

Weekly COVID-19 Update From EKA

March 3, 2021

The number of people diagnosed with COVID-19 grows every day throughout the U.S. and across the world. The numbers on [this page](#) are based on the latest statistics available and are likely far lower than the actual number of cases because of limited testing. We know that at least 25 million people have contracted COVID-19 in the U.S., and more than 400,000 have died.

Previous EKA COVID-19 updates

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

VACCINATION

L.A. County Board Of Supervisors O.K.s Policies On Vaccine Distribution

Los Angeles County is offering vaccines to education and childcare workers, workers in the food and agriculture sector, and emergency service workers. All eligible workers will be able to sign up for appointments starting next week at various community vaccine sites, including pharmacies, health clinics, and City of L.A. vaccination sites listed on 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. 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

If you live or work in Long Beach and are a food or agriculture worker, restaurant worker, bodega or grocery worker, a teacher or school worker at any grade level, a senior 65 or older, or are emergency response personnel and have not received your vaccine yet – there are two ways to get vaccinated. Option 1: Register on VaxLB [here](#). Option 2: You can also sign up on the state's My Turn system by visiting myturn.ca.gov.

Ventura County

If you live or work in Ventura County, and are a food or agriculture worker, restaurant worker, bodega or grocery worker, a teacher or school worker at any grade level, a

senior 65 or older, or are emergency response personnel and have not received your vaccine yet, you can get vaccinated. Individuals aged 16-64 who are deemed to be at the very highest risk to get very sick from COVID-19 because they have severe health conditions (see below) can be vaccinated starting on March 15. Visit [here](#) to register.

- 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%

Riverside County

In addition to expanding vaccine access to those 65 and older, Riverside County has also made the shots available to essential workers such as educators, dentists, mortuary staff, food and agriculture workers, pharmacy staff and those in emergency services — plus frontline health care workers. Residents can sign up for an appointment at a county or city-operated clinic [online](#). But as of February 16, county sites were only serving residents 65 and older, while the Riverside and Palm Springs city locations were open to all eligible residents. Those who don't meet the age requirement will be turned away from county sites even if they have an appointment, officials said. To find those appointments, click the blue "Seniors 65 years and above click here to check for availability" button on the [website](#). Those eligible for the vaccine in Riverside County can also sign up to get their shots at [Albertsons Pharmacy](#), [Apple Urgent Care](#) and [Ralphs Pharmacy](#).

San Bernardino County

San Bernardino County has largely completed vaccinating health care workers and people in long-term care facilities. Vaccination is underway for those 65 and older as well as teachers and school support staff. First responders and health care workers are also authorized to receive a vaccine, but those are being arranged through their employer. Click [here](#) to make an appointment. The same link can also be used for appointments at state-operated sites, hospitals and pharmacies. There are seven vaccination sites being run by the county public health department in San Bernardino, [Rancho Cucamonga](#), Ontario, Hesperia, Victorville, Joshua Tree and Lake Arrowhead.

The state is operating two inoculation sites in Bloomington and Yucaipa. Appointments for those sites can be found [here](#).

Orange County

Orange County also started vaccinating all residents aged 65 and older, in addition to workers in [multiple health-related categories](#). Residents can only make an appointment online by clicking [here](#). On the website, you'll first answer a few questions, then click the blue "register" button. You'll be redirected to a page that lets you enter your information. The county is providing the COVID-19 vaccine at [Disneyland](#), and other clinics and distribution sites throughout the county.

Single-Dose Shot From J&J Prevents Severe COVID

Johnson & Johnson's single-dose vaccine offers strong protection against severe COVID-19, according to an analysis released last week by the Food and Drug Administration. The shot could offer the nation a third vaccine option and help speed vaccinations by requiring just one dose instead of two. Food and Drug Administration scientists confirmed that overall the vaccine is about 66% effective at preventing moderate to severe COVID-19 and about 85% effective against the most serious illness. The agency also said J&J's shot is safe. Tests showed the Pfizer and Moderna vaccines were 95% effective at protection against symptomatic COVID-19. The FDA said effectiveness and safety were consistent across racial groups, including Black and Latino participants.

California Sets Priorities For Vaccination Of Teachers And School Employees

On Thursday, California health officials released a [detailed roadmap](#) with priorities for how and which school employees can get vaccines first, starting with those already back in-person and those with plans to return back to campus in about three weeks. The number of vaccines that each school district or childcare organization receives will be determined by a formula that prioritizes districts with a high portion of low-income students, as well as those that have been hit hard by Covid-19. In addition to ongoing vaccinations being led at the county level, the state is also partnering with FEMA to launch vaccination days specifically for educators at the Oakland Coliseum and Cal State L.A.

L.A. Unified To Receive Enough Staff Vaccines To Reopen Elementary Schools

The Los Angeles school district will get the COVID-19 vaccines it needs by the end of next week to reopen its elementary schools, an official said. The arrival of those doses would line up closely with the district's April 9 target date for reopening campuses. The school district was being prioritized for doses because it serves such a high proportion of students from low-income families and with high needs.

Vaccine Ad Campaign

A new public service ad campaign aims to convince Americans to get vaccinated, telling them “It’s Up to You.” The national campaign by the Ad Council and its partners aims to move people from being hesitant to being confident about the shots. The campaign, funded by \$52 million in donations, includes English and Spanish ads for T.V., billboards, social media and publications. Print versions show an adhesive bandage framing the words “It’s Up to You.” One video spot shows a series of illustrated arms of different colors and one robotic, all with a bandage on the upper arm, blending into a mosaic of the U.S. map. “You’ve got questions. And that’s normal,” reads another ad. It invites viewers to go to a website, [GetVaccineAnswers.org](https://www.getvaccineanswers.org), to get more information.

COVID-19 Clinician Resources

Check out both the Pfizer COVID-19 Vaccine webpage and the Moderna COVID-19 Vaccine webpage to see newly posted resources. Both webpages now have a new product! The Transport Temperature Log can be found in the Storage and Handling Resources section of either page. Additionally, two separate items have been uploaded for each vaccine. A new Preparation Infographic poster highlights how to mix the Pfizer vaccine with diluent and then how to withdraw 6 doses of the vaccine from a vial. Newly updated Moderna Before Use Date labels have been posted as well. All of these materials are available for download and print.

- [Pfizer Vaccine materials](#)
- [Moderna Vaccine materials](#)
- [All COVID-19 Vaccination Clinician Resources](#)

U.S. Will Be Able To Vaccinate All Adults By End Of May

President Biden said yesterday that the U.S. expects to take delivery of enough coronavirus vaccines for all adult Americans by the end of May, two months earlier than anticipated, as his administration announced that drugmaker Merck & Co. will help produce rival Johnson & Johnson’s newly approved shot. Biden noted that vaccine supply was only one bottleneck toward that goal, and that the new challenge will be injecting doses into arms as swiftly as possible. To that end, the Biden administration told governors to prepare for their supplies of vaccine to continue to climb over the coming weeks. Additional doses are also heading toward a federally backed program to administer doses in more accessible retail pharmacies.

REOPENING

Outdoor Youth and Adult Recreational Sports 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](#). A full list of sports and guidance can be found [here](#). The new protocols cover all youth and adult recreational sports.

- Schools, city leagues, and private clubs are all required to adhere to all the safety measures in the protocols.
- Youth leagues offering moderate and high-contact sports must obtain consent from parents or guardians of participants to ensure they are aware of the risks of playing.
- Youth and coaches who participate in certain high-contact sports (e.g., football, rugby, water polo) are required to get tested on a weekly basis for COVID-19.
- Competitions are limited to two teams within a county or two teams playing from adjacent counties.
- Travel to other states and countries to play in competitions or tournaments is prohibited for counties still in the purple tier.

L.A. Teachers Say 'No' To Schools Reopening Without Vaccinations

Gov. Gavin Newsom and legislative leaders announced a multibillion-dollar deal Monday aimed at enticing schools to resume in-person instruction for young students by April 1, but union demands for COVID vaccinations of teachers and reduced transmission rates make it unlikely L.A. Unified will meet that date. While the goal of the legislation is to get young students back to campus by April 1, the Los Angeles Unified School District is unlikely to meet that date. District Superintendent Austin Beutner has set a target date of April 9 for reopening elementary schools, but the powerful teachers' union — United Teachers Los Angeles — has not agreed to that date, which it says is subject to labor talks. The union is demanding that all teachers and school staff be vaccinated before they return to in-person instruction. It also does not want campuses to reopen until Los Angeles County moves out of the "purple" tier. Union officials argue that while the countywide transmission rate has dropped below the 25 per 100,000 residents threshold, many neighborhoods the LAUSD serves are lower-income and have rates that are three times as high.

S.F. & Other Areas Ok'd To Resume Indoor Dining, Wider Business Reopenings

More parts of California - including San Francisco, Silicon Valley and part of the Central Coast - will be allowed to further reopen their economies this week amid growing optimism as the last coronavirus wave continues to recede and swirling concern that new strains of the virus threaten to imperil that progress. The changes that have been

announced mean 5 million Californians are living outside the most restrictive coronavirus tier.

LOS ANGELES COUNTY

West Covina Votes To Terminate Services With LA County Public Health

Frustrated by the Los Angeles County Department of Public Health's oversight during the pandemic, the West Covina City Council voted, 4-1, to terminate health officer services with the agency during a lengthy, sometimes contentious. City Councilmember Brian Tabatabai was the lone dissenter. He questioned the timing of the decision — with the coronavirus outbreak seemingly far from over — as well as the cost and time it would take to create an independent health department. In a letter prepared to LACDPH, councilmembers explained that it adopted a resolution and urgency ordinance to conclude consenting to health officers' services relating to the enforcement of orders and quarantine regulations issued by the state and county. The resolution and ordinance will be sent to the county by March 1 and will go into effect July 1.

Board Extends Eviction Moratorium

The Los Angeles County Board of Supervisors voted unanimously to extend the County's Temporary Eviction Moratorium through June 30, 2021. The Moratorium, originally introduced in March 2020, places a Countywide ban on evictions for residential and commercial tenants, including mobile home space renters. With this update, landlords and mobilehome park owners in violation of the Moratorium will be subject to additional fines and civil penalties, with enhanced penalties for violations against seniors (age 65 and older) and the disabled. The extension also clarifies that tenants or their representatives have the ability to sue over violations of the Moratorium. For more information about the County's Temporary Eviction Moratorium, click [here](#).

Online Tool to Increase Options for County Litigants Through Dispute Resolution

The Los Angeles County Department of Consumer and Business Affairs (DCBA) announced the upcoming launch of the Los Angeles Online Dispute Resolution (LA-ODR) program, in collaboration with the Superior Court of California, Los Angeles County and its Dispute Resolution Program (DRP), and the Center for Conflict Resolution. The new innovative program will expand alternate dispute resolution methods to L.A. County court litigants through the use of technology, to better meet their needs during the COVID-19 pandemic. The program is available for those who filed Small Claims cases and can be accessed [here](#).

Latino Churches Will Now Serve As COVID-19 Testing Sites

A number of Latino churches in Los Angeles County will serve as sites for mobile walk-up and drive-thru COVID-19 testing to help curb the spread of the virus in a community disproportionately struck by it. Through a partnership with the county, congregations now offering this service are St. Mary of the Assumption Catholic Church in Whittier and Centro de Vida Victoriosa, an Assemblies of God church in East LA. More parishes in Latino communities will follow in March. Testing will be free of charge, regardless of immigration or health insurance status, officials said. Appointments will not be required. The goal is to test 150 people a day at each site through the summer. This move comes after [Black churches](#) across California, in areas like Riverside, Los Angeles, Sacramento and Oakland, began offering their spaces for free testing in hard-hit communities.

SACRAMENTO

California Launches Interactive Map as Part of Safe Schools for All Plan

Governor Newsom recently announced the state has launched the Safe Schools for All Plan's interactive Safe Schools Reopening Map, an online tool providing a statewide snapshot of the status of school re-openings across California. The map supports local communities in making data-driven decisions to safely open classrooms and helps ensure public transparency. The announcement builds on the additional transparency, accountability and assistance measures incorporated in the Safe Schools for All Plan. The California Department of Public Health will be adding other key data to the map, including outbreaks reported in each school district and whether the school has partnered with the Valencia Branch Lab for COVID-19 testing. To provide up-to-date information, schools will input their data every two weeks. Additional data – including student enrollment data – will be collected and displayed publicly, subject to legislative approval. Click [here](#) for a link to the map. For more information, [click here](#) to see Safe Schools Hub.

California Workers Could Get 2 Weeks Of Sick Leave For COVID, Quarantines Under New Proposal

California workers could get two more weeks of paid sick leave to care for themselves or their loved ones affected by COVID-19 under [a proposal introduced by Democratic legislators](#). If passed, the package would restore a temporary benefit that expired at the end of last year and let more workers stay home to prevent the coronavirus from being spread at workplaces, legislators and labor advocates said. The proposal faces pushback from businesses, including the California Chamber of Commerce, which wrote a letter to legislators outlining its opposition because of its potential costs to employers.

California Employers May Be Required to Subsidize Backup Childcare

[Assembly Bill 1179](#) was introduced to require California employers with 1,000 or more to provide “backup” for children under 14. To be eligible for the benefit, employees who work in California would need to have been employed by the company for at least 30 days. If passed and signed into law, this mandate would go into effect on January 1, 2022, and be the first of its kind in the United States. The motivation for this bill is that women are leaving the workforce due to the pandemic. Section 1 of the proposed legislation states:

- Prior to the pandemic, the average working parent missed eight days a year due to childcare issues. The increased loss of childcare during the pandemic has forced over 2 million women out of the workforce. Economic recovery through decreased unemployment rates will rely on their continued participation or re-entry into the labor force.
- Inadequate backup childcare is one of the top reasons women drop out of the workforce.
- The proposed legislation would require companies to pay for up to 60 hours of “backup childcare” by:
 - Contracting with a licensed childcare provider and providing direct payments to the licensed provider for the childcare hours by the employee;
 - Directly paying a qualified backup childcare provider upon receipt of an invoice detailing the number of childcare hours used by the employee; or
 - Reimbursing an employee for up to 60 hours for backup childcare paid by the employee.

NATIONAL

Not Everyone Will Qualify For A Third Stimulus Check

A third stimulus check could arrive as soon as the end of March, with near certainty that the House of Representatives will approve the \$1.9 trillion stimulus bill, moving it along to the Senate before a final signature from President Joe Biden. And with new rules surfacing this time around for a new stimulus payment, you’re likely wondering if you’ll qualify for a \$1,400 check. While the new check is much larger than the first two, and will include more people in the eligibility rules such as dependents, there are also requirements that would bring a smaller check (or none at all) to others. Even filing your taxes early -- or later -- could [determine your stimulus check fate](#) according to CNET. The [new stimulus check could begin to phase out](#) after \$75,000, per the “targeted” stimulus plan (see below). If your adjusted gross income, or AGI, is \$100,000 or over, you won’t be eligible for a third payment of any amount. However, if you make between \$75,000 and \$100,000, you could get a portion of the check. You’d receive the full amount if your

yearly income is under \$75,000 for the year. CNET has information on [how to calculate the amount](#) you could receive.

Biden Directive Expands Jobless Aid to More Unemployed

The federal program, known as Pandemic Unemployment Assistance, made the self-employed and gig workers eligible for jobless aid for the first time. “Until now, unemployment insurance benefits during the pandemic have been too scattered and too uncertain,” said Patricia Smith, senior adviser to the labor secretary. “That begins to change today, with many more workers now eligible for unemployment insurance benefits.” The directive stems from an executive order President Joe Biden issued last month. The White House said it sought to “ensure that unemployed Americans no longer have to choose between paying their bills and keeping themselves and their families safe from COVID-19 by clarifying that workers who refuse unsafe working conditions can still receive unemployment insurance.” The benefits will be made retroactive, officials said. People who applied for unemployment aid after December 27 can receive retroactive payments back to December 6. Those who applied before then and were turned down can receive retroactive payments dating back to when they first applied.

EMPLOYER ISSUES

What To Do If Employees Test Positive for COVID-19

Davis Wright Tremaine LLP put together a California COVID Guide that is very informative. The article from the DWT employment attorneys provides insight into the barrage of local, state, and federal COVID-19 legislation in 2020; California employers may be confused as to what to do now—in 2021—when employees test positive for COVID-19. Here is a five-step guide of what to do in that situation—as of mid-February 2021. With that said, regulations and public health guidance continue to evolve, so employers should remain abreast of applicable orders related to COVID-19.

Step One: Worker’s Compensation Paperwork and Contact Tracing

- Provide a workers’ compensation claim form to the employee who tested positive for COVID-19 and alert your workers’ compensation carrier.
- Determine the date/time the COVID-19 case was last on site, and (if possible) the date of testing and the date of onset of symptoms. If the employee has not been on site for weeks (or months), [jump to Step Five](#).
- Assess who may have experienced “COVID-19 exposure” at work, defined as interacting within six feet of the COVID-19 case for a cumulative total of 15

minutes or more over a 24-hour period within or overlapping the “high-risk exposure period.”¹

Step Two: AB 685 Notices

- For co-workers suspected to have had COVID-19 exposure at work:
 - Notify them (and any authorized union representative) within one business day; and
 - Offer them COVID-19 testing at no cost during their working hours.
- Provide written notice to *all* employees and subcontractors (and their union representatives) who were on the worksite premises during the COVID-19 case’s infectious period. (Be sure not to provide the identity of the COVID-19 case unless you receive explicit approval to do so.)
 - This notice must be provided within one business day of the employer learning of the potential exposure. For more information on the notice, our advisory is [here](#).
- Notify the local public health agency if the situation rises to an “outbreak” at the worksite.²

Step Three: Assess Cal/OSHA Obligations

- Comply with the obligations imposed under [Cal/OSHA’s Emergency Temporary Standard](#) (ETS), which went into effect on November 30, 2020, by:
 - Excluding employees from the workplace who have been exposed to the virus, or who have the virus, until they are no longer an infection risk (employees excluded from work under the Cal/OSHA ETS must be paid “exclusion pay,” with limited exceptions, see Step Five, below);
 - Investigating the exposure to figure out whether workplace conditions could have contributed to the risk of exposure and, if so, what corrections would reduce exposure; and
 - If an “[outbreak](#)” under the ETS occurred, engaging in the required heightened obligations, including with regard to employee testing, hazard investigation and correction, and information reporting to local health departments. If 20 or more COVID-19 cases in an exposed workplace are experienced within a 30-day period, “[major outbreak](#)” status is triggered, which means even more heightened obligations.

- If a written COVID-19 Prevention Program that complies with the ETS is not already in place, unless one of the narrow exceptions applies, prioritize preparing such a plan in order to comply with the ETS. See [DWT's prior advisory](#) for a detailed discussion of what a COVID-19 Prevention Program requires.

Step Four: Assess Local Stay-At-Home Orders

- Check the applicable local stay-at-home order to assure full compliance.

Step Five: Assess Sick Leave and Leave of Absence Considerations

- **COVID-specific or standard sick leave:** Assess whether any COVID-specific or standard sick leave needs to be provided to the COVID-19 case, and whether more traditional means of responding to an employee's illness need to be employed.
- **Cal/OSHA ETS Exclusion Pay:** If any employee is excluded from work due to exposure to COVID-19 or due to having an asymptomatic case of COVID-19, "maintain [the] employee's earnings, seniority, and all other employee rights and benefits." Existing sick leave benefits may be used to cover this cost.³
- **Family Medical Leave Act (FMLA)/California Family Rights Act (CFRA):** Ascertain whether an employee is eligible to take job-protected leave under the FMLA or CFRA and, if so, whether the employee's situation is a covered reason, such as their own illness if it involves inpatient care or continuing treatment by a healthcare provider, or a comparable illness of a covered family member. For eligible employees, document that FMLA/CFRA is being used.
- **Americans with Disabilities Act (ADA) and the California Fair Employment and Housing Act (FEHA):** Because an employee with a COVID-related illness may well qualify as disabled depending on their symptoms, consider whether an accommodation is in order under the ADA and FEHA. Depending on the circumstances, consider offering a job-protected leave of absence as a form of accommodation, regardless of whether the employee is eligible for or has exhausted sick leave and/or FMLA/CFRA leave.

LEGAL DEVELOPMENTS

LA County Outdoor Dining

An appeals court in California [overturned](#) a ruling that blocked L.A. County's ban on outdoor dining, finding that courts should be "extremely deferential to public health authorities, particularly during a pandemic." The county recently lifted its prohibition on

outdoor dining, but as conditions may change and the ban may be reimposed, the court ruled the consolidated cases are not moot.

Judge Denies Grocers' Bid To Temporarily Halt Long Beach Hero Pay Ordinance

A federal judge Thursday denied the California Grocers Association's bid to temporarily overturn a Long Beach ordinance mandating an additional \$4 in hourly pay for grocery store employees during the pandemic. The lawsuit, filed last month in Los Angeles, alleged that the January 19 ordinance was illegal because it singles out grocery stores while ignoring other groups that employ essential frontline workers, thus violating the constitutional requirement that similarly situated people must be treated alike. The CGA also argued that the ordinance was preempted by the National Labor Relations Act, which protects the integrity of the collective-bargaining process.

Federal Judge Rules Eviction Moratorium Order from the CDC is Unconstitutional

A federal judge ruled that the eviction moratorium order from the Centers for Disease Control and Prevention (CDC) is unconstitutional. In a [21- Page Ruling](#), U.S. District Judge John Barker sided with rental housing providers who argued that the CDC's eviction moratorium exceeded the federal government's constitutional authority. Barker wrote, "Although the COVID-19 pandemic persists, so does the Constitution."

Lawsuit Challenging Cal/OSHA ETS Regulations Is Denied

A San Francisco Superior Court denied a group of employer's application for preliminary injunction attempting to prevent Cal/OSHA's Emergency Temporary Standards that were issued on November 30, 2020. In denying the preliminary injunction, the court stated that "the balance of interim harms and the public interest in curbing the spread of COVID-19 and protecting worker and community health weigh heavily in favor of the continued implementation and enforcement of the ETS Regulations." California employers must still comply with the Cal/OSHA ETS regulations. For more information about the ETS regulation, see [Anthony Zaller](#) prior post [here](#).

Supreme Court Tells Santa Clara County It Can't Bar In-Person Worship

Last week, the U.S. Supreme Court ruled that Santa Clara County cannot enforce a ban on indoor worship services, reversing a decision by the U.S. Ninth Circuit Court of Appeals in early February. The Ninth Circuit denied a motion to suspend the ban while it decides on an appeal filed by several South Bay churches. "The Ninth Circuit's failure to grant relief was erroneous," the [court's unsigned order](#) read. Justices Elena Kagan, Stephen Breyer and Sonia Sotomayor dissented in the 6-3 decision. The high court's ruling forces the county to allow churches to open for indoor services at 20 percent capacity. On February 6, the Supreme Court had already ruled that California can't

prohibit indoor worship services during the pandemic, but Santa Clara County had kept their ban because they claimed to have prohibited indoor gatherings of any kind.

WHAT WE'RE READING

Why We Can't Make Vaccine Doses Any Faster

President Joe Biden has ordered enough vaccines to immunize every American against COVID-19, and his administration says it's using the full force of the federal government to get the doses by July. There's a reason he can't promise them sooner. Vaccine supply chains are extremely specialized and sensitive, relying on expensive machinery, highly trained staff and finicky ingredients. Manufacturers have run into intermittent shortages of key materials, according to the U.S. Government Accountability Office; the combination of surging demand and workforce disruptions from the pandemic has caused delays of four to 12 weeks for items that used to ship within a week, much like what happened when consumers were sent scrambling for household staples like flour, chicken wings and toilet paper. To read the full story, click [here](#).

False Claims In Texts And Emails Led To Misuse Of Vaccine Codes Intended For Those In Need

Claims were circulated for days in emails and group texts among wealthier residents of L.A. and the Bay Area who were not yet eligible to be vaccinated: There were shots legitimately available right now. All you had to do was use a code to make an appointment. That was untrue. The codes were for residents of California neighborhoods hit hardest by the pandemic. To read the full story, click [here](#).

How Did A Home Built For Japanese American Seniors Become The State's Deadliest Nursing Facility?

Tracy and her family agonized over moving her grandmother from the nursing facility in Boyle Heights where she had lived comfortably for four years, especially in the middle of a pandemic. But her grandma had suffered some bad falls and needed the extra care. Wait lists at Kei-Ai Los Angeles Healthcare Center, a Lincoln Heights skilled nursing facility that was originally designed around the cultural needs of the Japanese American community, could get long. A staffer assured them that the facility was COVID-free and emphasized that a vacant bed would not last. To read the full story, click [here](#).

Huge Number Of COVID Infections Are From People With No Symptoms

During the initial wave of the COVID-19 outbreak in New York City, only between one in five and one in seven cases of the virus was symptomatic, according to new research. Researchers also found that non-symptomatic cases substantially contribute to community transmission, making up at least 50% of the driving force of SARS-CoV-2

infection. When the COVID-19 epidemic arrived in the U.S., the investigators noticed that it was very difficult to estimate what proportion of people infected with SARS-CoV-2 would go on to develop symptoms, partially due to the initial challenges with testing capacity. To read the full story, click [here](#).

Interim Final Rule on Paycheck Protection Program Loan Forgiveness

Over 5,000 pages in length, the legislation (referred to herein as the Economic Aid Act) included revisions and additions to the Paycheck Protection Program (PPP). The new PPP will: (1) accept PPP loan applications from eligible borrowers that did not receive a PPP loan under the earlier program (known as “First Draw Loans”); (2) permit qualifying businesses that received a PPP loan under the earlier program to receive a second PPP loan (known as “Second Draw Loans”); (3) allow existing PPP borrowers not eligible for a Second Draw Loan to spend any remaining PPP funds on permitted expenses, which include additional forgivable expenses; and (4) change PPP rules for existing PPP borrowers, new PPP borrowers, and second draw borrowers in the areas of eligibility, forgivable expenses, and loan forgiveness. In response to this legislation, the Small Business Administration (SBA) and the U.S. Department of the Treasury issued an interim final rule. The interim final rule consolidates prior rules related to forgiveness and reviews of PPP loans and incorporates changes made by the Economic Aid Act, including with respect to forgiveness of Second Draw Loans. This client alert discusses these updated requirements. To read the full story, click [here](#).

IRS Provides Additional COVID-19 Relief for Cafeteria Plans

On February 18, 2021, the Internal Revenue Service (IRS) issued clarifying guidance on the temporary special rules for health flexible spending arrangements (FSAs) and dependent care assistance programs (DCAPs) under Internal Revenue Code (Code) Section 125 cafeteria plans. See [IRS Notice 2021-15](#) (the Notice). To read the full story, click [here](#).

Why Your Place In The COVID-19 Vaccine Line Depends On Where You Live

When the first doses of COVID-19 vaccines were rolled out in the United States, the choice of who should receive them was fairly obvious — and widely accepted. They would go to healthcare workers, who are highly exposed to the coronavirus and keep the medical system functioning, and people living in nursing homes, who have made up a third of all COVID-19 deaths nationwide. Since then, the choices have gotten tougher: Teachers, farmworkers, senior citizens and dozens of other groups have made compelling arguments for why they should go next. For leaders making those decisions, it is effectively a zero-sum game: giving priority to some means fewer doses for others. To read the full story, click [here](#).

New Cases Of Covid-19 Fall Dramatically In California, Enabling More Schools To Reopen

New daily cases of Covid-19 infection rates in California have fallen to levels enabling elementary schools in all but three rural counties to begin the process of reopening elementary schools, according to [updated data](#) that the California Department of Public Health released on Tuesday. To read the full story, click [here](#).

California Has Quietly Ended Its COVID-19 Testing Partnership With Verily

California will not renew its coronavirus testing partnership with the life sciences company Verily, marking the end of a highly-touted effort that sought to use Silicon Valley expertise to battle the pandemic but garnered widespread criticism. State officials have consolidated Verily's remaining testing sites under another vendor and declined to renew its two existing contracts when they expire in mid-January and late February, according to the California Department of Public Health. To read the full story, click [here](#).

California County Claims Newsom-Backed Company 'Fell Flat On Their Face' On COVID Testing

A rural Northern California county's health department is cutting ties with a private company the state hired to run its COVID-19 testing clinics, saying it was disorganized, didn't test enough people and its workers were coughing on the job and jeopardizing everyone's safety. In a blistering letter sent to reporters on Wednesday, Lassen County officials said they had no choice but to stop working with OptumServe at its Susanville testing clinic because of problems the state and the company refused to address — ranging from mismanagement to testing inefficiencies to potentially spreading the coronavirus to county workers. To read the full story, click [here](#).

Judge Denies Pro Bono Firms' Request to Halt Traffic, Eviction Hearings in L.A. County Court

A lawsuit against the Los Angeles County Superior Court over its handling of the Covid-19 pandemic spilled Monday into the Orange County Superior Court, where a judge denied a request to temporarily halt all traffic and eviction hearings during the pandemic. Earlier this month, a group of legal aid and pro bono law firms sued L.A. Superior Court, arguing traffic and unlawful detainer or eviction court hearings should temporarily cease until Covid-19 is no longer a threat to the public. To read the full story, click [here](#).

Her Husband Got Covid-19. She's Suing His Employer

Suppose your spouse gets Covid-19 at work — and you get it from your spouse. Can you sue your spouse's employer for the harm that you've suffered? That's the question

raised by a lawsuit recently filed in federal court in California — and the outcome may matter a lot. To read the full story, click [here](#).

California Halts System Of Shared Vaccine Codes After Misuse

California is revamping its plan to help essential workers and seniors in underserved communities get coronavirus vaccinations after officials learned that appointment access codes were leaked to people who were not eligible for the shots. ... Brian Ferguson, a spokesman for California Governor's Office of Emergency Services, said state officials don't know how many people used codes who shouldn't have, but when groups such as churches and adult day care centers notified officials they could no longer schedule their members for vaccinations because slots were filled up, appointments made under those codes were canceled and new ones entered manually. The state will start issuing individual codes to community groups next week, he said. To read the full story, click [here](#).

Indoor Dining, Movies And Museums Could Open At Reduced Capacity In San Francisco Next Week

San Francisco Mayor London Breed said Wednesday she expects the city to enter the less restrictive red tier next week — meaning restaurants, movies and other businesses could open with limits — and exit purple, the most restrictive of California's four-tier system for reopening the economy. "With the continued improvement of our COVID-19 health indicators, we could move to the state's red tier by next Wednesday, March 3," Breed said in a Twitter post. "This is a big step forward but we still need to keep up our progress." Only nine of California's 58 counties are in the red tier, including Marin and San Mateo in the Bay Area. The red tier allows more people to shop indoors, and lets other businesses open with reduced numbers of customers. Museums may open at 25% capacity, gyms at 10%, and movie theaters and restaurants at 25% or 100 people, whichever is fewer. Just two counties, Sierra and Alpine, have reached the orange tier, allowing even fewer restrictions. To read the full story, click [here](#).

One Medical's Vaccine Supply Halted By 3 Bay Area Counties For Letting People Cut The Line

Three Bay Area counties have suspended coronavirus vaccine supplies to a San Francisco-based health care provider whose procedures allowed ineligible individuals to cut the line, local officials say. The company, One Medical, is no longer receiving vaccines from San Francisco, San Mateo or Alameda counties, and San Francisco health officials said Wednesday they have directed One Medical to return more than 1,600 doses. When asked about its practices in the Bay Area last week, One Medical officials said accusations that the company knowingly disregarded eligibility guidelines "are in

direct contradiction to our actual approach to vaccine administration.” To read the full story, click [here](#).

A New Coronavirus Variant Is Spreading in New York, Researchers Report

A new form of the coronavirus is spreading rapidly in New York City, and it carries a worrisome mutation that may weaken the effectiveness of vaccines, two teams of researchers have found. The new variant, called B.1.526, first appeared in samples collected in the city in November. By the middle of this month, it accounted for about one in four viral sequences appearing in a database shared by scientists. One study of the new variant, led by a group at Caltech, was posted online on Tuesday. The other, by researchers at Columbia University, was published on Thursday morning. Neither study has been vetted by peer review nor published in a scientific journal. But the consistent results suggest that the variant’s spread is real, experts said. To read the full story, click [here](#).

New Bill Requiring Businesses To Disclose Personal Information Used For Political Purposes

On February 19, Senator Nancy Skinner (D-Berkeley) introduced [Senate Bill 746](#) related to the use of personal information for political purposes. The bill would amend Section 1798.130 of, and add Section 1798.111 to, the Civil Code. It would grant consumers the right to request that a business collecting personal information about the consumer disclose to the consumer whether or not the business uses that personal information for a political purpose. In addition, a business that collects personal information about a consumer and uses that information for a political purpose would be required to disclose to the consumer all of the following information upon receipt of a verifiable consumer request from the consumer. To read the full story, click [here](#).

40% Of California Prison Inmates Have Received 1st Dose Of COVID Vaccine

The California Department of Corrections and Rehabilitation says about 40% of inmates across the state have now received their first dose of the COVID-19 vaccine. As of Tuesday, around 24,977 staff members had also received their first shot. To read the full story, click [here](#).

Delays Emerge In Blue Shield Vaccine Rollout

This week, 10 counties in the inland portions of Central and Southern California were slated to transition to the new vaccine distribution system helmed by Blue Shield — but limited communication, technical challenges and lack of transparency have resulted in delays for at least three counties. Meanwhile, the state is overhauling its equity program after young, healthy and wealthy residents in Los Angeles and San Francisco

obtained vaccine access codes intended for vulnerable Californians. To read the full story, click [here](#).

Court Upholds California's COVID-19 Workplace Rules Requiring Testing, Sick Pay

Saying the state has wide authority to create rules to prevent the spread of the coronavirus, a San Francisco Superior Court judge on Thursday upheld California's COVID-19 emergency workplace regulations in place. The ruling heads off a challenge to the regulations by small businesses and trade groups, who had said California's rules are too burdensome and should not be enforced. ... Passed in November by the state's Division of Occupational Safety and Health, commonly called Cal-OSHA, the regulations require employers to regularly test workers during coronavirus outbreaks, as well as paying them during their quarantine, among other provisions. To read the full story, click [here](#).

Dedicated Dose Supply Gives UCSD Workers A Vaccination Advantage

County officials announced Wednesday that teachers, law enforcement officers, farmers and others — a group estimated to exceed 500,000 people throughout the region — can start signing up for vaccination appointments through state or county-operated scheduling systems Saturday. But similar opportunities have already been afforded to UCSD employees. And, while the county warned that it will not have enough supply on hand to make much of a dent in the expected demand for doses among the droves of workers likely to start requesting appointments this weekend, the U.C. system, officials confirmed in an email Tuesday, receives a vaccine allocation directly from the California Department of Public Health that “is separate from vaccine supplied by the County of San Diego for other operations.” To read the full story, click [here](#).

Who has the power to reopen California classrooms?

Two-thirds of California adults supported Newsom's proposal to spend \$2 billion to reopen elementary schools by mid-February, according to a January survey by the Public Policy Institute of California. With that date come and gone, and the plan stalled, parents this week asked Newsom to open schools “through whatever means necessary.” But teacher union leaders remain fearful that it may not be safe. Some schools that have reopened have seen isolated outbreaks, and a new coronavirus variant could make people sicker and vaccines less effective. A state website that was supposed to show the public which schools have had COVID cases among students or employees has yet to publish any data. To read the full story, click [here](#).

House To Vote On Virus Bill; Arbiter Says Wage Hike A No-Go

Democrats are ready to shove a \$1.9 trillion COVID-19 relief package through the House on Friday, despite a setback that means a minimum wage boost is unlikely to be in the

final version that reaches President Joe Biden. A near party-line vote seemed certain on the measure, Biden's first crack at his initial legislative goal of acting decisively against the pandemic. In the year since the coronavirus has taken hold, it has stalled much of the economy, killed half a million Americans and reshaped the daily lives of virtually everyone. The relief bill would provide millions of people with \$1,400 direct payments. It contains billions of dollars for vaccines and COVID-19 testing, schools, state and local governments, the ailing restaurant and airline industries and emergency jobless benefits while providing tax breaks to lower earners and families with children. To read the full story, click [here](#).

CPAs Urge IRS To Act By March On Extending Tax Deadlines

The Internal Revenue Service and Treasury should decide by March if they will extend the April 15 tax filing and payment deadlines in light of the novel coronavirus pandemic, an accountant group said in a letter released Wednesday. The government should announce any extension of the deadlines by March 1 to give taxpayers enough time to plan, the American Institute of Certified Public Accountants said in a letter dated Tuesday. And if the administration decides to extend the deadline, it should push it back to June 15 to allow states enough time to make conforming changes, the letter said. To read the full story, click [here](#).

New Coronavirus Variant Found in New York City

The variant, which researchers call B.1.526, carries a mutation that could help it reduce the effectiveness of vaccines. "We observed a steady increase in the detection rate from late December to mid-February, with an alarming rise to 12.7% in the past two weeks," researchers at Columbia University Medical Center wrote in a report that has yet to be published. To read the full story, click [here](#).

Cal/OSHA Needs To Require Employers To Promote And Provide Access To Vaccine

On November 30, more than six months into the pandemic, California approved new standards to protect employees from COVID-19. Those standards include the implementation of a site-specific COVID-19 Prevention Program and the provision of face coverings. The standards also require the provision of testing to exposed individuals and public notification of worksite-related outbreaks. Furthermore, employers are required to maintain records and report serious illnesses and deaths. On January 19, 2021, six weeks later, the Department of Industrial Relations posted a letter to California employers notifying them of those requirements. As a small-business owner, I received a letter more recently dated February 16. To read the full story, click [here](#).

I'm Fully Vaccinated. Can I Hug A Friend? Eat Indoors? See A Movie? Here Are Answers

With about 5% of Americans having received two doses of COVID-19 vaccines, many are wondering: What activities are safe? Some experts weigh in. To read the full story, click [here](#).

Federal Judge In Texas Rules CDC Eviction Moratorium During Pandemic Is Unconstitutional

A federal judge in Texas has ruled that the order from the Centers for Disease Control and Prevention (CDC) putting a temporarily moratorium on evictions during the COVID-19 pandemic is unconstitutional. U.S. District Judge John Barker, who was appointed by then-President Donald Trump to the court in the Eastern District of Texas, stopped short of issuing a preliminary injunction, but said he expected the US Centers for Disease Control and Prevention to respect his ruling and withdraw the Moratorium. To read the full story, click [here](#).

Lucky Boy Burgers Sues Unlucky Postmates Delivery Service: Pasadena Eatery Refuses Postmates Service

Pasadena's Lucky Boy walk-up burger eatery filed suit Wednesday against the Postmates delivery service for allegedly using unfair business practices to penalize the diner for refusing to allow the courier company to deliver its food. Lucky Boy, which operates its popular roadside grill off of Arroyo Parkway, contends trademark infringement and unfair competition, alleging the delivery service uses its name without authorization and intentionally posts a menu bearing incorrect information for the diner, including lower prices. To read the full story, click [here](#).

Coronavirus Moving Study: People Left Big Cities, Temporary Moves Spiked In First 6 Months Of COVID-19 Pandemic

The coronavirus pandemic is responsible for a dramatic change in the way the world lives and works. The workplace is undergoing the largest-scale remote work experiment in history, with nearly seven in ten workers doing their jobs from home. As we limit our time in public and practice social distancing in an effort to stop the virus' spread, entire families are performing basic functions, such as schooling, work, shopping, and even healthcare visits from their homes using a screen and an internet connection. To read the full story, click [here](#).

California models project record lows this time next month

By this time next month, according to state models, there could be fewer Californians hospitalized than any other time in the pandemic's record books, which date back to the final days of last March. By March 24, active hospitalizations will have fallen below 2,000, according to the state models, and within a week after that, the total is projected

to fall close to 1,000. For nearly 11 months, a minimum 2,000 Californians at any one time have been hospitalized for COVID-19. The only period of the pandemic on record in California with fewer than 2,000 active hospitalizations came during the first four days of record-keeping, from March 29 to April 1 of last year. To reach the projected total next month, California's hospitalizations would have to fall by another 82%. To read the full story, click [here](#).

California Expects 1.1 Million J&J Vaccines In Next 3 Weeks

California expects to start administering the new Johnson & Johnson vaccine next week and to receive more than 1.1 million of the single-dose shots in the next three weeks, Gov. Gavin Newsom said Friday. The vaccine, still in the final federal approval process, has fewer handling restrictions than the Pfizer and Moderna vaccines now being used. Those vaccines require two doses to be fully effective and must be stored at extremely low temperatures. News of a possible third vaccine came as California announced it would be able to administer 3 million doses a week starting Monday, even though it's currently doing about 1.4 million shots due to constrained supply. To read the full story, click [here](#).

Why Has Coronavirus Testing Slumped In The U.S.? It's Complicated

From a high of nearly 14 million tests a week in early January, the pace fell to fewer than 10 million — a level not seen since October — in the week ended February 24, according to the Covid Tracking Project. Some areas report even sharper declines: Michigan is testing about half as many people now as it was in November, and Delaware's state-run sites are testing about one-third as many. Los Angeles County's sites, which were running flat out last month, tested just 35 percent of their capacity last week. ... Among other things, less testing makes it harder to follow the virus's mutations and to get ahead of variants that may be more contagious or deadly, said Dr. Rick Pescatore, the chief physician at the Delaware Division of Public Health. "We can't identify variants until we first identify positives." But the decline in testing may not be a cause for alarm — and may even be a good sign — if it reflects wider progress in tamping down the pandemic, said Dr. Clemens Hong, who runs Los Angeles County's testing program. To read the full story, click [here](#).

What Older Adults Need to Know about COVID-19 Vaccines

The risk of severe illness from COVID-19 increases with age. This is why CDC recommends that adults 65 years and older are one of the first groups to receive COVID-19 vaccines. You can help protect yourself and the people around you by getting the vaccine when it is available. Studies show that COVID-19 vaccines are safe and effective in preventing severe illness from COVID-19. To get a COVID-19 vaccine. 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.