoor Dining Closure Data, Judge Says - Eater LA

### LA County Has No 'Requirement' To Show Outdoor Dining Closure Data

There's a new update out on the (yes, [still ongoing](#)) outdoor dining lawsuit in Los Angeles County, despite the fact that such dining is [once again permitted](#) as part of the State's return to a tiered [reopening plan](#). At issue now is not, specifically, if LA County restaurants should be allowed to reopen for outdoor dining (since they already are), but rather whether or not county public health officials must cite direct causal data that links outdoor dining with its decision to enact further lockdowns late last year. First, some background. In November, the LA County Department of Public Health worked with the LA County Board of Supervisors (who can overrule the DPH, if they see fit) to [determine a threshold](#) of daily cases that, if met, would immediately trigger the closure of all on-site dining at restaurants within its jurisdiction across Los Angeles County. The only areas *not* under LA DPH's ruling are Pasadena and Long Beach, since both have their own public health departments and thus make their own public health rules.

Within days, that threshold was met as the winter surge of COVID-19 cases began. Restaurant owners were furious at the speed and scope of the decision, with many loudly asking to "[show us the data](#)" that linked on-site outdoor dining with the rise in cases. A lawsuit, brought by lawyer and owner of restaurant Engine Co. No. 28 in

Downtown Los Angeles, soon followed, seeking to force county public health officials to either pony up specific causal data linking outdoor dining to a rise in coronavirus cases, or to re-allow on-site outdoor dining. Superior Court judge James Chalfant initially agreed with Geragos about needing to show a data-linked reason for the shutdowns, calling the county's decision "arbitrary" [in a scathing ruling](#). That lawsuit was then [pushed to February](#) on appeal.

Now, [per the LA Times](#), that three-judge appeals court panel has convened, and is leaning firmly on siding with the county against Geragos. So what does this mean for restaurants, directly? In one sense, not much, considering outdoor dining is once again back in LA County. But the panel's statements this week do offer a large look into the machinations of government and public health during an ongoing crisis like the coronavirus pandemic — and what those officials are, and are not, allowed to do. "Justice Brian Currey said he did not believe there is a statutory requirement that the county conduct an analysis to support its actions," writes *Times* writer Lila Seidman, meaning that during an ongoing emergency (like the current public health crisis), officials do not need to provide the specifically-requested data enjoining a rise in COVID-19 cases with on-site outdoor dining. And as [has been previously discussed](#), that's not why public health officials and the Board of Supervisors shut down outdoor dining in the first place — they did it because they believed that closing on-site outdoor dining was in the best interest of the public health and safety during a crisis. While the three-judge panel has not yet formally ruled (that could take a couple of months), this week's public hearing is an overt testament [to the power that government officials have](#) long had during any public emergency. It's the same reasoning behind statewide mask mandates during the pandemic; they're not a law, because those are made by the legislative branch, but they are enforceable executive orders that can carry their own penalties [and fines](#). And as for the data that reopening lawsuits like Geragos's have been asking for? It's not likely to be available for years, if at all, given the lack of a truly robust contact tracing system countywide — though some health experts say [the lockdowns likely did](#) help LA County to eventually bend its spiking COVID-19 curve. Besides, as the County appeals court said this week, it was never about the data in the first place, it's all about public officials acting swiftly in the name of what they perceive to be public safety during an emergency.

## NATIONAL

### **Most Californians Would Get Big Stimulus Checks Under Biden Plan**

Nearly nine in 10 Californians would get all or part of the \$1,400 stimulus payments proposed by President Joe Biden, an economic research firm's new analysis has found. The plan, which is moving quickly through Congress, would mean about 87% of the

State's adults and children, or about 34 million people, would benefit from the payments, according to the Institute on Taxation and the Economy. The average tax filer and their dependents, would get average payments of \$2,450.

### **CDC issues color coded guide for school reopening but could create more confusion in California**

The [CDC guidance](#) bears a striking resemblance to what California already has in place. But it could generate more confusion because the color codes it has in mind don't match California's four-tier system, and in general are less stringent than the State has set for each level. Under the CDC standards more schools would be allowed to open than in California in districts in communities with higher new case and test positivity rates. State health officials will have to decide whether to change California's system to match the CDC's recommendations, or to leave the State's system in its current form. To view the Roadmap, click [here](#).

### **OSHA'S Revised Covid-19 Guidance**

Following President Biden's executive order on [Protecting Worker Safety](#)—which required OSHA to issue revised guidance to employers on COVID-19—OSHA recently issued its latest guidance, "Protecting Workers: Guidance on Mitigating and Preventing the Spread of COVID-19 in the Workplace." The guidance emphasizes the use of a COVID-19 prevention program as "the most effective way" to slow the spread of COVID-19 in the workplace and identifies key elements an employer's program should contain, including:

- Assignment of a workplace coordinator who will be responsible for COVID-19 issues on the employer's behalf.
- Identification of where and how workers might be exposed to COVID-19 at work.
- Identification of a combination of measures that will limit the spread of COVID-19 in the workplace, in line with the principles of the hierarchy of controls.
- Consideration of protections for workers at higher risk for severe illness through supportive policies and practices.
- Establishment of a system for communicating effectively with workers and in a language they understand.
- Educate and train workers on your COVID-19 policies and procedures using accessible formats and in a language they understand.
- Instruct workers who are infected or potentially infected to stay home and isolate or quarantine to prevent or reduce the risk of transmission of COVID-19.
- Minimize the negative impact of quarantine and isolation on workers.
- Isolating workers who show symptoms at work.

- Performing enhanced cleaning and disinfection after people with suspected or confirmed COVID-19 have been in the facility.
- Providing guidance on screening and testing.
- Recording and reporting COVID-19 infections and deaths.
- Implementing protections from retaliation and setting up an anonymous process for workers to voice concerns about COVID-19-related hazards.

### **Two Masks May Be Better Than One**

Wearing a cloth mask over a medical one may better armor people against the threat of coronavirus transmission, federal health officials said. [In a report](#), the Centers for Disease Control and Prevention found this type of double masking can substantially reduce a wearer’s exposure to potentially infectious aerosols. Adjusting a medical mask to fit more tightly can also provide similar protection, the report said. Recent lab tests conducted with dummies found that both the cloth-medical mask combination and the tighter-fitting medical mask decreased exposure by about 95%, the CDC said. Each modification substantially improved source control and reduced wearer exposure. Click [here](#) to read the study on the CDC’s website. Click [here](#) to view CDC’s Guide to Masks.

## **EMPLOYER ISSUES**

### **Updates to Leave Requirements**

Elyssa Sternberg with [Sheppard Mullin](#) wrote a very informative article regarding recently updated employer leave requirements, impacting California employers. The Ninth Circuit recently handed down two decisions regarding leave under the Family Medical Leave Act (“FMLA”), including a decision concerning what constitutes a “workweek” for FMLA purposes. Additionally, as of January 1, 2021, smaller employers in California will have to grant 12 weeks of leave under the California Family Rights Act (“CFRA”). Employers should consider these changes as they update their leave policies, especially as employees may take more extended leaves during the COVID-19 pandemic.

### **Employee Schedules Do Not Determine What Constitutes a “Workweek”**

The FMLA requires covered employers to provide “12 workweeks of leave during any 12-month period” to qualified employees when a covered family or medical need arises (such as the birth or adoption of a child, the need to care for a spouse, child or parent with a serious health condition, or the employee’s own serious health condition). This leave can be continuous, when the employee takes all 12 workweeks off sequentially, or intermittent, when the employee takes smaller amounts of time off as necessary. In *Scalia v. State of Alaska*, No. 19-35824 (9th Cir. 2021), the Ninth Circuit considered FMLA leave at an employer with two types of employee schedules. On a “traditional” schedule, employees worked for five days, followed by two days off. On a “rotational”

schedule, employees worked seven days a week, followed by seven days off. Both sets of employees worked 80 hours in a two-week period. The Ninth Circuit considered if a “rotational” employee’s “off” weeks would count towards his or her FMLA allotment of 12 weeks.

The Ninth Circuit held that a “workweek” under the FMLA is the employer’s workweek and not the employee’s usual schedule. Thus, the rotational employee’s “off” weeks counted towards his 12 weeks of FMLA leave. The court applied the definition of “workweek” from the Fair Labor Standards Act (“FLSA”). The FLSA states that “workweek” is a recurring period of 168 hours, not the time an employee is actually required to be at work. Additionally, the Court noted that allowing a rotational employee to take up to 24 weeks off would be too costly for the employer and would privilege rotational employees over traditional employees who otherwise work the same amount of hours. Accordingly, even if an employer does not use a “rotational” system, employers should use their designated workweeks (e.g. Sunday through Saturday, Monday through Sunday, or Friday through Saturday, etc.) and not the employee’s particular schedule when determining the date an employee will exhaust her or his 12 weeks of FMLA leave.

#### **FMLA’s Definition of “Willfulness” Requires Knowledge or Reckless Disregard**

The Ninth Circuit borrowed another definition from the FLSA when interpreting the statute recently. The FMLA has two deadlines for employees to bring claims: two years for non-willful violations and three years for willful violations. However, the FMLA does not define when a violation is “willful.” In *Olson v. United States of America*, No. 19-35389 (9th Cir. 2020), the Ninth Circuit held that a willful violation is one in which an employer “knows or shows reckless disregard for” whether its conduct was prohibited by the statute, as defined in the FLSA. Thus, a district court properly concluded an employer had not committed a “willful” violation under the FMLA when it failed to notify an employee of her leave rights and the employee’s claim, brought more than two years after her termination, was thus barred by the statute of limitations. However, as a matter of best practice, employers should continue to inform employees of their rights under the FMLA.

#### **California Employers With 5 to 49 Employees Must Provide 12 Weeks of CFRA Leave**

As Sheppard Mullen has [previously mentioned](#), employers with 5 to 49 employees will see a change in their leave requirements in 2021. On January 1, 2021, SB 1383 became effective, requiring employers with five or more employees to provide 12 weeks of leave. Employers with 50 or more employees were already required to provide 12 weeks of leave.

## WHAT WE'RE READING

### **Supes Approve COVID-19-Related, SCV Motions**

Santa Clarita Valley restaurants and other food-service providers will soon be required to ask residents if they'd like disposable food-ware with their orders after the Los Angeles County Board of Supervisors unanimously approved a motion during Tuesday's regular meeting aimed at reducing waste. After considering feedback from relevant business representatives and advocates for the environment, the motion called for ordinance language to be drafted requiring restaurants to furnish disposable food ware only upon request, while also requiring third-party, app-based delivery companies to include an option to affirmatively request plates and utensils. To read the full story, click [here](#).

### **Teacher Vaccines In California Determined By Location, Luck**

Vaccinating teachers has become a central sticking point in talks between districts and unions for returning students in person. Limited vaccine supply and a rapidly approaching end of the school year could threaten some reopening plans. To read the full story, click [here](#).

### **LA Teachers Union Pushes Back On CDC's Roadmap For Reopening Schools**

The union representing more than 35,000 Los Angeles teachers is pushing back against the Centers for Disease Control and Prevention's long-awaited Roadmap for getting students back to classrooms in the middle of a pandemic. The nation's top public health agency said Friday that in-person schooling can resume safely with masks, social distancing and other strategies, and vaccination of teachers, while important, is not a prerequisite for reopening. But the agency's guidance is just that - it cannot force schools to reopen, and CDC officials were careful to say they are not calling for a mandate that all US schools be reopened. To read the full story, click [here](#).

### **Is OSHA Inching Closer To Binding COVID-19 Standards?**

We have issued several recent alerts regarding potential new Occupational Safety and Health Administration (OSHA) COVID-19 standards, particularly in light of the new Biden administration. Indeed, within the first 48 hours of his presidency, President Biden issued an Executive Order directing the Labor Department to "take swift action to reduce the risk that workers may contract COVID-19 in the workplace." Guidance OSHA issued on January 29, 2021, (the "Guidance") suggests that OSHA is taking the president's charge seriously and edging ever closer to issuing binding COVID-19 legal requirements. To read the full story, click [here](#).

## **Lessons From The First Dismissal Of A COVID-19 Related Securities Class Action Lawsuit**

Despite a general decline in filings of securities class action litigation in 2020, the economic fallout from the coronavirus pandemic has led to an uptick of securities fraud cases alleging failure to disclose risks of the pandemic to the investing public. Since spring of 2020, plaintiffs' attorneys have filed close to 30 COVID-19 related securities class action lawsuits. On January 25, 2021, a California federal district court issued the first decision granting a motion to dismiss such a complaint in *Berg v. Velocity Financial, Inc.*, No. 20 Civ. 6780, 2021 WL 268250 (C.D. Cal. January 25, 2021). The result in *Berg* is fact-specific; thus, while the court's holding provides some guidance, the decision does not exonerate all companies facing securities fraud allegations related to misrepresentations about the impact the pandemic has had on their business operations. The key is whether the risks were known by the defendants but not spelled out to investors. To read the full story, click [here](#).

## **California Positivity Rate Drops To 5%, Lowest Since Before Thanksgiving**

California Gov. Gavin Newsom delivered a promising message Monday at his weekly press briefing, noting the State's 7-day average positivity rate has dropped to 5%. The rate hasn't been this low since mid-November, ahead of the Thanksgiving holiday when many experts believe gatherings and travel sparked a surge that pushed into December and January and is finally subsiding. The positivity rate is the percentage of all coronavirus tests performed that are positive and it's a key indicator public health officials have been monitoring throughout the pandemic. The governor also noted cases are down 29% over the last 7 days and hospitalizations are down 34% intensive care unit and admissions are down 25% in the last 2 weeks. To read the full story, click [here](#).

## **With Vaccine Scarce, California Counties Focus On 2nd Shots**

California is not receiving nearly enough COVID-19 vaccine to meet overwhelming demand and that won't change in the near term, Gov Gavin Newsom conceded Monday, and counties increasingly are using their limited supplies to focus on people who need second shots to complete their inoculations. About 800,000 Californians are fully immunized now but millions of others who are eligible have yet to get their first doses. Newsom said the State received just over 1 million doses of vaccine last week and the next weekly shipment will be only slightly larger. "We need to see that ramped up," Newsom said during a news conference at San Diego's Petco Park, which is serving as a mass vaccination center. "We're going to need to see more doses coming into the state of California in order to keep these mass sites operational and to keep things moving." To read the full story, click [here](#).

## **Whistleblower Allegations From Inside Ca's Billion-Dollar Covid Lab**

Lab techs sleeping while processing COVID samples for testing. COVID test swabs found in the restrooms. These are just two of the concerning allegations from whistleblowers about what's happening inside the State's new billion-dollar COVID testing lab. CBS13 uncovered thousands of inconclusive test results coming out of the State's new lab late last year, now whistleblowers want the public to know what's really going on inside. CBS13 has interviewed more than half a dozen whistleblowers and obtained dozens of internal records and quality control reports. To read the full story, click [here](#).

### **Push To Reopen Schools As California Coronavirus Numbers Improve**

With the worst surge of the pandemic receding, Newsom said he will soon announce plans to safely reopen schools, which would include prioritizing teachers for vaccination. Educators already are in a tier that is allowed by the State to be vaccinated, but most counties don't yet have enough vaccine supply to offer them. In the Bay Area, unions representing San Francisco Unified School District employees announced a tentative agreement with the district Sunday to reopen the City's public schools. That agreement could hinge on teacher vaccinations, depending on how widespread the virus is in the community. To read the full story, click [here](#).

### **Job Openings Pick Up in Pandemic-Resilient Industries**

Available jobs on job-search site Indeed were up 0.7% at the end of January from February 1, 2020, according to the company's measure of job posting trends. The number of postings to the site has grown since hitting a low in May, though the pace of new openings has slowed in recent months, Indeed said. Industries that recovered quickly from the initial shock of the pandemic have led growth in job openings, said Jed Kolko, chief economist at Indeed. Those industries—such as warehousing, construction and delivery services—have held steady over the course of the pandemic. To read the full story, click [here](#).

### **Coronavirus Likely Came From Animal, Not Leaked From Laboratory, WHO Says**

The virus that causes Covid-19 most likely jumped from one species to another before entering the human population and is highly unlikely to have leaked from a laboratory, a leader of a World Health Organization investigative team said at a news conference in the Chinese City of Wuhan. In laying out the possibilities for the origin of the pandemic, the WHO team said Tuesday it was also possible that the virus may have been transmitted to humans through imported frozen food, a theory heavily promoted by Beijing. But the team said the most likely scenario was one in which the virus spilled over naturally from an animal into humans, such as from a bat to a small mammal that then infected a person. To read the full story, click [here](#).

### **Newsom: Federal Vaccine Allocation Still 'Not Enough'**

The federal government is not yet sending California enough coronavirus vaccination doses, Gov. Gavin Newsom said just after a weekly phone call between governors and the Biden administration. Newsom said that a continued lack of supply is limiting efforts in California and around the country. To read the full story, click [here](#).

### **Teachers Union Calls Idea to Reopen Schools Through Litigation “Harmful”**

The union representing more than 35,000 Los Angeles teachers responded Wednesday to City Councilman Joe Buscaino’s motion to explore reopening schools through litigation, calling the move “political theater” and “harmful to all of Los Angeles.” Following through on a move he announced last week, Buscaino introduced the motion Tuesday that would ask the City’s lawyers to explore legal options to compel schools within the Los Angeles Unified School District to reopen for in-person learning. To read the full story, click [here](#).

### **Roughly 40% Of The USA’s Coronavirus Deaths Could Have Been Prevented, New Study Says**

About 40% of the nation’s coronavirus deaths could have been prevented if the United States’ average death rate matched other industrialized nations, a new Lancet Commission report has found.

While the Lancet Commission on Public Policy and Health in the Trump Era faulted former President Donald Trump’s “inept and insufficient” response to COVID-19, its report said roots of the nation’s poor health outcomes are much deeper. To read the full story, click [here](#).

### **Economy Czar Dee Dee Myers On Vaccines, Reopening And California’s ‘Overblown’ Exodus**

As 2020 came to a chaotic close, the former Warner Bros. communications executive and the country’s first female White House press secretary took over California’s faltering economic response to the pandemic. Myers joined as a senior adviser to Gov. Gavin Newsom and director of the Governor’s Office of Business and Economic Development after predecessor Lenny Mendonca resigned, a high-profile recovery task force dissolved and Newsom tried to regain credibility after attending a lobbyist’s birthday party at the French Laundry. To read the full story, click [here](#).

### **COVID-19 Is Driving Many California Teachers To Early Retirement, Calstrs Says**

More California teachers are retiring than at any point since the Great Recession, with many of those decisions motivated by the COVID-19 pandemic. More than 3,200 teachers retired in the second half of 2020, a 26% increase over that same period in 2019, according to a blog post by the California State Teachers’ Retirement System, also known as CalSTRS. CalSTRS received more than 500 survey responses, which found that

more than half (62%) of those who retired did so earlier than they had planned. To read the full story, click [here](#).

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### **Pricey Los Angeles Private School Moves Ahead Of Others For Teacher Vaccinations**

The school's success in obtaining vaccinations appears to contradict the county's vaccine policy as explained Tuesday by Health Director Barbara Ferrer. In a private briefing to school leaders, she said it would be two to three weeks and perhaps longer before teachers — and other essential workers in their tier of eligibility — could begin to make appointments for immunizations. Ferrer's statements on Tuesday are in line with previous comments she has made. Her comments, made in teleconference, also left room for interpretation. Ferrer noted that schools could begin to make arrangements for "closed pods" that would provide for a group of campus personnel to receive individual inoculations all at once — to better coordinate plans for reopening. She added that districts could coordinate for vaccines directly with healthcare providers. To read the full story, click [here](#).

### **Winter Layoffs Show Early Signs of Easing**

Worker filings for unemployment claims fell last week to a level well below an early January peak, a sign the labor market is mending from a steep slowdown. The number of weekly claims for unemployment benefits decreased to 793,000 last week from 812,000 a week earlier, the Labor Department said on Thursday. Claims have steadily declined since early January when they exceeded 900,000. Filings remain above the pre-pandemic peak of 695,000. Employers resumed hiring in January after payrolls fell at the end of 2020, and job openings picked up, driven by growth in industries that have weathered the pandemic relatively well. To read the full story, click [here](#).

### **California Labor Secretary Julie Su picked for federal post amid crisis at EDD**

President Biden on Wednesday nominated California Labor Secretary Julie A. Su as the second in command at the US Department of Labor, even as she faces criticism from some in her home state for ongoing troubles at the Employment Development Department, which has delayed approving unemployment benefits while paying out

billions of dollars on fraudulent claims. Though Democratic lawmakers and labor leaders are rallying around Su's nomination, arguing she did the best she could after inheriting an unemployment system hamstrung by antiquated technology, understaffing and operational problems, others, including Republican legislators, are raising concerns about her record. To read the full story, click [here](#).

### **Why All The World's Coronavirus Would Fit In A Can Of Cola**

When I was asked to calculate the total volume of Sars-CoV-2 in the world for the BBC Radio 4 show More or Less, I will admit I had no idea what the answer would be. My wife suggested it would be the size of an Olympic swimming pool. "Either that or a teaspoon," she said. "It's usually one or the other with these sorts of questions." So how to set about calculating an approximation of what the total volume really is? Fortunately, I have some form with these sorts of large-scale back-of-the-envelope estimations, having carried out a number of them for my book *The Maths of Life and Death*. Before we embark on this particular numerical journey, though, I should be clear that this is an approximation based on the most reasonable assumptions, but I will happily admit there may be places where it can be improved. To read the full story, click [here](#).

### **California Launches Interactive Map As Part Of 'Safe Schools For All Plan'**

Governor Gavin Newsom Friday announced that the State has launched the Safe Schools for All Plan's interactive Safe Schools Reopening Map, an online tool providing a statewide snapshot of the status of school reopenings across California. The map supports local communities in making data-driven decisions to safely open classrooms and helps ensure public transparency. Newsom said the announcement builds on the additional transparency, accountability and assistance measures incorporated in the Safe Schools for All Plan. To read the full story, click [here](#).

### **At Least 109 Employees At A Colorado Ski Resort Have Tested Positive For Covid-19**

A ski resort in Colorado has had a Covid-19 outbreak, with over 100 active infections among its employees. The Colorado Department of Public Health and Environment announced the outbreak at Winter Park Resort in January but released the data in its weekly outbreak summary on Wednesday.

There are at least 109 employees with active infections, they said. "It has been determined that these cases have not been traced back to transmission through interaction with visitors but, rather, from social gatherings outside of the workplace and congregate housing," Grand County, Colorado, officials said Monday in a joint statement with Winter Park Resort. To read the full story, click [here](#).

### **SF. Program That Pays Low-Income Workers To Quarantine Has Been A Success. But It Keeps Running Out Of Money.**

The program, which has been fully funded by private donations since it began in July, keeps running out of money and sometimes goes weeks without accepting new referrals. After the program stopped accepting new referrals last week, Mayor London Breed's office said it secured an additional \$6 million in funds Thursday to help the program last another two to three months. The Office of Economic and Workforce Development said the program would start accepting new referrals "immediately." What will happen next, however, is unclear. If the program runs out of money again, Supervisor Hillary Ronen said she'll try to get it funded through the City's budget. But that could be difficult as the City grapples with a huge, pandemic-induced deficit. While San Francisco is expecting more financial support from the Biden administration, it's still unclear how much funding it will get and how long the support will last. To read the full story, click [here](#).

### **Close, Reopen, Repeat. Restaurants Don't Know What Covid-19 Will Dish Out Next.**

The uncertainty adds to the challenges facing small businesses, which often have limited cash cushions and big drops in sales due to the coronavirus. Eighty-eight percent of small firms said sales had not returned to normal, according to a survey fielded in September and October and released this month by the 12 regional Federal Reserve Banks. Nearly 39,000 businesses tracked by Yelp closed and then reopened more than once between March 1 and the end of last year, and more than 17,700 reopened three times or more. The Los Angeles metro area had the highest number of multiple closings, nearly 7,000 in all. The New York metro area, by comparison, had nearly 4,000 businesses reopen more than once. To read the full story, click [here](#).

### **Coronavirus Variant First Seen In Los Angeles Has Spread Around The World**

The coronavirus variant first seen in Los Angeles in July now accounts for about 44% of new infections in Southern California and more than a third of new infections throughout the State, researchers reported Thursday. In addition, the variant has spread across the United States and to six countries around the globe, according to the study in the Journal of the American Medical Assn. It "remains uncertain" whether the genetic changes that characterize the fast-moving variant have improved its ability to transmit from person to person, or to make people infected with it sicker, a team from Cedars-Sinai Medical Center in Los Angeles acknowledged in the JAMA report. But the virus' rapid propagation in California is a cause for some concern, they wrote. To read the full story, click [here](#).

### **Can Rapid COVID-19 Testing For Kids Help Reopen Schools? Some California Districts Bet Yes**

These self-administered swabs are part of rapid COVID-19 antigen testing, now used by nine school systems across California willing to pilot the twice-weekly testing of all students who have parental permission. Part of an attempt to reopen campuses, the program is also under consideration by several more districts, and the surveillance testing of students it offers could help build confidence in the tests as a way to prevent coronavirus transmission in schools, as well as limit the spread of the disease in communities. To read the full story, click [here](#).

### **UC Berkeley Bans Campus Residents From Outdoor Exercise As Part Of Clampdown After COVID Surge**

Because of a recent surge of COVID-19 cases on campus, UC Berkeley has in essence grounded students by requiring them to stay inside their dorms at least until Monday. The lockdown, imposed on February 1 and expected to be lifted on February 8 before being extended that day, even bans students from getting outside exercise. And to enforce it, the university is increasing its security presence. The new restrictions will affect about 2,000 students, a “significant number” of whom are in quarantine, according to the university. Under the restrictions, students can only leave their rooms for medical care, in case of emergency, to comply with testing requirements, to use the bathroom on their floor and to get food from a nearby outdoor kiosk, according to an email sent to students from the UC’s medical director and other campus officials. To read the full story, click [here](#).

### **Asian American communities being targeted by hate crime, unprovoked attacks during pandemic**

Asian American communities across the country are seeing more unprovoked and violent attacks during the pandemic. A man was arrested for a series of random attacks on Asian Americans in the Chinatown neighborhood in Oakland, California, including the attack of a 91-year-old elderly man that was captured on surveillance video. To read the full story, click [here](#).

### **Instagram Bars Robert F. Kennedy Jr. For Spreading Vaccine Misinformation**

Robert F. Kennedy Jr. is now blocked from Instagram after he repeatedly undercut trust in vaccines. Kennedy has also spread conspiracy theories about Bill Gates, accusing him of profiteering off vaccines and attempting to take control of the world’s food supply. “We removed this account for repeatedly sharing debunked claims about the coronavirus or vaccines,” a spokesperson for Facebook, which owns Instagram, told NPR on Thursday. Kennedy has been a prominent voice in the anti-vaccine community for years, speaking out against childhood vaccines and promoting controversial and disproven claims that seek to link vaccines with autism. To read the full story, click [here](#).

### **Amazon Sues New York Attorney General To Preempt COVID-19 Lawsuit**

Amazon.com Inc on Friday sued New York's attorney general to stop the State from filing its own lawsuit over the online retailer's early response to COVID-19, including its firing of activist Christian Smalls. In a complaint in Brooklyn federal court, Amazon accused Attorney General Letitia James of overstepping her bounds by threatening to sue unless it met several demands including surrendering some profit and slowing down operations. Amazon said federal labor and safety laws take precedence over New York's, and is seeking an injunction to block James from suing. To read the full story, click [here](#).

### **Can My Boss Make Me Get A COVID-19 Vaccine? The Answer Is Complicated**

Yes, your boss can require that you get a COVID-19 vaccination. Will they? That's a more complicated answer, influenced by who you are, what you do, where you work and how badly you're needed. And there are exceptions. It's still early, of course, with not enough doses for most working Californians. But as vaccine distribution expands, companies are racing to design the policies needed to open, get back to business and prevent fatal, on-the-job contagion – while not losing valuable employees who refuse to get a shot. To read the full story, click [here](#).

### **Dr. Anthony Fauci Sees 'Sobering' Data On South Africa Variant; US Daily Cases Below 100K, But Danger Lurks: Latest COVID-19 Updates**

Data on the South Africa variant of the coronavirus is "sobering," and current vaccines are less effective against it than the original strain or UK variant, Dr. Anthony Fauci said Sunday. Fauci, speaking on NBC's "Meet the Press," said less is known about the South African variant than the UK version, which has proved to be more transmissible than the original version of the virus. To read the full story, click [here](#).

### **Stimulus Q&A: Who Gets \$1,400 And When? Can My Stimulus Money Be Garnished For Debts?**

The third round of \$1,400 payments would go to single people who earned up to \$75,000 and \$2,800 would go to couples who earned up to \$150,000. Payments would taper down for those incomes above those limits and and phase out completely above \$100,000 and \$200,000, for individuals and couples, respectively. The limits are tentative at this point. To read the full story, click [here](#).

### **State Fines Kaiser \$499K For COVID-19 Worker Safety Violations**

California officials gave a nod to Kaiser Permanente's reputation for efficiency when they recently selected it to help speed vaccine rollout. But a review of worker safety citations shows Kaiser has had its own pandemic troubles, failing to adequately protect its employees early on. Kaiser Permanente has on multiple occasions failed to provide hospital employees the gear or training needed to protect them from COVID-19,

according to 12 citations issued by California's enforcer of workplace safety laws, Cal/OSHA. To read the full story, click [here](#).

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### **Despite Crackdown Announcement, Not Much COVID-19 Enforcement Is Happening**

On December 30, San Diego Mayor Todd Gloria held a press conference to announce that the City would be stepping up enforcement against those who blatantly defied public health orders. ... Over the last year, the San Diego Police Department has written more than 150 tickets, but city prosecutors have yet to file charges. Since Gloria's announcement in December, Voice of San Diego could only find evidence of five new tickets. In other words, San Diego's enforcement effort is not very aggressive at all. The mayor wants to change that — by ensuring tickets go to the Superior Court's traffic and minor offense division rather than the criminal division, where there's been a backlog of cases and the burden of proof is higher. To read the full story, click [here](#).

### **California Shifts Vaccine Priorities Again: People With Health Conditions Are Eligible Next Month**

Californians with high-risk medical conditions will qualify for COVID-19 vaccines starting March 15, the State's health secretary announced today. Under the State's previous guidelines, people with chronic conditions did not qualify for vaccinations until people 65 and older, first responders, food industry workers and educators were vaccinated. Under the new guidelines, people ages 16 to 64 with serious health conditions — such as heart, lung or kidney disease, diabetes, cancer and weakened immune systems — or with disabilities will join older Californians and some essential workers beginning March 15. To read the full story, click [here](#).

### **Humans Spread Viruses to Wild Gorillas Through Selfies**

Sure he has an untamable smile and is kind of your genetic cousin, but if you're taking a selfie with a wild gorilla, you're too close. An analysis of Instagram selfies [published](#) in

the journal *People and Nature* on Tuesday sounds the alarm on tourists who are violating important health measures like social distancing and wearing a mask to protect wild gorillas from contracting viruses carried by humans. “Social media is known to have a huge influence on people’s attitudes and behaviors. Seeing other people’s amazing selfies with wildlife encourages others to also get closer to wildlife to get the perfect shot, normalizing abnormally close distances to wild animals. 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 note the email addresses to be removed.