

Weekly COVID-19 Update From EKA March 17, 2021

See When You'll Get Your Stimulus Check

The IRS updated its Get My Payment tool allowing users to check the status of their stimulus checks. To check your “2021 Economic Impact Payment,” [click here](#) and fill out your info, including Social Security Number, birthdate, address and zip code. After entering your information, messages include “A payment has been processed” (with a date for scheduled direct deposit), “payment status not available” (it hasn’t been processed yet or you may not be eligible), and “need more information” (if your address or other details haven’t been updated). You also may be locked out of the Get My Payment site for 24 hours if the info you provide doesn’t match IRS records.

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

U.S. To Buy Additional 100 Million Johnson & Johnson Covid-19 Vaccine Doses

President Biden announced that the U.S. is buying an additional 100 million doses of the single-shot Johnson & Johnson COVID-19 vaccine. The drugmaker is already obligated to supply 100 million doses to the federal government by the end of June. The additional doses would be delivered in the months following. The U.S. is set to receive enough doses of the three approved COVID-19 vaccines — from Pfizer, Moderna and Johnson & Johnson — by the middle of May to cover all adults. The surplus would ensure supply to cover young adults and children, pending the result of safety and efficacy trials.

COVID-19 Vaccine Guidance Released

The California Department of Fair Employment and Housing (DFEH) updated its [COVID-19 guidance](#), addressing several vaccination-related questions. The DFEH answers one of employers’ biggest questions — can they require employees to get vaccinated? Yes, says the DFEH, an employer may require employees to receive an FDA-approved vaccination so long as the employer complies with the Fair Employment and Housing Act (FEHA), meaning it “does not discriminate against or harass employees or job applicants on the basis of a protected characteristic, provides reasonable accommodations related to disability or sincerely-held religious beliefs or practices, and does not retaliate against

anyone for engaging in protected activity (such as requesting a reasonable accommodation).”

The DFEH clarifies that it’s not providing guidance on whether or to what extent an employer should mandate vaccination within its workforce. Rather, it only addresses how an employer should comply with the FEHA if it decides to require employees to be vaccinated. If an employee objects to vaccination on the basis of disability, employers must engage in the interactive process with, and reasonably accommodate the employee. The DFEH encourages employers to consider a variety of accommodations, including whether employees can work from home or whether other procedures or safeguards could be put in place at the worksite that would enable the employee to work without endangering others. If an employee objects to vaccination based on sincerely held religious beliefs or practices, employers must also accommodate those employees. Similar to responding to a disability, employers should engage in the interactive process with the employee to identify a reasonable accommodation that eliminates the conflict between the religious belief or practice and the vaccination requirement. The DFEH says this could include job restructuring, reassignment or modification of work practices.

Employers don’t have to provide accommodations that result in “undue hardship.” In those circumstances, the DFEH says employers may “exclude the employee from the workplace.” Undue hardship is a difficult legal standard to meet. To the extent possible, employers should be flexible when it comes to accommodations. If an employer believes a particular request may cause an undue hardship, they should consult with legal counsel about their circumstances before denying an accommodation. If an employee objects to the vaccine solely because they don’t “trust that the vaccine is safe,” the DFEH says that employers likely don’t have to accommodate them. If the employee doesn’t have a disability or sincerely held religious reason for not being vaccinated, the employer is not legally required under the FEHA to accommodate the employee. The new FAQs explain that employers can discipline a resistant employee but cautions that employers cannot retaliate against employees for engaging in protected activities. For example, an employer may not retaliate against someone who alleges that the employer’s vaccination policy discriminates or has a disparate impact on a protected group.

The new guidance also clarifies that employers administering a COVID-19 vaccination program themselves may ask employees for medical information, such as a pre-vaccination screening questionnaire, so long as the questions are “job related and consistent with business necessity,” another legal standard defined in the DFEH regulations. Employers should consult with legal counsel about requesting medical

information from employees or applicants. If the vaccination is administered by a third-party, employers can require an employee or job applicant to provide proof of vaccination. The DFEH explains that simply asking for proof of vaccination is not related to disability, religious creed or a medical examination; however, the documentation could potentially include disability-related medical information, so employers should instruct employees or applicants to omit any medical information from such documentation. Employers should review the [DFEH's updated guidance](#) and consult with legal counsel before implementing a mandatory vaccination policy.

LA County

Currently, people eligible for the vaccine include healthcare workers, residents and staff at long-term care facilities, people 65 or older, education and childcare workers, food and agriculture workers, and emergency service workers and law enforcement. Custodians and janitors, public transit workers, and airport ground crew workers are all now eligible to be vaccinated, as directed by the State. Emergency responders like social workers who handle cases of violence, abuse or neglect and foster parents providing emergency housing for young people, are also eligible to be vaccinated. The County is currently coordinating with unions and employers to set up vaccination sites and make appointments available for these groups. Per the [State's COVID-19 Vaccine Allocation Guidelines](#), which began two days ago, , healthcare providers may use their clinical judgment to vaccinate individuals age 16 – 64 who are deemed to be at the very highest risk to get sick from COVID-19 because they have the following severe health conditions:

- Cancer, current with weakened immune system
- Chronic kidney disease, stage 4 or above
- Chronic pulmonary disease, oxygen dependent
- Down syndrome
- Solid organ transplant, leading to a weakened immune system
- Pregnancy
- Sickle cell disease
- Heart conditions, such as heart failure, coronary artery disease, or cardiomyopathies (but not hypertension)
- Severe obesity (Body Mass Index ≥ 40 kg/m²)
- Type 2 diabetes mellitus with hemoglobin A1c level greater than 7.5%

If as a result of a developmental or other severe high-risk disability one or more of the following applies:

- The individual is likely to develop severe life-threatening illness or death from COVID-19 infection

- Acquiring COVID-19 will limit the individual's ability to receive ongoing care or services vital to their well-being and survival
- Providing adequate and timely COVID care will be particularly challenging as a result of the individual's disability.

The list of eligible conditions is subject to change as additional scientific evidence is published and as the California Department of Public Health obtains and analyzes additional state-specific data. View additional information on the [State's Vaccine Plan webpage](#), register on the [MyTurn website](#) to be notified when you're eligible to receive your vaccination, and visit the LA County COVID-19 [Vaccine website](#) for more information.

What You Can and Can't Do Once You're Vaccinated

The Centers for Disease Control and Prevention recently issued [guidance for fully vaccinated people](#) and the County revised the [Health Officer Order](#) to reflect the new guidance. The guidance states that fully vaccinated people can gather indoors with other fully vaccinated people in small groups without wearing masks or practicing physical distancing. Individuals are considered fully vaccinated two weeks or more after they received the second dose of either Pfizer or Moderna vaccine or two weeks or more after they received the single dose Johnson & Johnson vaccine. Fully vaccinated people can also visit with unvaccinated people from a *single* household who are at low risk for severe COVID-19 disease, indoors without wearing masks or physical distancing. For example, fully vaccinated grandparents can have short visits (i.e., two hours or less) with their unvaccinated grandchildren, as long as their grandchildren do not have serious health conditions. If persons from a fully vaccinated household plan to visit with unvaccinated individuals at risk of severe COVID-19 illness (e.g., older adults, pregnant persons, people with [underlying medical conditions](#), other people who need [extra precautions](#)), attendees must gather outdoors only, wear a well-fitted mask, and stay at least 6 feet away from people who do not live with them.

Fully vaccinated people should continue to wear a mask and maintain physical distance in public. They should mask, physically distance, only visit outdoors, and practice other prevention measures when visiting unvaccinated people at increased risk for severe COVID-19 disease, or who have an unvaccinated household member at increased risk for severe COVID-19 disease, and when around unvaccinated people from multiple households. Medium- and large-sized in-person gatherings are still not allowed by the [County Health Officer Order](#), even amongst fully-vaccinated individuals. There is a growing body of evidence that fully vaccinated people are less likely to have asymptomatic infection and potentially less likely to transmit COVID-19 to others. However, given the need for additional research, preventive measures continue to be important during vaccine implementation.

President Aims For Quicker Shots

President Joe Biden pledged to make all adults eligible for vaccines by May 1 and raised the possibility of beginning to “mark our independence from this virus” by the Fourth of July. He offered Americans fresh hope and appealed anew for their help. But he also cautioned that this was a “goal” and attaining it depends on people’s cooperation in following public health guidelines and rolling up their sleeves to get vaccinated as soon as eligible. Only that, he said, can bring about an end to a pandemic that has killed more than 530,000 Americans and disrupted the lives of countless more.

REOPENING

County Information

Find the status of activities in your county [here](#). Find detailed information on the different reopening tiers [here](#).

Los Angeles County

The County of Los Angeles has entered the “Red Tier” of the State’s [Blueprint for a Safer Economy](#) and is lifting some local activity-specific restrictions. County officials said the move out of the purple tier and into red means indoor dining can return and movie theaters and indoor fitness centers can reopen, all at limited capacity. Click [here](#) to read the entire Health Order. Los Angeles County continues to experience substantial rates of COVID-19 transmission, and the danger COVID-19 poses to our community has not subsided. Vaccinations are occurring as quickly as supplies allow, but most people in our community are not vaccinated. New variants of the virus that may spread more easily or cause more severe illness are present in our county; however, their impact on our local pandemic is largely unknown. The LA County Department of Public Health urges businesses, entities, and residents to continue exercising caution even as certain restrictions are lifted. Just because certain activities are allowed or certain reopening protocols are revised, that does **not** mean that those activities are “safe”. Businesses and customers should continue to regularly check the [County Public Health website](#) for updates to their sector-specific protocol(s) to ensure they are in compliance with the most current safety modifications. The updated [Health Office Order](#) adds three protocols: Appendix S – Youth and Adult Recreational Sports; Appendix W – Limited Services; and Appendix X – Movie Theaters.

The below is an overview of businesses, services and activities that may resume, provided adherence to the required modifications:

- Restaurants may open indoors with modifications, including maximum 25% capacity or 100 people, whichever is fewer. This applies to restaurants that serve bona fide meals and brewpubs, breweries, bars, pubs, craft distilleries and wineries that partner with a City-approved meal provider and serve bona fide meals during the same transaction as alcohol. Bars, where no meal service is provided with the service of alcohol, must remain closed for indoor and outdoor operations. Breweries, distilleries and wineries where no meal is provided with the service of alcohol must remain closed indoors.
- Tables located within an indoor and outdoor dining area must be separated by at least eight feet to ensure that a physical distance of at least six feet between customers and workers at all times is achieved while customers are seated and to allow for passing room between tables and to account for chairs being occupied by customers and pushed out while at the table. In-person dining by only members of a single household is strongly encouraged. Tables and chairs must be removed from dining areas so that 6 feet of physical distance can be maintained for customers and workers at all times. If tables, chairs, booths, etc., cannot be moved, use visual cues to show that they are not available for use.
- Wineries, Breweries and Distilleries (where meals are not served) may open outdoors only. Guests must remain seated at table and must be limited to 90 minutes. Reservations required. Service for on-site consumption must close by 8 p.m. Indoor operations of breweries and distilleries are permitted only where the establishment sells alcohol in the same transaction as a bona fide meal provided by a City-approved meal provider. Bars and pubs must remain closed.
- Gyms and Fitness Centers may open indoors with modifications, including maximum 10% capacity. Outdoor operations of gyms and fitness facilities are strongly encouraged. Climbing walls may reopen.
- Retail may open indoors with modifications, including maximum 50% capacity (increased from maximum 25% capacity).
- Private Gatherings may be permitted indoors with face coverings but are strongly discouraged. Limited to three households and no more than 15 people total. Fully-vaccinated people may gather indoors in private settings only, without face coverings, with other fully-vaccinated people and/or with people who are at low risk for severe COVID-19 disease.
- Museums, Galleries, Aquariums and Botanical Gardens may open indoors with modifications, limited to 25% of maximum capacity.
- Places of Worship may open indoors with modifications, including maximum 25% capacity. Outdoor services and cultural ceremonies are strongly recommended.
- Movie Theaters may open indoors with modifications, including maximum 25% capacity or 100 people, whichever is fewer.

- Family Entertainment Centers - Standalone amusement attractions that operate independent of, and are located on distinct and separate grounds from other amusement attractions, such as a carousel, Ferris wheel or train ride, may reopen outdoors only. All indoor family entertainment centers must remain closed.
- Institutes of Higher Education may reopen all permitted activities with required safety modifications except for residential housing, which remains under current restrictions for the Spring semester. Capacity of indoor lectures and student gatherings is limited to 25% of maximum occupancy or 100 people, whichever is less. Academic instruction via distance learning is strongly encouraged wherever possible.
- Youth and Adult Sports - Outdoor low-, moderate- and high-contact sports are permitted to resume with modifications. All other sports, including sports played indoors, may resume subject to additional requirements, which may be found in the City's Youth and Adult Recreational Sports Protocol.
- Outdoor Live Events (sports and live performances) may resume beginning April 1 with capacity limited 20% of maximum occupancy and limited to those in-state. Venues must implement a weekly worker testing program and other modifications in accordance with **State guidance**. Indoor live events remain prohibited.

Long Beach

The City of Long Beach Health and Human Services Department has issued an updated [Health Order](#) due to Los Angeles County entering the Red Tier, the second of the four-tier color-coded State system under the [Blueprint for a Safer Economy](#). Under the revised Order, various sectors, businesses and activities, including indoor dining at restaurants and indoor gym and fitness facilities, may resume certain operations with restrictions.

Pasadena Teachers Union Sends 'Cease And Desist Demand

Just as United Teachers of Pasadena and district officials were meeting to negotiate over campus reopenings on Tuesday, March 16, the teachers union sent a "cease and desist demand" to the Pasadena Unified School District, calling on officials to delay school reopening citing safety concerns, according to a news release. The union says teachers were notified on Friday, March 12, that they would be required to return to campus on March 17 to get their classrooms setup — that's about two weeks before students were set to return on March 30. Teachers were set to be on campus for three days of asynchronous learning; students would complete assignments online, on their own time, while teachers would spend the days setting up their classrooms.

The teachers union says, however, that the district was supposed to confer with them before setting these asynchronous learning dates.

LOS ANGELES COUNTY

Non-Essential Travel is Still High-Risk

The Los Angeles County Department of Public Health wants to remind everyone to stay local for spring break. Non-essential travel is still not recommended. If you are arriving or returning to LA County from out of state/country, you must quarantine for 10 days. View the travel advisory and guidance on the Los Angeles County Department of Public Health [website](#).

SACRAMENTO

State Launches Covid-19 Rent Relief Program

The State has announced the launch of a CA COVID-19 Rent Relief Program, intended to help income-eligible households pay rent and utilities, both for arrears and future payment. Supported by the Federal Consolidated Appropriations Act of 2021, the CA COVID-19 Rent Relief provides financial assistance to income-qualified tenants experiencing housing instability and provides rent reimbursement to landlords for unpaid rent accrued between April 1, 2020 and March 31, 2021. The CA COVID-19 Rent Relief program is rooted in community, and grounded in its commitment to keep individuals and families housed. California's network of trusted community based partners is dedicated to providing assistance to tenants and landlords impacted by COVID-19, and is committed to serving people where they live, providing equitable access to program resources and easing the burden on Californians. The decision by the Los Angeles County Board of Supervisors to Opt-In to the statewide program will offer a singular, uniform framework to be deployed throughout California and avoid unnecessary confusion about competing programs among residents. The Board is confident in the State's selection of the Local Initiatives Support Corporation (LISC) to serve as the lead agency in the County, tasked with bringing together ground-level partnerships with local communities to assist in the implementation of the program. Resources and application information are available at HousingIsKey.com

California Could Get \$150B From Federal Virus Relief Bill

The massive COVID-19 relief bill Congress approved last week will provide more than \$150 billion into California's economy, including a \$26 billion windfall for the state's already burgeoning budget surplus. Nearly half of the money will go to Californians directly in the form of \$1,400 checks and expanded unemployment benefits. Another \$15.9 billion will go to public and private schools while \$3.6 billion will boost the state's vaccination, testing and contact tracing efforts. There's also money for public transit agencies, airports and child care. About \$16 billion will go to local governments and will

be split between cities and counties. And \$26 billion will go directly to state government for services impacted by the pandemic.

Insurers Owe Drivers More Pandemic Refunds

California Insurance Commissioner Ricardo Lara said last week that auto insurers shortchanged California drivers on refunds ordered last year as crashes dropped during the coronavirus pandemic. Traffic plummeted after California imposed the nation's first stay-home order a year ago to slow the spread of the coronavirus. But insurers said dangerous driving trends have worsened even as the number of miles driven declined. Collisions dropped by 55% and injuries and deaths from traffic accidents fell 53% in the week after Gov. Gavin Newsom's order

NATIONAL

Guidance for Operating Child Care Programs During COVID-19

CDC's updated Guidance for Operating Child Care Programs during COVID-19 provides information on mask use, screening, keeping children in contained groups, staggering schedules, communal spaces, food service, ventilation and water systems, vaccination, direct service providers, children with special needs, and protecting individuals at higher risk for severe illness. Recommendations include the following:

- Everyone 2 years or older should wear a mask in childcare facilities, except when eating or sleeping.
- Childcare programs conducting temperature screening should consider a combination of screening methods that use increased distance and physical barriers.
- Getting vaccinated as soon as the opportunity is available is an important way for staff to stay safe and be less likely to get seriously ill from COVID-19.

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

US Weighs 3-Foot Distancing Rule, A Major Change

The United States is considering cutting social distancing rules to three feet. Dr. Anthony Fauci said experts at the Centers for Disease Control (CDC) were examining a Massachusetts study that found "no substantial difference" in Covid cases in schools observing six-foot and three-foot rules. Asked on CNN's "State of the Union" show whether that meant that a three-foot separation was sufficient, Fauci replied, "It does, indeed." While cautioning that the CDC was still poring over the new data and conducting tests of its own, he said its findings would come "soon." The six-foot social distancing rule has been a widely-adopted global measure to prevent the spread of the coronavirus, along with mask-wearing and hand-washing. The study led by the Beth Deaconess Medical Center in Massachusetts, surveying 251 school districts, found "no

substantial difference in the number of cases of Covid-19 among either students or staff” between those observing the three- and six-foot rules when all wore masks. The findings, published in the journal *Clinical Infectious Diseases*, add to a growing body of evidence that Covid-19 transmission rates are low in schools.

American Rescue Plan for Small Businesses

On March 11, 2021, President Biden signed the American Rescue Plan Act into law, which provides additional relief for the nation’s small businesses and hard-hit industries for programs the SBA is currently administering and adds new efforts. Specifically, the new law includes:

- \$7.25 billion additional for the [Paycheck Protection Program](#), including to expand eligibility to additional nonprofits and digital news services
- Additional funds are allocated for the [Shuttered Venue Operators Grant program](#), and now allows businesses to apply for both a PPP loan after December 27, 2020, and the SVOG
- \$15 billion additional for [Targeted Economic Injury Disaster Loan Advance \(EIDL\)](#) payments, including NEW \$5 billion for Supplemental Targeted EIDL Advance payments for those hardest hit
- **NEW:** \$28.6 billion for the Restaurant Revitalization Fund for industry-focused grants
- **NEW:** \$100 million to establish a Community Navigator pilot program; grants will go to eligible organizations supporting efforts to improve access to COVID–19 pandemic assistance programs and resources.

Third Stimulus Check

A third round of stimulus payments is expected to be on the way later this month. The payments are included in a sweeping \$1.9 trillion Covid relief package and are worth up to \$1,400 per person, including dependents. So a couple with two children could receive up to \$5,600. Unlike prior rounds, families will now receive the additional money for adult dependents over the age of 17. Roughly 90% of American households will be eligible, according to an estimate from the Penn Wharton Budget Model. Individuals who earn at least \$80,000 a year of adjusted gross income, heads of households who earn at least \$120,000 and married couples who earn at least \$160,000 will be completely cut off from the third round of stimulus payments -- regardless of how many children they have.

EMPLOYER ISSUES

Emergency Paid Sick Leave Ordinances

As we enter year two of the COVID-19 pandemic, many local jurisdictions have announced new policies extending emergency paid sick leave to employees affected by the COVID-19 pandemic.

Long Beach

The City of Long Beach's [emergency paid sick leave ordinance](#) never contained an expiration date. Instead, the ordinance requires a report every 90 days to ensure the ordinance remains necessary for the city's economic recovery efforts. At publication, the ordinance remains in force.

Los Angeles County and City

The Board of Supervisors for Los Angeles County issued a new [emergency paid sick leave ordinance](#), revising the previous ordinance that expired on December 31 2020. This new ordinance provides greater protection to employees than the original by broadening the scope of employers subject to its provisions. The previous ordinance affected only employers who were not already subject to the Families First Coronavirus Response Act (FFCRA). With the expiration of the FFCRA's sick leave benefits, however, the County expanded the new ordinance to cover all employers in the unincorporated areas of the county. The new ordinance is effective until two weeks following the expiration of the County's COVID-19 local emergency, which currently does not have an end date. This effective date change now mirrors the City of Los Angeles' [supplemental paid sick leave ordinance](#), which also remains in force. The City of Los Angeles also revised its supplemental paid sick leave ordinance to extend benefits to a larger group of employees. Under the previous ordinance, the employer needed to provide benefits only to those employees whom it employed between February 3 2020 and March 4 2020. Under this new ordinance, however, an employee qualifies for supplemental paid sick leave benefits if the employee has worked for the same employer for 60 days. The ordinance sets the rate of benefits based on the average two-week rate of pay the employee earned over the 60-day period.

Mandated COVID-19 Vaccines

As noted in the Vaccine portion of this update, guidance from the California Department of Fair Employment and Housing and now the federal Equal Employment Opportunity Commission (EEOC) suggests that the answer is yes, but the current legal context for COVID-19 vaccines is different from ordinary, time-tested vaccines. Employers should therefore carefully consider their potential legal liability if they impose such a requirement prior to full approval of any such vaccines from the Food and Drug Administration (FDA).

Ordinary Vaccine Considerations

Employers generally can mandate “ordinary” vaccines, subject to business considerations, taking into account accommodations that may be required under the American with Disabilities Act, or due to certain medical conditions (such as pregnancy or strong allergies to vaccine components), or for religious reasons. Requests for religious accommodation may be based on objections to the concept of vaccines generally, or specific to a particular vaccine (e.g., gene-based vaccines). This analysis applies in the context of vaccines approved by the FDA through its formal process under which, after consideration of evidence from human studies, the agency determines that vaccines are safe and effective. For example, the FDA has formally approved many influenza vaccines, which in turn have been mandated by some employers (such as health care providers) in accordance with EEOC guidance.

EEOC Guidance regarding COVID-19 Vaccines

Late last year, EEOC issued [guidance](#) (“Guidance”) in which it implied that employers can mandate COVID-19 vaccines. However, unlike influenza and similar vaccines, COVID-19 vaccines are currently being made available *not* through the FDA’s formal approval process, but rather through a more streamlined “emergency use authorization” (EUA) process. In its Guidance, the EEOC carefully sidestepped the issue of whether employers may mandate vaccines authorized under an EUA, versus those approved pursuant to the FDA’s formal approval process. (See Guidance, Question K.4, including links to the FDA’s website regarding EUAs.) The statutory provisions governing the FDA’s emergency process, however, include language that raises concern about the potential legality of employers mandating vaccines authorized under an EUA. Specifically, the language appears to provide individuals with a federal statutory right to refuse administration of vaccines authorized under an EUA. The legal issues surrounding mandatory COVID-19 vaccines are currently unsettled, but are likely to be fleshed out in the coming months. At this juncture, given the uncertainty surrounding the legality of mandating EUA-status vaccines, plus the other issues raised by mandatory vaccines, the safer course of action is to **encourage** employees to get the vaccine rather than mandating it, providing facts about the vaccine and legally permissible incentives to do so, and accommodating those who are unable to get the vaccine for religious, medical or disability-related reasons. The EEOC recommends this course of action, and the CDC has created toolkits to assist employers in encouraging vaccinations.

AMERICAN RESCUE PLAN ACT: IMPACT ON EMPLOYERS AND EMPLOYEES

The law firm [Thompson Hine LLP](#) put together an informative update regarding the most recent COVID-19 relief bill, the American Rescue Plan Act (the Act). The Act includes a much-anticipated COBRA premium subsidy, pension plan funding relief, and several

employer and employee protections for those hit hard by COVID-19. Notably missing from the Act is an increase to the minimum wage.

COBRA Premium Subsidy

Under federal and state COBRA laws that provide for continuation of health coverage, most employers who sponsor group health plans are required to provide continuation coverage upon certain “qualifying events.” The Act creates a premium subsidy for federal and state COBRA coverage for “assistance eligible individuals,” defined generally as including any employee or dependent who loses group health plan coverage due to an involuntary termination of employment or because of a reduction of hours.

The Act also creates a special election period for any individual who did not elect federal COBRA continuation coverage but who otherwise would have been eligible for the COBRA subsidy and for any individual who elected federal COBRA continuation coverage and discontinued such coverage before April 1, 2021. These individuals are allowed an opportunity to elect COBRA coverage within 60 days of receiving the required employer notice. The resulting COBRA continuation coverage begins with the first period of COBRA continuation coverage beginning on or after April 1, 2021. The premium subsidy applies for any period of coverage during the period April 1, 2021 through September 30, 2021 (the Period of Coverage), subject to otherwise applicable maximum periods of coverage under COBRA. Individuals who are eligible for and elect COBRA coverage for the Period of Coverage are not required to pay the otherwise applicable COBRA premium during the Period of Coverage. For self-insured plans, the COBRA premium is covered by the employer and reimbursed through a payroll tax credit. For fully insured plans, the tax credit is claimable by the insurer. The Act tasks the Department of Labor (DOL) and Internal Revenue Service (IRS) with issuing regulations and guidance regarding the application and administration of the COBRA subsidy provisions of the Act. In addition, the Act requires the DOL to produce model COBRA election notices within 30 days of enactment and a model COBRA premium subsidy expiration notice within 45 days of enactment.

Plan Enrollment Option

The Act also provides for a “Plan Enrollment Option,” which may permit assistance eligible individuals to change coverage to a lower-cost option within 90 days of receiving the required employer notice, provided the plan sponsor determines to permit such change, the premium for such lower-cost option is less than the premium for the coverage option in which the individual was enrolled at the time the COBRA qualifying event occurred, the lower-cost option is offered to similarly situated employees, and the lower-cost option provides more than limited health coverage (coverage other than coverage providing only excepted benefits, qualified small employer health reimbursement arrangement coverage, or flexible spending arrangement coverage).

Coordination of COBRA Premium Subsidy and Extension of COBRA Deadlines

Employers must coordinate compliance with the Act's COBRA premium subsidy provisions and the COBRA extension deadline relief provided in 2020 in response to the COVID-19 pandemic and revised at the end of February 2021. This relief provides that COBRA deadlines that otherwise would occur during the "outbreak period" (the period beginning March 1, 2020 and ending 60 days after the announced end of the presidentially declared national emergency) must be tolled until the earlier of one year from the date the deadline otherwise would have applied or the end of the outbreak period. This will undoubtedly place a substantial burden on employers to administer group health plans and to accurately communicate applicable deadlines to employees in compliance with the premium subsidy legislation and deadline extension guidance.

Single-Employer Pension Plan Relief

The Act makes changes that generally will reduce single-employer pension plan minimum required contributions. First, it extends and modifies smoothing of interest rates used to determine pension liabilities, which decreases pension liabilities, resulting in lower contribution requirements. Modified smoothing applies, at the option of the plan sponsor, to plan years starting in 2020, 2021 or 2022 and may be applied separately for purposes of benefit restrictions. In addition, the Act allows repayment of prior year shortfalls over 15 years, rather than over seven years as required under current law. This extended amortization of prior year shortfalls, using a fresh-start approach, could be implemented in any plan year starting in 2019, 2020, 2021 or 2022, at the option of the plan sponsor.

Multiemployer Pension Plan Relief

After many years of debate, Congress approved a number of multiemployer plan relief provisions that will have a significant impact on the most poorly funded multiemployer pension plans. The most significant provision is the establishment of a new financial assistance program at PBGC to support the more poorly funded plans and those that are already insolvent or have already imposed benefit cuts under a 2014 law that permitted multiemployer pension plan benefits to be cut under certain conditions. To be eligible for financial assistance, no new benefit cuts can be imposed and prior cuts must be restored. The Act also includes a temporary freeze of the current zone status for certain multiemployer pension plans, an extension of current funding improvement and rehabilitation plans, and some minor adjustments to the funding rules for these plans.

Expansion of Number of Employees Covered by 162(m)

The Act expands the number of employees covered by the \$1 million compensation deduction limit for publicly held corporations under Section 162(m) of the Internal Revenue Code. Under current law, the group of covered employees whose compensation is subject to Section 162(m) generally consists of anyone who has served as CEO, CFO or one of the three highest-paid executive officers (other than a CEO or CFO) during any taxable year beginning after December 31, 2016. As expanded by the Act, starting in taxable years beginning after December 31, 2026, a publicly held corporation's covered employees will include – in addition to any CEO, CFO or executive officer otherwise treated as a covered employee for the taxable year – the next five highest-compensated employees, regardless of whether those five additional employees served as executive officers at any time during the year. Unlike current law, this additional group of five employees will not necessarily remain covered employees in all future years; instead, the additional five covered employees may change from year to year based on compensation levels.

Increase to Dependent Care Flexible Spending Account Maximum Limit

The Act increases the maximum amount that may be excluded from an employee's gross income under a Section 129 dependent care assistance program from \$5,000 (\$2,500 married filing separately) to \$10,500 (\$5,250 married filing separately). While this provision is voluntary, retroactive amendments are permitted if an amendment is adopted by the last day of the 2021 plan year and the plan is administered consistently with the terms of the amendment beginning on its effective date. This relief will be welcome to employers seeking to apply the unlimited carryover or extended grace period relief enacted late last year under the Consolidated Appropriations Act, 2021, Pub. L. 116-260, 134 Stat. 1182 (Dec. 27, 2020) (CAA). Without the related increase to the Section 129(a) exclusion limits, the CAA relief may have resulted in employees receiving reimbursements in excess of the standard exclusion limit during 2021 and 2022.

Funding for COVID-19-Related Worker Protection Activities

The Act appropriates \$150 million to various DOL agencies, including the Wage & Hour Division and OSHA, to “carry out COVID-19-related worker protection activities” through September 2023. At least \$75 million of this appropriation is specifically allocated to OSHA. Given the Biden administration's focus on workplace safety and enforcement, we expect an increased number of audits and inspections.

Extension of Federal Unemployment Supplements

The Act also extends federal supplemental unemployment benefits for those who have lost their jobs as a result of the COVID-19 pandemic that were initially made available through the Families First Coronavirus Response Act (FFCRA) and the Coronavirus Aid,

Relief, and Economic Security Act (CARES). These supplements, which were slated to expire March 14, 2021, have been extended through September 6, 2021. Similar to CARES, the Act supplement provides \$300 in weekly unemployment compensation in addition to the amount provided under state law.

More Funding, But Not More Time, for PPP Loans

Loans for businesses through the Payroll Protection Program (PPP) play a lesser role under the Act than in previous COVID-19 relief legislation. The Act appropriates an additional \$7.25 billion in funding to the \$284 billion in current PPP funding still available. However, the Act does not extend the PPP's current application period, which is scheduled to close March 31, 2021.

Expansion of PPP to Additional Nonprofits

The Act makes more nonprofit organizations eligible for PPP funding by creating a new category called "additional covered nonprofit entity," which are those nonprofits listed in Section 501(c) of the Internal Revenue Code other than 501(c)(3), 501(c)(4), 501(c)(6) or 501(c)(19) organizations. These additional covered nonprofit entities can receive an initial PPP loan provided that:

- the organization does not receive more than 15% of receipts from lobbying activities;
- the lobbying activities do not comprise more than 15% of activities;
- the cost of lobbying activities of the organization did not exceed \$1 million during the most recent tax year that ended prior to February 15, 2020; and
- the organization employs not more than 300 employees.

In addition, the Act makes some larger nonprofits eligible for PPP funding, including 501(c)(3) organizations and veterans organizations that employ not more than 500 employees per physical location, and 501(c)(6) organizations, domestic marketing organizations and additional covered nonprofit entities that employ not more than 300 employees per physical location.

Temporary Extension of Tax Credit for FFCRA Paid Sick and Family Leave

The provisions of FFCRA requiring certain employers to provide federal paid sick leave and family leave expired on December 31, 2020. The Act does not reinstate the requirement to provide paid FFCRA sick leave. However, it does temporarily extend a tax credit to employers who voluntarily choose to provide eligible employees with Emergency Paid Sick Leave or Emergency Family Medical Leave through March 31, 2021. Although the federal requirement to provide paid sick and family leave has expired, eligible employees may still qualify for unpaid leave under the Family Medical Leave Act. Also, some states and localities require employers to provide their employees with paid or unpaid sick or family leave for reasons related to COVID-19. Thus, employers should be careful to ensure their leave policies comply with applicable law.

Extension of Employee Retention Credit

The Act encourages businesses to retain their employees despite the challenges posed by COVID-19 by extending the Employee Retention Tax Credit, previously set to expire in June 2021, until December 31, 2021. Eligible employers who experience a full or partial shutdown due to COVID-19 or a qualifying decline in their receipts in 2021 may qualify for the Employee Retention Tax Credit.

No Minimum Wage Increase

Finally, although the House initially proposed a gradual increase of the federal minimum wage from the current hourly rate of \$7.25 to \$15 by 2025, that measure fell short in the Senate and was not included in the version to be signed into law by President Biden.

LEGAL DEVELOPMENTS

Disney Cruise Passengers File Lawsuit Claiming They Caught COVID-19 On Ship

Four different lawsuits have been filed against the Disney Cruise Line by people who claim they caught the coronavirus on a ship last March. The federal lawsuits were filed in Orlando federal court by people in Utah and Arizona who claim they contracted COVID-19 while onboard the Disney Fantasy ship last March, just before the cruise industry was halted due to the pandemic. The lawsuits allege that Disney did not let passengers reschedule even if they had compromised health conditions. The lawsuit also claims Disney was continuing to allow people to eat at buffets and gather in group settings during the sailing. Disney has said it stopped buffet service on the ship on March 12. At the time of the sailing, Disney was requiring that guests completed a health screening, which included a questionnaire about recent travel and any gastrointestinal or flu-like symptoms, as well as a temperature check. One day after the cruise departed, the U.S. recommended Americans not travel on cruise ships. One of the lawsuits claims a couple took their child, who has an autoimmune disease, to a hospital ICU on March 16, 2020, with a high fever and difficulty breathing. The child tested positive for COVID-19 on May 1. The lawsuit also claims the parents tested positive for COVID-19.

L.A. County Can Reimpose Outdoor Dining Ban If It Chooses

A state appeals court ruled this month that county health officials can reimplement restrictions on restaurants if coronavirus cases spike again. The opinion by the California 2nd District Court of Appeal reverses a lower court ruling on December 8 that would have required the L.A. County Department of Public Health to conduct a risk-benefit analysis before it ordered restaurants to shutter their al fresco setups.

County health officials lauded the appeals court's decision, saying it "will help public health officials continue to protect the health and safety of all Californians." Opponents of the initial ban have vowed to continue to fight to prevent future implementation of what they see as governmental overreach not backed by scientific evidence.

WHAT WE'RE READING

COVID Paid Sick Leave Program Bill Finalized

California business community sought a number of amendments and changes to the bill to ease compliance burdens. To read the full story, click [here](#).

California's huge COVID-19 vaccine expansion relies on trust. Will cheaters stay away?

California on Monday began a new phase of its COVID-19 vaccine rollout, making nearly half of all residents eligible for a shot — and relying more than ever on public trust and honesty to make sure the doses get to those who need them most. The changes add to the eligibility list more than 4 million people, most notably those 16 and older who have disabilities and underlying health conditions.

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

Many L.A. Restaurants Are Racing To Get Ready For Indoor Customers; Others Are Waiting

As indoor dining returns at 25% capacity on Monday, some L.A. County restaurateurs are racing to convert their makeshift offices and to-go assembly lines back into dining rooms this weekend. Others await higher vaccination rates and, after a full year of open-close whiplash, more instruction and time. To read the full story, click [here](#).

Why You Don't Want To Post A Selfie With Your Vaccine Card

The liberating, euphoric feeling of receiving your COVID-19 vaccine might be as thrilling as getting, say, that first driver's license. It's one of those first-steps, a milestone, on the road to being able to live life just a bit more freely. And many want to share this small victory on social media. But taking a selfie of you holding your vaccination card is a real no-no, according to consumer watchdogs. To read the full story, click [here](#).

L.A. County-Owned Hotel Used As COVID-19 Quarantine Site Broke Safety Rules, Complaint Says

A Los Angeles County-owned hotel used to quarantine people with COVID-19 failed to follow pandemic safety protocols and properly train housekeepers to protect themselves against the coronavirus, according to a complaint filed with the state. To read the full story, click [here](#).

Italy, France, Germany Join Countries Suspending AstraZeneca Coronavirus Vaccine

Three more countries announced on Monday that they were joining the growing list of those suspending the use of AstraZeneca's coronavirus vaccine over concerns of serious side effects. Italy, France and Germany are all banning the use of the vaccine, developed with Oxford University, because of reports of people developing serious blood clots after receiving the shot. To read the full story, click [here](#).

Facebook Is Studying Vaccine Hesitancy, New Documents Show

Facebook is conducting a vast behind-the-scenes study of doubts expressed by U.S. users about vaccines, a major project that attempts to probe and teach software to identify the medical attitudes of millions of Americans, according to documents obtained by The Washington Post. The research is a large-scale attempt to understand the... spread of ideas that contribute to vaccine hesitancy, or the act of delaying or refusing a vaccine despite its availability, on social media – a primary source of health information for millions of people. It shows how the company is probing ever more nuanced realms of speech, and illustrates how weighing free speech versus potential... for harm is more tenuous than ever for technology companies during a public health crisis. To read the full story, click [here](#).

Paycheck Protection Program: FAQs For Microbusinesses

On December 27, the President signed into law the [Consolidated Appropriations Act, 2021](#). The Act includes a roughly \$900 billion COVID-19 relief package, known as the "Economic Aid to Hard-Hit Small Businesses, Nonprofits and Venues Act" ("Economic Aid Act"). The Economic Aid Act makes available approximately \$284.5 billion in new Paycheck Protection Program ("PPP") funding and reopens the PPP for first- and second-draw loans on terms that are generally favorable to microbusinesses. The application period for PPP Round 2 loans will end on March 31, 2021. To read the full story, click [here](#).

More States Consider COVID-19 Immunity Laws As Employment Lawsuit Filings Trend Upward

One recent trend that has emerged that should encourage employers and businesses worried about facing claims related to COVID-19 infection in the workplace: the steadily increasing number of states enacting, extending, or considering legislation providing some form of immunity from liability for businesses and employers against lawsuits raising claims related to COVID-19. In fact, more than a dozen state legislatures have introduced COVID-19 immunity legislation since the start of 2021. To read the full story, click [here](#).

Newsom Blasts ‘Naysayers And Dooms-Dayers’ As He Touts Pandemic Progress

In his State of the State speech, Gov. Newsom declares that pandemic is nearly over and reaches out to key recall voters. To read the full story, click [here](#).

Fact-checking Gavin Newsom’s 2021 State of the State speech

As California’s governor delivered his annual address — this time from Dodger Stadium — the CalMatters reporting team offered the following corrections, clarifications and context. To read the full story, click [here](#).

Covid Bill Waives Taxes On Up To \$20,400 Of Unemployment Benefits For Married Couples

The latest version of the \$1.9 trillion federal coronavirus relief package could save millions of people who lost work due to the pandemic from a surprise tax bill. The Senate passed a version of the Covid bill that included a provision to waive taxes on the first \$10,200 in unemployment insurance benefits for those who made less than \$150,000 in adjusted gross income in 2020. To read the full story, click [here](#).

Help Is on the Way for Restaurants. Here’s What You Need to Know

With over two million hospitality workers unemployed due to the COVID-19 pandemic, it’s impossible to miss the palpable joy cautiously rising from every corner of the industry over the RESTAURANTS Act, which, as part of the \$1.9 trillion American Rescue Plan, will provide \$28.6 billion in grants to businesses hit hardest by the crisis. To read the full story, click [here](#).

Tensions Mount Over California’s Vaccine Distribution Plan

The battle over who distributes California’s coronavirus vaccine grew even more tense Wednesday when the state insisted health insurer Blue Shield will play a significant role in determining how vaccines would be allocated in communities around the state, regardless of local objections. To read the full story, click [here](#).

California Reopening Plan Is Getting A Green Tier

Californians will soon have a new goal in the state’s tiered reopening structure: green. Gov. Gavin Newsom said Wednesday that the state is adding a green tier to the reopening blueprint, which assigns colored labels to counties based on how widespread the virus is and what kinds of activities are allowed. “We are working, quite literally, on a green tier,” Newsom said during a visit to a Southern California vaccination site, “and have been now for a number of months, in anticipation of this bright light at the end of this tunnel. We’re working on that. We’ll begin to socialize that.” ... Newsom also said that he expects California to hit its goal of administering 2 million vaccine doses to

vulnerable communities by Friday, which would open up red tier status for most of the state's counties, including Sonoma and Contra Costa counties in the Bay Area. All other Bay Area counties are already in the red tier. To read the full story, click [here](#).

California's Unemployment Agency Woes Left Out Of Newsom's State Of The State

Democratic lawmakers downplayed the lack of a direct mention of the state Employment Development Department and said the governor is engaged in trying to fix it. But Republicans highlighted Newsom's decision not to acknowledge the EDD problems during the nearly half-hour speech dedicated to pressing problems facing the state. ... The criticism comes as the EDD reported last week that its backlog of delayed, unapproved claims has doubled since the start of the year to more than 1 million as of March 3. In addition, EDD officials said last week that an investigation is ongoing into widespread fraudulent unemployment claims that total at least \$11 billion, accounting for about 10% of the benefits paid out. To read the full story, click [here](#).

Why L.A. And Orange Counties Will Reopen Faster Than Ventura, Riverside, San Diego Counties

According to state data released Tuesday, Los Angeles, Orange and San Bernardino counties recorded coronavirus case rates low enough to position them to escape the strictest, or purple, tier of California's four-tier reopening roadmap. The timing of when they can officially progress to the less restrictive red category, however, hinges on how quickly providers give vaccines to those living in California's most disadvantaged areas. ... Once 2 million doses have been dispensed in those areas, the state will relax the criteria for counties to move from the purple to the red tier. As it stands now, counties must have an adjusted rate at or below 7.0 new coronavirus cases per day per 100,000 people to move into the red tier. When the state hits its 2-million dose goal, counties with a case rate of up to 10 new cases per day per 100,000 people would become eligible to move forward. California is about 73,000 doses short of 2 million, according to the latest available state data, meaning that goal is already within striking distance. To read the full story, click [here](#).

Tensions Mount Over California's Vaccine Distribution Plan

The battle over who distributes California's coronavirus vaccine grew even more tense Wednesday when the state insisted health insurer Blue Shield will play a significant role in determining how vaccines would be allocated in communities around the state, regardless of local objections. A spokesperson for the California Department of Public Health said Wednesday that counties would not retain control over how vaccines are distributed within their borders under the state's new, centralized vaccination system. Instead, the spokesman said, the state would determine which hospitals, clinics and other groups get vaccine supply, relying on recommendations from Blue Shield. That

declaration infuriated Santa Clara County officials, who have balked at Blue Shield's new role in distributing vaccines and earlier in the day believed the state was backing away from forcing counties to sign vaccine contracts with Blue Shield. To read the full story, click [here](#).

COVID Vaccine Updates: J&J Shipments Reportedly On Hold In California And Across U.S.

Providers across the U.S. are now reporting a dearth of J&J vaccine shipments due to a manufacturing issue. Reuters reported Tuesday that no new J&J doses will be delivered in the U.S. this week and that the company may not resume shipments until late March. The Los Angeles Times reported Tuesday that Los Angeles County's health office says it expects to receive no J&J vaccine doses the next two weeks. Johnson & Johnson had pledged to deliver 20 million doses to U.S. providers before the end of March. Through Tuesday it had only delivered about 3.6 million, according to the U.S. Centers for Disease Control and Prevention. Providers at the local level continue to have questions regarding other aspects of the state's rollout and allocation strategies. To read the full story, click [here](#).

A Growing Number Of U.S. States Are Expanding Vaccine Eligibility

Anyone age 16 and older who lives or works in Alaska became eligible on Tuesday evening after the state became the first in the country to allow the maximum possible number of residents access to a vaccine. Next week, Texans age 50 and older will be eligible, the state's health department announced on Wednesday, the same day Gov. Brian Kemp of Georgia said that people in that state over 55 would be able to get a shot next week. New Yorkers age 60 and older became eligible on Wednesday, with Gov. Andrew M. Cuomo citing increased supply from the federal government. The governors of Minnesota and Ohio also said this week that they would open eligibility to larger groups of residents. ... And at least 37 states, as well as Washington, D.C., are now allowing some residents with certain health problems to receive vaccines, according to a New York Times survey, though the conditions that confer access in one state may not do so in another. To read the full story, click [here](#).

House Lawmakers Strike Bipartisan Deal To Extend Small Business Loan Program

The leaders of the House Small Business Committee have reached a bipartisan agreement to extend the Paycheck Protection Program for two months amid growing concern that its March 31 expiration would deprive many employers of aid. The deal struck by House Small Business Chair Nydia Velázquez (D-N.Y.) and Rep. Blaine Luetkemeyer (R-Mo.), the committee's top Republican, would delay the PPP's loan application deadline to May 31. It would also give the Small Business Administration

authority to continue processing pending applications for 30 days after that date, aides for the two lawmakers told POLITICO. To read the full story, click [here](#).

Considerations For Businesses With Outstanding PPP Loans In M&A Transactions

On October 2, 2020, the U.S. Small Business Administration (the “SBA”) issued Procedural Notice (5000-20057), titled “*Paycheck Protection Program Loans and Changes of Ownership*” (the “Notice”). The Notice sets forth the steps that must be taken when the recipient of a Paycheck Protection Program (“PPP”) loan intends to engage in a transaction considered by the Notice to be a change of ownership. To read the full story, click [here](#).

From Game On To Lights Out

USA TODAY Sports revisits the unsettling days and frantic hours last March when the sports world agreed to what it’s typically loath to do: Give in. To read the full story, click [here](#).

Why Fed’s Covid Break For Banks Now Has It In A Bind

After markets gyrated in March 2020, the U.S. Federal Reserve pumped trillions of dollars into a financial system rocked by the coronavirus pandemic. It also gave banks a one-year break from a rule it feared could make them pull hundreds of billions out of the economy at an inopportune time. As the March 31 end of the waiver to something called the supplementary leverage ratio (SLR) approaches, many banks are arguing that the waiver should be extended, lest they be forced to retrench while the economy is still fragile. Bank critics, including Senator Elizabeth Warren, question why the break should be left in place while banks are managing to return tens of billions to shareholders through buybacks and dividends. To read the full story, click [here](#).

Year Of Pandemic Puts WHO Trials In Spotlight

When the World Health Organization declared the coronavirus a pandemic one year ago Thursday, it did so only after weeks of resisting the term and maintaining that the highly infectious virus could still be stopped. A year later, the U.N. agency is still struggling to keep on top of the evolving science of the coronavirus, to persuade countries to abandon their nationalistic tendencies and help get vaccines where they’re needed most. To read the full story, click [here](#).

Waves Of Californians Will Be Newly Eligible For The Vaccine. But Getting It Will Be Tough

More people are becoming eligible for the COVID-19 vaccine, but shortages are expected to keep supplies tight in the coming weeks. Such constraints have dogged the vaccine rollout in California and across the nation since the first shots became available

in December, but officials had expressed optimism that the arrival of a third viable offering from Johnson & Johnson would expedite the process. To read the full story, click [here](#).

California Loosens Restrictions For Bars, Breweries And Sleepaway Camps

Breweries and distilleries that do not serve meals may open for outdoor service starting Saturday, according to new guidance released Thursday by the California Department of Public Health, which is also allowing bars to reopen in some counties for the first time in a year. The updates to the state's colored tier structure are the latest rejiggering of rules for opening businesses and allowing certain activities in California's blueprint for economic recovery. State public health officials have been refining restrictions as they learn more about how the virus spreads and as more people are vaccinated. To read the full story, click [here](#).

California Health Officials Promote Johnson & Johnson Vaccine As First Doses Reach Bay Area

The Johnson & Johnson vaccine will keep people alive and out of the hospital, and protect them from severe COVID-19 symptoms. It only requires one shot. It hit impressive efficacy rates in a study flush with coronavirus variants that earlier vaccines have yet to be fully vetted against. And yet, the Johnson & Johnson vaccine, two weeks after its emergency approval and as it starts to roll out across the United States, has been labeled by some as second rate to its two older siblings, Moderna and Pfizer. One city initially turned away doses, and even in the Bay Area health officials say they hear eligible people balk at the third choice. To read the full story, click [here](#).

California Schools To Get \$15.3 Billion In Federal Aid Under American Rescue Plan

Altogether, federal funding to the state's schools from the CARES Act last spring, a second round in late December and the new American Rescue Plan totals \$26.4 billion — more than quadruple the \$6 billion the state received from the American Recovery and Reinvestment Act passed during the Great Recession. That's about \$4,300 per student — a record infusion of money. But the amount among districts will vary widely, since the funding is heavily weighted toward children in poverty, which Congress recognized as the most impacted by the pandemic and needing the most help. To read the full story, click [here](#).

How Just A Few Days Cost Some Small Businesses Thousands On Their PPP Forgivable Loans

For some of the smallest businesses that applied for forgivable loans through the Paycheck Protection Program, waiting just a few days or weeks would've gotten them

thousands of dollars more. But they had no way of knowing what was coming. To read the full story, click [here](#).

Once A Virus Epicenter, Los Angeles Set To Reopen - Partly

Monday's long-awaited reopening of many of the hardest-hit businesses in the nation's most populous county and epicenter of California's worst COVID-19 surge this winter is being met with a mix of elation and hesitation. A glimpse of normal is finally possible with the return of inside restaurant dining and the reopening of movie theaters, indoor gyms and museums. But it will be anything but normal. Capacities will be greatly limited, cautions will be put in place, warnings will be given. Nevertheless, doors will be opening to spaces patrons haven't been inside for most of the last year. To read the full story, click [here](#).

COVID Vaccines: Will California Meet Biden's May 1 Goal?

Gov. Gavin Newsom and California's top health official love the sound of President Joe Biden's plan to make all adults eligible for coronavirus vaccines by May 1. But they're stopping short of agreeing that California will throw the vaccination doors open to everyone just seven weeks from Saturday. Instead, responses to Biden's Thursday evening speech from Newsom and Dr. Mark Ghaly, secretary of the state's Health and Human Services Agency, have put the onus back on the federal government to follow through on that pledge. ... Asked during a briefing Friday about Biden's vision of marking "independence" from COVID-19 by celebrating the Fourth of July with backyard gatherings, Ghaly said, "We're not circling a date quite yet — but we're ready for something around that time if all of these different pieces come together as we all hope." To read the full story, click [here](#).

OSHA May Slam The Door On Some COVID Reopenings

The Biden administration is expected to issue new temporary rules next week to curb Covid-19 spread in the workplace, setting a collision course with the growing number of states loosening restrictions on businesses to aid their reopening. The mandates — which would add enforcement powers to guidelines that are now just optional — threaten to further roil the politics around President Joe Biden's cautious reopening strategy and ramp up tensions between the administration and the business community, particularly with industries hard-hit by closures like restaurants and entertainment and hospitality venues. Businesses warn the policy could create confusion and bring hefty new costs for employers, while worker advocates say the rules are needed to protect the largely unvaccinated labor force. To read the full story, click [here](#).

Virus Tolls Similar Despite Governors' Contrasting Actions

California and Florida both have a COVID-19 case rate of around 8,900 per 100,000 residents since the pandemic began, according to the federal Centers for Disease Control and Prevention. And both rank in the middle among states for COVID-19 death rates — Florida was 27th as of Friday; California was 28th. Connecticut and South Dakota are another example. Both rank among the 10 worst states for COVID-19 death rates. Yet Connecticut Gov. Ned Lamont, a Democrat, imposed numerous statewide restrictions over the past year after an early surge in deaths, while South Dakota Gov. Kristi Noem, a Republican, issued no mandates as virus deaths soared in the fall. While Lamont ordered quarantines for certain out-of-state visitors, Noem launched a \$5 million tourism advertising campaign and welcomed people to a massive motorcycle rally, which some health experts said spread the coronavirus throughout the Midwest. Both contend their approach is the best. To read the full story, click [here](#).

Italy Imposes Lockdown Measures As Cases Spike Across Europe

A year after Italy became the first European country to impose a national lockdown to contain the spread of the coronavirus, the nation has fallen eerily quiet once again, with new restrictions imposed on Monday in an effort to stop a third wave of infections that is threatening to wash over Europe and overwhelm its halting mass inoculation program. ... Across Europe, cases are spiking. Supply shortages and vaccine skepticism, as well as bureaucracy and logistical obstacles, have slowed the pace of inoculations. Governments are putting exhausted populations under lockdown. Street protests are turning violent. A year after the virus began spreading in Europe, things feel unnervingly the same. To read the full story, click [here](#).

Europe Confronts A Covid-19 Rebound As Vaccine Hopes Recede

Europe's fight against Covid-19 is stuck in midwinter, even as spring and vaccinations spur hope of improvement in the U.S. and U.K. Contagion is rising again in much of the European Union, despite months of restrictions on daily life, as more-virulent virus strains outpace vaccinations. A mood of gloom and frustration is settling on the continent, and governments are caught between their promises of progress and the bleak epidemiological reality. Virus infections and deaths have been falling rapidly in the U.S. and U.K. since January as inoculations take off among the elderly and other vulnerable groups. In Europe, however, new Covid-19 cases have been rising again since mid-February. U.S. infections and deaths, which were higher than the EU's on a per-capita basis for most of 2020, have fallen below Europe's, To read the full story, click [here](#).

California May Soon Get A Green Reopening Tier. Here's What Experts Say That Could Look Like

Newsom did not elaborate on what a green tier might look like or what its requirements would be, and when asked to elaborate, the California Department of Public Health referred back to his Wednesday comments. But several experts told The Chronicle what they thought a green tier might look like, and when a region could enter it. “I think the only definitive thing that can be said right now is that a green tier would be less restrictive than the yellow tier but still have some restrictions,” John Swartzberg, a professor emeritus and infectious disease specialist at the UC Berkeley School of Public Health, said in an email. ... Swartzberg said that much of the state could possibly enter into a green tier when Californians reach community or herd immunity — which could happen this summer. Still, he said, Californians in green tier counties would likely have to wear masks and practice social distancing in public spaces. To read the full story, click [here](#).

Even If Cases Again Rise, Epidemiologists Say, California’s Immunization Strategy Is Working

Unlike in other lulls during the pandemic, the state now has three vaccines to fight the spread of the coronavirus. Adult Californians over the age of 65 have received nearly half of the more than 12 million shots the state has administered, so far. That’s a big deal because seniors are much more likely to get severely ill from the virus. Nearly three out of every four Californians who have died during the pandemic have been older than 65. The vaccination of the most vulnerable Californians means the number of newly reported cases are not nearly as important as they were even just a month ago. 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.