

Weekly COVID-19 Update From EKA

March 10, 2021

Think Positive & Test Negative

Disneyland and Disney California Adventure will reopen in April following a year of coronavirus closures that cost the Anaheim theme parks billions and forced them to shed thousands of jobs during the COVID-19 pandemic.

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

California to give 40% of vaccine doses to vulnerable areas

California is setting aside 40% of all vaccine doses for the state's most vulnerable neighborhoods in an effort to inoculate people most at risk from the coronavirus and get the state's economy open more quickly. The doses will be spread out among 400 ZIP codes, with about 8 million people eligible for shots. Many of the neighborhoods are concentrated in Los Angeles County and the Central Valley. The areas are considered most vulnerable based on metrics such as household income, education level, housing status and access to transportation. The initial goal of the vaccine equity metric is to deliver a minimum of 2 million doses to the hardest-hit quarter of the state as measured by the Healthy Places Index. The state has currently given 1.6 million doses to this quarter of the state. It is estimated that 2 million doses will be delivered in the vaccine equity quartile sometime in the next two weeks. Once that threshold is reached, the Blueprint for a Safer Economy will be updated to allow for somewhat higher case rates in each tier, with an overall effect of allowing counties to loosen health restrictions at a somewhat accelerated but still responsible pace. The Blueprint will be updated again when 4 million doses have been administered in the vaccine equity quartile. More information about the state's efforts to end the pandemic through equitable vaccine administration is available via this [fact sheet](#).

Pasadena Cancels COVID Vaccine Clinic

Yesterday, Pasadena canceled a COVID-19 vaccination clinic for senior citizens, grocery store employees and other essential workers after hundreds of people who were not

eligible for the shots signed up for appointments. People who did not yet qualify for the vaccine under state guidelines claimed about 900 of the 1,500 slots at a clinic that was designed for people older than 65 and essential workers who live or work in Pasadena. Many of the appointments were booked by people who worked in the news media and in Hollywood, including at production companies, streaming TV services, news outlets and on the sets of soap operas.

Supply

As noted in our last update, the new vaccine developed by Janssen, a Johnson & Johnson company, has been approved for emergency use authorization by the Food and Drug Administration. Federal and state government health officials have not released detailed information on the distribution of the J&J/Janssen vaccine, but they expect supply to be limited at the start. Demand for all three authorized vaccines will continue to outpace supply. For now, that means people eligible for vaccination will receive the type of vaccine available during their appointment.

Eligibility

On March 2, the federal government expanded vaccine eligibility to teachers, school staff, and child care workers. However, this change does not mean this group will receive higher priority than the other groups that are already eligible. The groups include:

- People who work in pre-primary, primary, and secondary schools
- People who work in Head Start and Early Head Start programs, such as teachers, staff, and bus drivers
- People who work as or for licensed child care providers, such as center-based and family care providers

Court Workers, Judges, Lawyers

Judges, some criminal defense lawyers and court employees can now get the COVID-19 vaccine in San Diego County after county health officials quietly included them late last week in the recent expansion of those eligible to get the shot. The decision means more than 2,000 San Diego County employees, including 1,200 court workers, 968 employees of the District Attorney's Office and about 400 in the Office of the Public Defender, are now eligible to get the vaccine. So are about 120 private criminal defense lawyers who represent indigent defendants in San Diego federal court and prosecutors and staff in the federal U.S. Attorney's Office. The decision to allow a huge chunk of the local court system access to the vaccine came late last week when the county decided the workers would be included in the category of "emergency services." It also culminated a concerted campaign begun late last year at the state and local levels by leaders in the court and legal system to gain priority for justice system workers for getting the vaccine.

L.A. County Vaccine

Learn more about the different vaccination tiers and find out when it's your turn to receive your free COVID-19 vaccination by visiting the [Vaccinate LA County website](#). Registration is required for a vaccine appointment. Eligible LA County residents 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 a.m. to 8:30 p.m. 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 for those who don't have internet access. Per the [State's COVID-19 Vaccine Allocation Guidelines](#), beginning March 15, healthcare providers may use their clinical judgment to vaccinate individuals age 16 – 64 who are deemed to be at the very highest risk. View a list of high-risk conditions on the [State's Vaccine Plan webpage](#) or register on the [MyTurn website](#) to be notified when you're eligible to receive your vaccination.

Long Beach Vaccine

Long Beach residents with disabilities can receive the COVID-19 vaccine. Individuals with disabilities who meet the following criteria may show up at the Long Beach Convention Center between 11 a.m. and 5 p.m., no appointment needed, to receive their vaccine:

- Individuals must have a physical or developmental disability. Documentation could include a placard, doctor's note or other appropriate information.
- Individuals must be able to prove that they live in Long Beach. Documentation could include a utility bill with their address or a driver's license.

The city has offered vaccination opportunities to all eligible residents who were signed up in VaxLB who qualify under the current categories. Anyone who has signed up in VaxLB but has not been contacted or has experienced any difficulty should contact the [City's Vaccine Center](#).

Counties Don't Want COVID-19 Vaccine Efforts Run By Blue Shield

Counties across California are increasingly pushing back against the state's new vaccination program run by Blue Shield of California, with Los Angeles County officials the latest to ask for the ability to opt-out amid a bipartisan chorus of concern. Gov. Gavin Newsom announced in January that Blue Shield would take over as an independent overseer of California's network of COVID-19 vaccine providers, a move that came as criticism mounted that the state was initially too slow in getting doses into the arms of residents. In an attempt to hasten delivery, Newsom said California would streamline the system under Blue Shield to create "more efficient distribution, speed,

and equity and transparency with vaccines.” Last week, Blue Shield officials told the state’s Community Vaccine Advisory Committee that contracts with counties were being finalized, although no timeline was provided. It’s unclear how a potential impasse with counties would affect vaccine distribution in those areas. Blue Shield is scheduled to take full management responsibility for the statewide network by March 31. In a letter to Newsom, Supervisors Chair Hilda Solis and Chair Pro Tem Holly Mitchell asked that the county be exempted from Blue Shield’s oversight, requesting a similar carve-out as Kaiser Permanente. Solis and Mitchell wrote that Blue Shield officials “have not demonstrated they have an adequate understanding of the unique needs and features of Los Angeles County, its diverse population, and where our residents go for health care.”

REOPENING

California Theme Parks & Stadiums Can Reopen April 1

Some outdoor ballparks, stadiums and theme parks will be eligible for reopening with “very reduced capacity” beginning April 1 in counties that meet certain conditions. The announcement makes changes to the state’s COVID-19 framework called the Blueprint for a Safer Economy, allowing for what the California Department of Public Health called “activities that can be conducted outdoors with consistent masking.” The change is made possible by lower case rates and hospitalizations, along with the distribution of three COVID-19 vaccines, Dr. Mark Ghaly, secretary of the California Health and Human Services Agency, stated in a news release. “California can begin gradually and safely bringing back more activities, especially those that occur outdoors and where consistent masking is possible,” Ghaly said. “Even with these changes, California retains some of the most robust public health protocols in the country.” The ability to reopen sports venues, live performances and theme parks is contingent on where counties stand in the state’s color-coded reopening blueprint. Most counties, including all those in Southern California, remain in the most restrictive purple tier. The news comes after Gov. Gavin Newsom announced an equity focus on vaccine distribution using the state’s [Healthy Places Index](#), a resource that showcases community conditions that predict life expectancy and influence health. The governor said that 40% of the vaccine supply is reserved for the state’s most vulnerable populations.

Outdoor Youth and Adult Recreational Sports Will be Allowed with Safety Measures

[Updated State guidance](#) allows all outdoor youth and adult recreational sports, including moderate contact and high contact sports, to resume practice, training and competitions in counties where the case rates meet certain benchmarks. Moderate contact sports include baseball, field hockey, softball, and volleyball, all outdoors, and high contact sports include football, basketball, rugby, soccer, and water polo, all

outdoors. All activities must be done in compliance with [Public Health's Reopening Protocol for Youth and Adult Recreational Sports Leagues](#).

Pasadena Unified Sets March Date For Return To In-Person Learning

the Pasadena Unified Board of Education voted on Thursday, March 4, to bring its youngest elementary school students back on campus for in-person instruction by the end of the month. The first to return will be students in pre-kindergarten and kindergarten, who will come back to campus on March 30. First and second graders will come back on April 1. They'll all leave for spring break one week later, coming back on April 13. That's when students in third through fifth grade will join them. If Los Angeles County's coronavirus case rate falls below seven cases per 100,000 residents — as current trends indicate may happen within the next week or so — and stay at that level for another two weeks, the district will be allowed to bring back middle and high school students. Still, no date set for their return yet.

LAUSD and Teachers' Union Strike a Deal for Students to Return to Classrooms

LAUSD's more than 600,000 students have been learning online for almost a year because of the coronavirus pandemic. A tentative agreement reached Tuesday night provides a number of "safety parameters" that would allow a partial reopening of campuses. Preschool and elementary schoolers would return in mid-April. Middle and high school students would follow at the end of April. Students in the nation's second-largest school district could return to class next month under a tentative deal announced yesterday the powerful teachers union. The Los Angeles Unified School District and the union said the tentative agreement provides a number of "safety parameters" that would allow a partial reopening of campuses. The plan, which needs ratification by the school board and the union membership, lays out a roadmap for reopening schools after Los Angeles County drops from the state's most-restrictive COVID-19 tier, purple, into the red tier, which county officials said could happen as early as this week. Preschool and elementary schoolers would return in mid-April. Middle and high school students would follow at the end of April. Crucially, the agreement says teachers, along with nurses and other union members, won't have to return to work until they have been fully vaccinated for COVID-19.

The teachers union had demanded such a requirement in refusing to accept an earlier mid-April target date. In a statement Tuesday, however, Myart-Cruz said the agreement meets "all of our key safety protocols." According to the district and union, the agreement includes the following

- Daily in-person instruction for elementary school students in a hybrid morning/afternoon model.

- Daily online instruction for secondary students, with the opportunity to return to campus for peer interaction, social-emotional learning and lessons for college and career exploration.
- Full-day, in-person instruction for preschool students.
- Maintaining current teacher assignments whenever possible.
- Required COVID testing of students and staff prior to their return to campus, followed by weekly testing.
- Required masking and social distancing for students, staff and visitors.
- School sanitation requirements, with the district noting a \$120 million upgrade to ventilation systems and to procure protective equipment and hire custodial staff.
- Social-emotional support for students.
- Additional teacher training.
- Meals provided for students, whether they are receiving in-person or online instruction.

L.A. County Preparing To Advance In State's Covid Reopening Blueprint

. Los Angeles County could move into a less restrictive state tier later this week based on falling coronavirus case rates and a newly adjusted state metric that lowered the threshold required based on how many vaccines were administered in underserved communities. Yesterday, L.A. County dramatically improved its daily adjusted coronavirus case rate to 5.2 cases per 100,000 people. Last week, the county recorded a daily adjusted case rate of 7.2 per 100,000 people. The scores are updated by the state each Tuesday. Under the current rules, counties must record fewer than 7.0 cases per 100,000 people for at least two weeks to move into the red tier. Other requirements, related to positivity rates and a health equity metric in underserved communities, are also incorporated. L.A. County already qualifies for the orange tier under those guidelines, but the state requires all three metrics to qualify. There is another path to the red tier, however, if the state hits a target of administering at least 2 million vaccines to the most underserved communities. When that happens, likely later this week, officials said, it raises the threshold for entering the red tier to 10 cases per 100,000.

C.A. To Loosen Reopening Tier Requirements

Right now, a county can move from the most restrictive purple tier to the lower red tier based on several metrics, including having seven or fewer new COVID cases per 100,000 people per day over a period of several weeks. Now, that will shift to 10 new cases or fewer, allowing businesses such as restaurants and gyms to reopen at limited capacity. Also in the red tier, schools that want to access new state funding must provide in-person learning for students in transitional kindergarten through grade 6 and at least one grade each in middle and high school. More counties have already been moving

into the red tier as caseloads, hospitalizations and deaths drop. The state's average 2.2% test positivity rate over seven days is a record low. Officials argue that easing reopening restrictions makes sense since the likelihood of widespread transmission that can overwhelm hospitals will decrease as more people are vaccinated. That's particularly true as the most vulnerable populations that are more likely to get seriously ill receive the shots.

Texas And Other States Ease COVID-19 Rules Despite Warnings

Texas became the biggest state to lift its mask rule, joining a rapidly growing movement by governors and other leaders across the U.S. to loosen COVID-19 restrictions despite pleas from health officials not to let their guard down yet. The Lone Star State will also do away with limits on the number of diners who can be served indoors, said Republican Gov. Greg Abbott, who made the announcement at a restaurant in Lubbock. The governors of Michigan, Mississippi and Louisiana likewise eased up on bars, restaurants and other businesses, as did the mayor of San Francisco.

Riverside County Still Few Weeks Away From Reopening

Riverside County continues to make headway on lowering metrics state officials use to determine when it is safe to reopen more businesses indoors, however more improvement is needed before the county can take that step. According to the state's color-coded tier system, there still is widespread risk in the county of transmitting the virus to others. To move between the two most restrictive tiers, 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%. More businesses, such as dance studios, gyms and fitness centers, movie theaters and museums, could reopen indoors as a result.

LOS ANGELES COUNTY

County Finds Fewer Cases Among Health Care Workers As More Get Vaccinated

What was once a flood of health care workers catching the coronavirus in Los Angeles County has now slowed to a trickle, in large part because the vast majority of them have been vaccinated, local public health officials said. Reports of new virus cases among health care workers in the county have fallen by 94 percent since late November, just before vaccination began. The statistics are encouraging, both in Los Angeles County and across the country. Some health care workers initially expressed reluctance to get a Covid-19 vaccine shot, often out of fear about the safety of the vaccines, which were hurried into use under emergency authorizations from the Food and Drug Administration.

SACRAMENTO

Governor Newsom Signs Executive Order

Governor Gavin Newsom signed an executive order extending authorization for local governments to halt evictions for commercial renters impacted by the COVID-19 pandemic through June 30, 2021. The order also extends protections against price gouging for emergency supplies and medical supplies amid the pandemic's ongoing emergency response. Read the full order [here](#).

NATIONAL

CDC Cuts Travel Advice From Guidelines For Vaccinated People

The Centers for Disease Control and Prevention released guidelines for vaccinated people saying those who have received their Covid-19 shot can socialize with other fully vaccinated individuals indoors without wearing masks or social distancing. The guidelines, which were initially set for release last week, also say vaccinated people can visit indoors — under the same rules, with unvaccinated people from a single household who are at low risk for severe Covid-19 disease. The CDC recommends vaccinated individuals “refrain” from quarantining and testing if they come into contact with someone with Covid-19 and do not develop symptoms. The CDC also says vaccinated people should continue to adhere to public health restrictions such as mask-wearing and social distancing while in public, particularly while visiting unvaccinated individuals. It's still unclear how long the vaccines provide immunity against the virus, and health officials have worried that vaccinated people could still be susceptible to new Covid variants. To see the full guidance, click [here](#).

IRS And DOL Issue Separate COVID-19-Related Benefit Plan Guidance For Employee Benefit Plans And Plan Participants

The Internal Revenue Service (IRS) and the Department of Labor (DOL) separately issued important guidance on COVID-19-related relief over the past week. This Alert provides information on both IRS Notice 2021-15 and EBSA Disaster Relief Notice 2021-01. To see the details of the guidance, click [here](#).

Merck Manufacturing Plants

White House coronavirus adviser Andy Slavitt said the federal government is spending \$100 million to rework Merck Co.'s manufacturing plants to allow production of Johnson & Johnson's single-dose vaccine, which received emergency use authorization last week.

\$1,400 Stimulus Checks

Senate Democrats reached a deal with Biden to limit the eligibility for \$1,400 stimulus checks in his \$1.9 trillion COVID relief bill. The stimulus checks would start to phase out at \$75,000 and phase out entirely at \$80,000 of income for individuals.

Travel

New York, one of the first states to implement travel restrictions on domestic visitors last spring, took another step toward relaxing its COVID-19 policies by lifting the quarantine and COVID-19 testing restrictions on people who have been vaccinated within 90 days of their second inoculation.

Violence Against Health Care Workers

There were more than 1,100 threats or acts of violence against health care workers and facilities last year, a report by the Geneva-based Insecurity Insight and the University of California, Berkeley's Human Rights Center found. Researchers found that about 400 of those attacks were related to COVID-19.

Masks

Even as some states roll back mask mandates, some of the nation's largest retailers including Kroger, Macy's, Starbucks and Target are keeping their mandates. A Centers for Disease Control and Prevention report released last week found more evidence supporting the effectiveness of mask mandates, which "serves as a warning" about the dangers of lifting mask mandates prematurely, said CDC Director Rochelle Walensky.

EMPLOYER ISSUES

Cal OSHA Offers Additional Guidance For Its COVID-19 ETS

It has been three months since California approved the Division of Occupational Safety and Health's ("Cal OSHA") COVID-19 [Emergency Temporary Standard \("ETS"\)](#). The rushed implementation of Cal OSHA's ETS, which imposed new and confusing obligations on employers, left many scratching their heads and resulted in several legal challenges to the ETS. For example, some agricultural employers challenged the ETS on the grounds that it was ambiguous, imposed overwhelming compliance obligations on employers, and did not consider costs or feasibility. Other employers continued to raise concerns over the ETS requirements in public forums, through written questions to Cal OSHA, and directly with their representatives. Cal OSHA responded to the concerns raised by employers and business associations by publishing a [series of online FAQs](#) at the beginning of January 2021. Following the initial series of FAQs, and largely in response to more employer questions, Cal OSHA quietly updated and revised the FAQs on January 26, 2021, and February 26, 2021. In its most recent rounds of FAQ updates, Cal OSHA has added new guidance on testing and the ETS's scope of coverage.

Testing

The main area of confusion for employers since the ETS was adopted has been around the requirements for COVID-19 testing. This is because Cal OSHA's ETS uses inconsistent language to discuss requirements (e.g., "offer" vs. "provide" in the context of required testing). The ETS also explicitly conveys that "all employees in the exposed workplace shall be tested and then tested again one week later," raising questions as to whether an employer must require employees to undergo testing or exclude them from the workplace if testing is refused when required. Employers also struggled with understanding how testing should be provided to employees (e.g., on-site testing using a third party or requiring employees to get tested by a health plan provider). From the original FAQ, it is clear Cal OSHA views the testing provisions as requiring an employer to inform its employees on how they can obtain COVID-19 testing at no cost and during working hours or paid time when testing is required (i.e., following a work-related exposure if working in an exposed workplace during a minor or major outbreak). The original FAQ confirmed that employers had these same notification and testing obligations whenever testing is required under the ETS. But the FAQ largely did not explain how the employer could arrange for this testing beyond simply stating that employers were free to use state or local testing services, arrange testing with a third party, or use health plan provider testing options.

Recent updates to the FAQ clarify that employers have two primary options: the employer can (1) partner with a medical provider to establish a testing program; or (2) use the free testing services provided by the state or county health department. To locate county testing facilities, the employer should check the local county or city health department's website. To locate the correct website, employers may visit the [California Department of Public Health](#) or the [National Association of County and City Health Officials](#) website, and click on the applicable county or city health department. Although not mentioned in the updated FAQs, the state also maintains a website [on COVID-19 testing locations](#) that employers can use to find testing locations. Cal OSHA's FAQ updates also convey that employers who need to test a large number of employees on a regular basis can partner with the State of California Valencia Branch Laboratory ("VBL") to set up on-site testing of employees.

As a result, employers lack clear direction on how to arrange for workplace testing in a way that will satisfy Cal OSHA's requirements under the ETS and be consistent with [workplace testing considerations from the Centers for Disease Control and Prevention \("CDC"\)](#). This, in turn, leads to more questions on the employer's obligations for management of testing records, selection of COVID-19 tests to be used in their workplace testing plan, and coordination of testing with employees.

Scope of Coverage

Cal OSHA's ETS applies broadly to California workplaces and has only a few limited exceptions. Cal OSHA's ETS, for instance, does not apply to employees when covered by the Aerosol Transmissible Diseases ("ATD") standard. In attempting to clarify the scope of this exception, Cal OSHA's original FAQs conveyed that an employee in a single workplace could not be subject to both the ETS and ATD standards at the same time. This exception is critically important for employers in the healthcare space, as well as emergency responders, as these employees often have ongoing occupational exposures to COVID-19, such that compliance with the ETS would be untenable. In addition, these employees are protected against COVID-19 exposures in the workplace through the ATD's strict preventive measures and mandatory use of personal protective equipment. Given the expedited rollout of Cal OSHA's ETS and the ongoing litigation surrounding the ETS, the agency will likely continue issuing new FAQs and guidance to employers.

LEGAL DEVELOPMENTS

Cal-OSHA Wins First Round In Major Court Challenge

A bulletin from the [Buchalter law firm](#) announced that Cal-OSHA's COVID-19 regulation remains in effect after the trial court rejected a motion for a preliminary injunction filed by a coalition of employers. This included challenges to: (1) compensation for employees excluded from work; (2) mandated testing; and (3) health and safety requirements for employer-provided housing and transportation. Therefore, employers must continue to abide by the requirements of **the emergency regulation**. In its 39-page ruling, the court noted that the regulation's continuing compensation requirement applies only to employees who are "otherwise able and available to work." If an employee must be excluded for longer than a 14-day quarantine period, the employer would not be required to keep paying wages and benefits. The court also noted that employers may offset any required payments by amounts employees receive in related benefit payments. The court also concluded that Cal-OSHA may regulate employer-provided housing and transportation to ensure employee safety and health. Written comments on the regulation may be submitted to the Cal-OSHA Standards Board as the agency moves to formally adopt the regulation in a 6-month process that results in a "[Certificate of Compliance](#)."

Torrance Gym Says Existence Of COVID-19 Vaccines Means It Can Work Out Indoors. Judge Disagrees

A judge has issued a preliminary injunction against a Torrance gym owner, directing him to refrain from indoor operations amid the coronavirus pandemic. Los Angeles Superior Court Judge Mary H. Strobel handed down the ruling against David Fischer, the owner of Powerhouse Gym. The judge had issued a temporary restraining order against Fischer

on December 9. Both orders were requested by lawyers for Los Angeles County and the Department of Public Health. “These restrictions on indoor operations at fitness facilities have the object of preventing the airborne transmission of COVID-19 and to protect public health and public safety from a contagious disease,” Strobel wrote. “The restriction has a real and substantial relation to achieving its purpose.” Strobel said she was not moved by Fischer’s argument that the approval of a vaccine has reduced the danger of the pandemic. “Powerhouse has not shown that the approval of a vaccine has reduced the danger such that indoor fitness activities do not create a public health threat,” Strobel said.

Judge Sides With Burbank On Closure Of Tinhorn Flats Bar Over COVID Violations

A judge granted a temporary restraining order Monday allowing the city of Burbank to enforce its closure order of a local restaurant that had continued offering outdoor dining service during the coronavirus pandemic despite the revocation of its health and conditional-use permits. Los Angeles Superior Court Judge Mitchell L. Beckloff issued the temporary restraining order against Barfly Inc., the operating company of the Tinhorn Flats Saloon & Grill on Magnolia Boulevard. Restaurant attorney Mark Geragos argued that the city was shutting down a business and taking away the livelihood of its owners without giving them sufficient notice of the lawsuit. But Senior Assistant City Attorney Michael M. Lee said notice and service of Barfly was proper and that restaurant CEO Baret Lepejian was notified by email in the same way communications were made with him in the past and that there was no bounce back of the communication. The Los Angeles County Department of Public Health previously revoked the eatery’s health permit, and the Burbank City Council last month revoked its conditional-use permit.

WHAT WE’RE READING

COV How billions in pandemic aid was swindled by scammers

State and Federal officials tell NBC News the scale of fraud during the pandemic has been “staggering.” The Labor Department inspector general is currently investigating at least 63 billion dollars that may have been stolen from taxpayers, leaving millions of unemployed workers without their much-needed relief. To read the full story, click [here](#).

ID-19 Litigation Is Testing the Limits Of California Expense Reimbursements – Is Your Business Safe?

With well over 1,600 COVID-19-related employment lawsuits already having been filed nationwide and over 350 in California alone, employers need to keep abreast of ongoing issues that impact the physical and remote workplace. With many California offices closed and employees performing their jobs remotely, one area where you need to be mindful is in the context of reimbursing your employees for their necessary business

expenses. For example, in today's remote environment, you may wonder whether you must reimburse remote employees for the use of their internet, utility bills, and the various items they have purchased for their new home offices. To read the full story, click [here](#).

Coronavirus California: Map Shows Which Counties Can, Can't Reopen Under Reopening Tiers

Seven more California counties have joined the red tier this week: El Dorado, Lassen, Modoc, Napa, San Francisco, San Luis Obispo and Santa Clara. Joining the red tier means reopening gyms, movie theaters and indoor dining for those counties. See your county's status below. To read the full story, click [here](#).

Cal/OSHA Moves Forward With Development Of Permanent COVID-19 Standard While Legislature Considers Bill To Increase Enforcement

California continues to move forward with new proposals for regulation and enforcement of workplace hazards associated with COVID-19. As the Division of Occupational Safety and Health ("Cal/OSHA") continues to develop a permanent draft standard to address COVID-19 hazards in cooperation with an advisory committee of various stakeholder groups, state legislators have proposed a senate bill to increase enforcement of "willful" violations on a per-employee basis. Earlier this month, Cal/OSHA convened an advisory committee to provide input on possible changes to the COVID-19 Emergency Temporary Standard ("ETS"). Over the course of three days of public meetings, the advisory committee discussed and debated potential clarifications. To read the full story, click [here](#).

Some U.S. Bishops Discourage Catholics From Getting Johnson & Johnson Vaccine If Others Are Available

As officials and health experts race to get Americans vaccinated against Covid-19, some Catholic bishops have weighed in to discourage Church members from getting the latest, single-shot vaccine from Johnson & Johnson when alternatives are available. The U.S. Conference of Catholic Bishops, as well as at least 6 other dioceses from across the country have released statements expressing "moral concerns" over the shot due to its use of lab-grown cells that descend from cells taken in the 1980s from the tissue of aborted fetuses. To read the full story, click [here](#).

In California, Caregivers Of People With Disabilities Are Being Turned Away At COVID Vaccine Sites

In California, confusion and botched communication has caused some eligible parents and family caregivers of people with disabilities to be turned away at covid vaccination sites. Oscar Madrigal is one of those caregivers. His two sons are on the autism

spectrum and his youngest requires almost constant care. As the vaccination effort began, Madrigal hoped he and others like him would be prioritized, and he didn't have long to wait. In January, the California Department of Developmental Services issued a general letter stating that family members like him are considered health workers and immediately qualify for the vaccine. To read the full story, click [here](#).

Newsom Calls Texas' Absolutely Reckless' For Lifting Covid Rules

"We're never going to subscribe to the point of view of some other states. There was one large state today that said 'no masks, everything goes back to normal' in the midst of a pandemic," Newsom told reporters in San Luis Obispo after touring a vaccination site, noting that Texas has higher test positivity and death rates than California. Newsom also suggested that Abbott's decision could lead to the type of resurgence that led the California governor to impose a second statewide lockdown that lasted nearly two months this winter. To read the full story, click [here](#).

Report Affirms Job Losses Of Low-Income California Workers

The California jobs most vulnerable to layoffs and furloughs due to the pandemic were among people making less than \$40,000 year, a state report released Tuesday found, with women in low-income households suffering the worst job losses. The report by California's Future of Work Commission focuses on expected trends in California's labor market over the next decade, laying out in stark detail the economic inequality in the nation's most populous state. To read the full story, click [here](#).

Sutter To Cancel Up To 95,000 Vaccine Appointments In Northern California

Sutter Health is canceling up to 95,000 vaccine appointments at mass vaccine sites across Northern California because of ongoing supply issues and insufficient vaccine allocation over the past few weeks, the health care provider said in a statement Tuesday. Of those, 90,000 are for second doses and 5,000 are first doses. ... The spokesperson for Sutter said the state advised the provider to use its initial allocations of vaccine for first doses. "We were told the state would fulfill our supply for second doses," the spokesperson said. But the allocation for second doses has yet to arrive and only a trickle of vaccine has been distributed to Sutter sites in recent weeks. To read the full story, click [here](#).

Congress Is Investigating One Medical Over Its Vaccine Distribution In San Francisco And Other Cities

Congress has launched an investigation into San Francisco-based health care provider One Medical following reports that it disregarded vaccine eligibility requirements in multiple cities, including at least three Bay Area counties. The investigation follows reports by NPR and Forbes that One Medical vaccinated ineligible people, including

friends and family members of the company's executives. To read the full story, click [here](#).

California Indigenous Fear COVID Deaths Undercounted

Native American leaders across California said COVID-19 deaths are a shadow on their communities, yet state figures show few American Indian people have died here compared with other states. Leaders and experts fear their community's deaths have been undercounted because of a long history of Native Americans being racially misclassified. And data shows they may be correct. To read the full story, click [here](#).

Will New School Reopening Plan Work?

The school reopening deal Gov. Gavin Newsom and top lawmakers unveiled Monday stops short of requiring campuses to reopen — raising questions about whether it will actually accelerate students' return to the classroom. The \$6.6 billion proposal would incentivize schools to bring their youngest and most vulnerable students back by April 1 while financially penalizing campuses that remain closed past that date, CalMatters' Ricardo Cano, Laurel Rosenhall and Barbara Feder Ostrov report. The plan does not require teacher vaccinations, as Newsom has already set aside 10% of the state's weekly doses for education workers. To read the full story, click [here](#).

Can Employers Require COVID-19 Vaccinations? Pitfalls And Guidance For A Mandatory Vaccination Plan

With several vaccines on the market and many states rolling out mass-vaccination plans, employers are beginning to ask: Can my company require employees to have the COVID-19 vaccine? In short, the answer is "yes," with appropriate justifications and reasonable accommodations for certain employees. The question, however, touches many areas of law and is unique to each employer. To read the full story, click [here](#).

California's My Turn COVID-19 Vaccination Appointment System Riddled With Flaws, Officials Say

California's My Turn COVID-19 vaccination appointment system is riddled with flaws that are making it difficult for counties to reserve vaccine appointments for targeted populations, according to local officials. To read the full story, click [here](#).

In California, Caregivers Of People With Disabilities Are Being Turned Away At COVID-19 Vaccine Sites

In California, confusion and botched communication has caused some eligible parents and family caregivers of people with disabilities to be turned away at COVID-19 vaccination sites. Oscar Madrigal is one of those caregivers. His two sons are on the

autism spectrum and his youngest requires almost constant care. To read the full story, click [here](#).

California To Give 40% Of Vaccine Doses To Vulnerable Areas

California will begin setting aside 40% of all vaccine doses for the state's most vulnerable neighborhoods in an effort to inoculate people most at risk from the coronavirus and get the state's economy open more quickly. Two officials in Gov. Gavin Newsom's administration shared details Wednesday on condition of anonymity. The doses will be spread out among 400 ZIP codes with about 8 million people eligible for shots. Many of the neighborhoods are concentrated in Los Angeles County and the Central Valley. The areas are considered most vulnerable based on metrics such as household income, education level, housing status and access to transportation. To read the full story, click [here](#).

Teacher vaccination a main driver in reopening California schools

Lawmakers are expected Thursday to approve a \$6.6 billion bill aimed at enticing more public schools to reopen this spring, but it doesn't appear to be driving districts around the state to bring kids back earlier than they had already planned. While the bill offers financial incentives to reopen by the end of March, with decreasing amounts offered until May 15, several districts say their reopening timelines instead depend on two factors: teacher vaccinations and falling local infection rates. Both of those were underway before Gov. Gavin Newsom and legislative leaders announced their compromise legislation Monday, and many districts had already hammered out agreements with teachers' unions that would be difficult to change. To read the full story, click [here](#).

Nurse Shortage Could Make Reopening School Campuses More Difficult

The lack of nurses on campuses can be challenging for schools, which must meet a raft of strict health and safety requirements in order to reopen campuses, including screening staff and students for symptoms of Covid-19, testing and contact tracing, and determining if anyone needs to be removed from the school and quarantined. "School nurses should be involved in all conversations about school reopening and student health," said Pamela Kahn, president of the California School Nurses Organization. "But in many districts nurses aren't even at the table." To read the full story, click [here](#).

Where Is Tony Thurmond? State Schools Chief Stays Behind The Scenes In School Reopening Debate

And though Thurmond shared the spotlight with Newsom when the governor unveiled his original school reopening plan late last year, he had a lesser role in negotiating the final details of the revised plan that lawmakers are scheduled to vote on today and that

Newsom plans to sign Friday. The plan reflects a deal between Newsom and the Legislature, and there is no requirement that the schools chief be involved. But Californians elected Thurmond to lead a school system serving 6 million students — most of whom have not been inside a classroom for nearly a year. His low profile as California struggles to resolve this massive educational disruption raises questions about how effectively he's using the power of the office. To read the full story, click [here](#).

New stimulus plan would leave out 2.4 million Californians

Millions of higher-income Californians would get lower federal economic stimulus payments, or none at all, under a new Senate plan unveiled Wednesday, an economic research firm's analysis found. President Joe Biden has reportedly agreed to the plan, which has been sought by moderate Democrats. The payments are lower than those in legislation passed by the House. An estimated 31.5 million Californians could get some stimulus money under the Senate proposal, according to data from the Institute on Taxation and Economic Policy. The House plan would benefit 33.9 million state residents. To read the full story, click [here](#).

WHO Investigators to Scrap Plans for Interim Report on Probe of Covid-19 Origins

A World Health Organization team investigating the origins of Covid-19 is planning to scrap an interim report on its recent mission to China amid mounting tensions between Beijing and Washington over the investigation and an appeal from one international group of scientists for a new probe. The group of two dozen scientists is calling in an open letter on Thursday for a new international inquiry. They say the WHO team that last month completed a mission to Wuhan—the Chinese city where the first known cases were found—had insufficient access to adequately investigate possible sources of the new coronavirus, including whether it slipped from a laboratory. To read the full story, click [here](#).

COVID-19 Vaccine Is Tough To Find Unless You're An Internet Genius With Broadband

In between school and other commitments, cousins Jaqueline Teague, 16, and Amelie Beck, 14, spend their time trying to register seniors in Kentucky for the COVID-19 vaccine. It all started after something of an ordeal trying to sign up their grandparents -- and then their grandparents' friends needed help, too. To read the full story, click [here](#).

Parents of 2020 babies might get an extra \$1,100 stimulus check. Here's how

If you had a baby in 2020, you may be in for another bundle of joy in 2021 -- this time in the form of a stimulus check. Aside from the usual Child Tax Credit and other tax breaks for parents, eligible families could also see \$1,100 in additional stimulus money for 2020 babies this year. To read the full story, click [here](#).

Attorney General Issues Consumer Warning About Illegal COVID-19 Fees

California Attorney General Xavier Becerra issued a warning to consumers, yesterday, about some health care providers reportedly charging a COVID-19 fee that many people are not obligated to pay. People enrolled in Medi-Cal, Denti-Cal and Medicare may not be charged this fee, which is purported to be for more frequent cleaning and disinfecting during the COVID-19 pandemic. To read the full story, click [here](#).

California Upends How It's Divvying Up Scarce Vaccines

How will vaccines get into the arms of people in low-income communities? And the 40% allotment also raises questions about whether other Californians will be pushed lower on the priority list — particularly people with high-risk health conditions. To read the full story, click [here](#).

Tactical Shift: Europe Seeks Vaccine 'Overdrive' To Catch Up

Slow off the blocks in the race to immunize its citizens against COVID-19, Germany faces an unfamiliar problem: a glut of vaccines and not enough arms to inject them into. Like other countries in the European Union, its national vaccine campaign lags far behind that of Israel, Britain and the United States. Now there are growing calls in this country of 83 million to ditch the rulebook, or at least rewrite it a bit. To read the full story, click [here](#).

California's Make-Or-Break Reopening Has Arrived

Under the reopening plan first unveiled by state officials in a secretive late-night phone call on Wednesday, California will redirect 40% of vaccines to areas hit hardest by the virus. Once 2 million vaccines have been distributed in places that rank in the bottom 25% of a statewide Healthy Places Index, the four-level color-coded system that the state uses to set reopening rules will be relaxed slightly, allowing businesses to move faster from the most restrictive purple tier into the next tier, red, that allows for some indoor dining, gyms and other activities. Currently, 40 counties with 35 million people are in the purple tier. If all goes well, state officials plan to ease requirements for counties to move into least restrictive orange and yellow tiers. Though the rules for which businesses may open in which tier are staying the same for now, Newsom's top economic adviser Dee Dee Myers said the state could ease rules for outdoor activities in the coming days and evaluate additional changes based on infection and vaccine trends. To read the full story, click [here](#).

OSHA's Job Is Workplace Safety. In The Covid-19 Pandemic, It Often Struggled.

The Wall Street Journal identified more than 1,000 worker deaths from Covid-19 that circumstances suggest were linked to workplace transmission of the virus but that were never investigated by an OSHA agency, as of early February. Many hadn't been reported

by employers. The difficulty of determining when a Covid-19 death should be deemed work-related was one of the challenges facing OSHA during the pandemic. It can't be known whether different actions by regulators or others could have prevented any specific worker death from Covid-19. A virus in the workplace isn't a hazard easily fixed, like a wobbly scaffold. But some health and safety experts argue that, especially last spring, OSHA missed repeated chances to ensure that employers did all they could to minimize risk to essential workers, those who must be on site producing goods or delivering services. To read the full story, click [here](#).

Remember When? Timeline Marks Key Events In California's Year-Long Pandemic Grind

In early March 2020, an elderly man died in Placer County. Health officials ruled the Rocklin resident's death to be a result of COVID-19 — the disease caused by a novel coronavirus that, to this point, had appeared in a handful of cases up and down the West Coast. The man, in his 70s with preexisting medical conditions, had been on a cruise ship that left from San Francisco, made four stops in Mexico, and returned in mid-February. The death prompted Gov. Gavin Newsom to declare a state of emergency to allow the state to respond faster to health worker needs. Less than two weeks later, schools across the state would shutter and, shortly after that, California entered the first of several stay-at-home orders. To read the full story, click [here](#).

Employers Should Have These Pending Wage And Hour Bills On Their Radar

The California Legislature is well into its 2021 Legislative session and February 19 was the last day to introduce new bills. Below is a sampling of some wage and hour bills that employers should have on their radar. To read the full story, click [here](#).

California Judge Denies Request for Injunction to Block Cal/OSHA COVID-19 Regulations

Judge Shulman found ample support for Cal/OSHA's finding of an "emergency," and quickly countered the moving parties' argument that COVID-19 did not qualify as a true emergency: To read the full story, click [here](#).

A Third Stimulus Check Is In The Covid Relief Bill. Here's How To Get Your Full Payment.

WASHINGTON — The Democratic-controlled Congress is [on the verge](#) of passing its biggest round of coronavirus stimulus payments, delivering on a campaign promise by President Joe Biden. If the \$1.9 trillion Covid-19 relief bill passes and becomes law, it would provide the third round of stimulus checks — after the \$1,200 payments last March and the \$600 payments in the December bill signed by President Donald Trump. To read the full story, click [here](#).

How the Pandemic Economy Could Wipe Out a Generation of Black-Owned Businesses

There are disparities between American businesses owned by white people and those owned by all minority groups, but the widest ones are typical with Black entrepreneurs, who tend to have modest family wealth and thin professional networks to help recruit talent and cut deals. Although the number of Black-owned businesses has grown in recent years, the vast majority remain sole proprietorships. As of 2012 — the most recent data the Census Bureau has collected — average annual sales for a Black-owned business came to about \$58,000, compared to nearly ten times that amount for the average white-owned enterprise. To read the full story, click [here](#).

Employers Grapple With Tough New Question: Can They Demand Workers Get A COVID-19 Vaccine?

As the rollout of the COVID-19 vaccine expands across the country, experts tell ABC News that employers in high-risk industries have begun to wrestle with a new and vexing question: Can a company require its employees to be vaccinated? Some employees have already begun to push back on the idea. First responders in New Mexico have sued after a county official ordered firefighters, corrections officers and other first responders to receive injections. And at the 120-bed Rock Haven Nursing Home in Wisconsin, 21 employees quit after nursing home administrators and county officials issued a vaccine mandate for the staff. To read the full story, click [here](#).

A Year After COVID-19 Closures Began, Long Beach And South Bay Restaurant Owners Keep Pushing Forward

Restaurant owners and employees' emotions and employment have yo-yoed over the last year, starting in March 2020 as the coronavirus took hold in California. Restaurants were forced to limit service to pickup and delivery during the first shutdown. Then, a lifeline came in late May in which restaurants could reopen dining rooms, but by July, the state had shuttered indoor dining again. To read the full story, click [here](#).

Private 'UTLA FB' group warns teachers to not post vacation pics amid union's push for safe return to class

A screenshot obtained by FOX 11 shows UTLA teachers being warned to not share spring break vacation photos to social media as the union continues to push for a safe return to in-person classes. The screenshot appears to be from a private Facebook group titled, "UTLA FB GROUP- Members Only," and it has about 5,700 members. In one of the posts from the private group, teachers from the union are being asked to not share vacation photos or show that they're traveling outside of the country. To read the full story, click [here](#).

CDC Study: Half Of People Hospitalized For COVID Were Obese

Nearly 8 in 10 people who were hospitalized for coronavirus were either overweight or obese, according to a Centers for Disease Control and Prevention study released Monday, which also found a higher body mass index is associated with serious coronavirus outcomes, such as hospitalization, being placed on a ventilator and even death. To read the full story, click [here](#).

Convention, Hospitality Sector Pressures Gov. Gavin Newsom For Reopening Guidelines

Steve Goodling, president and CEO of the Long Beach CVB, said it takes four to six months at a minimum to prepare for a convention or large meeting. He said one of his primary jobs right now is convincing groups booked for 2022 conventions to not cancel and go elsewhere. “We need guidelines in the next four weeks,” Goodling said. “If we don’t have them, we won’t have any conventions even if we are able to open back up in the summer or fall.” Labor unions have joined with the companies they work for to urge the state government to take action. California’s economic recovery hangs in the balance, they say. To read the full story, click [here](#).

Many Northern California Catholic Schools Have Opened Campuses Five Days A Week With Few Outbreaks

In San Francisco, health officials have linked open schools to fewer than five outbreaks, though about 96 parochial and private schools are operating with on-campus classes. Sacramento health officials said most problems with their county’s open schools have been resolved by cooperation between administrators and health officers, though positive tests have forced some classes and even schools to temporarily close. ... Lincoln Snyder, the superintendent of schools for the Catholic Diocese of Sacramento, said he believes reopening is difficult but doable. He’s in his ninth version of a protocol packet that spans 85 pages but has been approved by health officers in the multiple counties where his schools are located. Sticking to that plan is the key, he said. 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.