

Weekly COVID-19 Update From EKA March 30, 2021

Over 51 million people have been fully vaccinated against COVID-19, according to data from the CDC. With increases in travel and new cases, the CDC concerns a fourth surge in the pandemic.

VACCINATION

COVID-19 Vaccine Update

The following groups are currently eligible to receive the vaccine:

- Healthcare workers
- Long-term care and skilled nursing facility residents and staff
- Education & childcare
- Emergency services
- Food and agriculture
- Janitorial, custodial and maintenance services
- Transportation and logistics
- Congregate living spaces and people experiencing homelessness
- Residents 65 years and older
- Residents 16-64 with underlying health conditions or disabilities

Persons who qualify for a COVID-19 vaccine due to a medical condition should note that during registration for a vaccine appointment, they will be asked to state that they have a high-risk medical condition or disability. To protect confidentiality, they will not be asked to disclose the specific condition. People getting vaccinated must provide documentation at all appointments with either a letter from a healthcare provider, a personal physician or an agency providing services or, if not available, the eligible person or their caretaker will be asked to sign an attestation. All eligible persons will also need to provide identification (government ID not required) and proof that they live within LA County at their appointment. 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](#). 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.

All California Adults Can Get COVID-19 Vaccine Next Month

Residents who are at least 50 years old can get vaccines starting tomorrow, and all California adults will be eligible beginning April 15. The number of doses coming to CA is projected to swell dramatically in the next few weeks, state officials said. Based on

current estimates, California expects to be allocated about 2.5 million first and second doses per week over the first half of April — with that number growing to more than 3 million doses in the latter part of the month.

200 Million Vaccines In 100 Days Is The New Goal

The nation is on track to meet the 200 million figure already. The Centers for Disease Control and Prevention reported that 14 percent of the American population is fully vaccinated. The White House is counting shots administered since January 20, when Mr. Biden took office; the nation hit that milestone last week, on his 58th day in office, the president. Vaccine makers are also hitting their stride. Pfizer-BioNTech, Moderna and Johnson & Johnson have promised enough doses to inoculate all the nation's roughly 260 million adults by the end of May, as Mr. Biden promised. In June, the first vaccine producers, Pfizer and Moderna, are expected to deliver another 100 million doses — enough to cover another 50 million people.

Vaccine Appointments May Be Backed Up For Several Weeks

Blue Shield, the insurer tasked to oversee the state's vaccine distribution, is aware of Californians' frustrations and health care providers' complaints and is working to quickly expand distribution so that everyone who wants a dose can get one.

Pfizer/Biontech Says Its Covid-19 Vaccine Is 100% Effective And Well Tolerated In Adolescents

Clinical trial results of Pfizer/BioNTech's Covid-19 vaccine showed its efficacy is 100%, and it is well tolerated in youths ages 12 to 15. Pfizer/BioNTech plan to submit the data to the US Food and Drug Administration as soon as possible for expanded emergency use authorization of the two-dose vaccine. In a Phase 3 trial of 2,260 participants ages 12 to 15 in the US, the vaccine elicited strong antibody responses one month after the second dose -- exceeding those demonstrated in people ages 16 to 25 in previous trials. The vaccine is currently authorized in the US for emergency use in people 16 and older. Researchers observed 18 Covid-19 cases among the 1,129 participants who were given a placebo and none among the 1,131 volunteers who got the vaccine. The data has yet to be peer-reviewed.

REOPENING

Students return to schools in Long Beach

The Long Beach school district has been able to open earlier than other large California school systems because labor unions there agreed last summer to reopen as soon as health conditions permitted and because the city was able to start vaccinating teachers earlier than other districts in the state. Unlike most other cities in Los Angeles County,

Long Beach has its own public health department, giving the city its own vaccine supplies and the power to set its own vaccine priorities, at a time when the County as a whole was making teachers wait until after other groups, like residents 65 and older, were vaccinated.

LOS ANGELES COUNTY

Los Angeles County Enters Orange Tier

The Los Angeles County Board of Supervisors offered the following statement in response to Los Angeles County entering the Orange Tier with key sectors reopening, resuming indoor operations and/or increasing capacity starting Monday, April 5. Reaching the Orange Tier is a welcome milestone for Los Angeles County and everyone who lives and works here. After a long, tough year, this is the clearest sign yet that we are moving into a new season of hope and renewal. Thanks to our collective vigilance, starting Monday more of us can now take part in more of the rituals and activities that we've missed—whether that means joining together, safely, in a place of worship, at the gym or visiting a museum or movie theater. We've come too far to let our guard down now, so please continue to follow the Public Health guidance on masking and distancing, and be sure to get vaccinated as soon as it's your turn. We are still on a long road to recovery, and we don't want to lose the momentum that has helped us reach the Orange Tier, and all it stands for in terms of enjoying a 'new normal' in our daily lives." As Los Angeles moves out of the Red Tier into the less restrictive Orange Tier, key sectors reopening, resuming indoor operations or increasing capacity include

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SECTOR/ACTIVITY	RED TIER	ORANGE TIER <small>*Effective Monday, April 5 at 12:01 PM</small>
RESTAURANTS	Indoor dining with modifications: <ul style="list-style-type: none"> • Max 25% capacity or 100 people, whichever is fewer • 8 feet distancing between tables • One household per table (max 6 people) Outdoor dining with modifications: <ul style="list-style-type: none"> • Max 6 persons per table from up to 3 different households 	<ul style="list-style-type: none"> • Indoor capacity increases to 50% or people, whichever is less. • Modifications for indoor and outdoor dining same as Red Tier.
BARS <small>with no meal service</small>	Closed	Outdoor only, with modifications: <ul style="list-style-type: none"> • Masking required, except while eating or drinking • Tables 8 feet apart with no counter seating/service. Max 6 persons per table from up to 3 different households • No live entertainment • Closed for on-site consumption after 10 PM
BREWERIES & WINERIES <small>with no meal service</small>	Outdoor only	Indoor at 25% capacity or 100 people whichever is fewer <ul style="list-style-type: none"> • Masking required, except while eating or drinking • Tables 8 feet apart with no counter seating/service • Indoors: 25% capacity or 100 people whichever is fewer. Reservations required. 15-minute limit. Max 6 persons per table from up to 3 different households. • Outdoors: Max 6 persons per table from up to 3 different households. TV view permitted outdoors only. • Closed for on-site consumption after 10 PM
MOVIE THEATERS	<ul style="list-style-type: none"> • Indoor capacity at 25% or 100 people, whichever is fewer • Reserved seating required 	<ul style="list-style-type: none"> • Indoor capacity at 50% or 200 people whichever is fewer • Reserved seating to allow 6 feet of distancing in all directions • Eating only in designated area or in seat
GYMS, FITNESS CENTERS AND YOGA STUDIOS	<ul style="list-style-type: none"> • Indoor capacity at 10% • Masking always required 	<ul style="list-style-type: none"> • Indoor capacity at 25% • Masking always required • Indoor pools can open
MUSEUMS, ZOOS AND AQUARIUMS	<ul style="list-style-type: none"> • Indoor capacity at 25% 	<ul style="list-style-type: none"> • Indoor capacity at 50%

For more information, please visit the Department of Public Health's [website](https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/ImzNCoV2019.aspx).

Updated Health Officer Order and Protocols

[LA County Public Health protocols](#) are also being updated to align with the [CDC's recommendations on the required physical distancing in schools](#). Additionally, Public Health made additional modifications to the [Health Officer Order](#). The [revised order was issued on March 19](#), and took effect on March 20, with the following changes:

- Breweries, Wineries and Craft Distilleries that do not provide a meal may open for outdoor service only with certain restrictions, including:
 - All guests must have reservations;

- Guests are limited to a 90-minute time limit for their visit;
- Guests must be seated at tables before they place their order, and are not permitted to stand or congregate with others;
- And hours are limited with service for on-site consumption closing by 8 PM.
- Breweries, Wineries, and Craft Distilleries that serve a bona fide meal can be open for indoor dining operations at 25% of indoor capacity and must follow the same modifications required of restaurants.
- Clarity for certain types of businesses that serve the public but are not typical retail establishments, such as non-school learning centers, bank and credit union branches, check cashing services, tax preparation, auto repair, auto dealerships, and dry cleaners. These types of limited service businesses are now permitted for indoor operations with modifications at 50% capacity.
- For mental health, support groups, and spiritual counseling, the number of in-person participants increases from 10 to 12 participants to make this type of support more accessible to those in the community. Public Health still encourages services to be provided remotely when at all possible.
- For office-based worksites, businesses that must open indoors for essential operations that cannot be done remotely must also limit indoor capacity to 50% of maximum occupancy.
- For youth and adult recreational sports, the County is aligning with state to allow for indoor sports to engage in indoor activities, including training, conditioning, contact practice and competition if they adhere to State requirements.
 - Limiting any indoor sports activities to 10% of indoor occupancy; observers are not permitted for any youth or adult indoor sports activities, including competitions;
 - Regular testing of players, coaches, and staff;

Development and implementation of a Return to Play Safety Plan and a Site-Specific Safety Plan. Plans must be filed with Public Health 14-days prior to indoor activity. To view a listing of all protocols and updates, click [here](#).

CITY OF LOS ANGELES

Second Round of Rental Assistance

Los Angeles renters can apply for up to \$10,000 in rent relief through the city's \$259 million COVID-19 Emergency Rental Assistance Program. People [can apply for the program](#) until April 30. This second round of rental assistance, which was approved by the City Council unanimously on March 2, uses federal and state government funding to help about 64,000 families pay off their owed rent, with \$235 million earmarked for

direct rent assistance and \$3 million for eviction defense. The first round of assistance provided 49,133 rent subsidies totaling \$98.26 million, to help households that could not pay their rents due to the COVID-19 pandemic. The second round will focus on paying off households' past rent, with a maximum grant of \$10,000. Renters who wish to apply for the program have two options:

- A cooperation between the tenant and landlord to participate in the program, in which case the landlord will be reimbursed 80% of the eligible renters' unpaid rent accrued between April 1, 2020, and March 31, 2021. Under this cooperation, the landlord must waive the remaining 20% of unpaid rent; or
- If the landlord declines to participate, the renter will receive 25% of the unpaid rent accrued between April 1, 2020, and March 31, 2021, in addition to financial assistance to pay 25% of up to three months' future rent from April to June 2021.

SACRAMENTO

800,000 California Workers Face Payment Delays

Potentially 800,000 California workers face delays through the end of April in receiving payments of unemployment benefits issued by the embattled state Employment Development Department. Since March 2020, the EDD has been buried in an avalanche of unemployment claims that it has struggled to pay on a timely basis. The results have been uneven at best. Now a newly approved federal program that is issuing extra payments of \$300 a week on top of a worker's regular state unemployment benefits is contributing to the delay. The looming delays — which could last until April 30 for many workers — affect people with two categories of unemployment claims that they have filed with the EDD.

California unemployment claims drop below 100,000, still far higher than normal

California workers filed about 95,900 first-time claims for unemployment during the week that ended on March 20, which was a decline of 13,400 from the prior week, according to a US Labor Department report. Initial unemployment claims had been above 100,000 during all but four of the 53 weeks since state and local government agencies launched wide-ranging business shutdowns to combat the spread of the coronavirus. Despite the decline, initial unemployment claims remain more than double the weekly totals during January and February 2020, the final two months before the launch of the business shutdowns. During those two months, unemployment claims averaged 44,800 a week in California.

California's COVID Numbers Are Low

In the past, California has trailed a few weeks behind national trends. Before the winter surge, California was a standout along with one or two other states for keeping its case rates low while the rest of the country blew up. But it only took a few weeks for California to be overrun and in worse shape than almost every other state. So it's concerning, Bay Area public health experts say, to see reports of outbreaks around the country alongside images of people clearly giving up on social distancing efforts. Michigan has seen a particularly alarming spike in cases recently. In Florida, Miami Beach issued an emergency curfew this week when spring break revelers got out of control, gathering in packed crowds on beaches and in bars with very few masks insight.

NATIONAL

See the COVID Case Count Where You Live: US News & World Report has created a [Healthiest Communities coronavirus hub](#) where you can find up-to-date data on cases and deaths at the county level.

Find the Latest Coronavirus Information by State: Each state, plus US territories and Washington, DC, has online resources about COVID-19. [Here's a guide.](#)

Paycheck Protection Program Extended to May 31

President Joe Biden signed the PPP Extension Act of 2021 into law yesterday, extending the Paycheck Protection Program an additional two months to May 31, 2021, and then providing an additional 30-day period for the SBA to process applications that are still pending.

CDC extends eviction ban through June 30

The Centers for Disease Control said Monday that the federal eviction moratorium has been extended through June 30, a move that will protect millions of tenants who have struggled to make their rent payments during the coronavirus crisis. ... The eviction ban requires tenants to state that they have been financially affected by Covid-19 and can no longer pay rent. Evictions for other reasons are still permitted. Monday's extension makes no substantive changes to the policy, despite housing advocates pushing the administration to boost enforcement measures to prevent landlords from going around the moratorium.

Biden Administration Extends Enrollment Period For Affordable Care Act

The Department of Health and Human Services said that consumers will have until August 15 to sign up for plans, extending the deadline from May 15. The special open-enrollment period began February 15 to help people who had lost jobs because of the pandemic gain health-insurance coverage. The additional three-month extension for health plans sold on the federal exchange, HealthCare.gov, is aimed at giving people

extra time to sign up or re-evaluate their coverage because of increased subsidies included in the recently enacted Covid-19 aid package.

FEMA Funeral Assistance

The pandemic has devastated community members who for the past year have grieved the loss of family, friends and loved ones lost to COVID-19. In an effort to ease the financial burden of the virus, FEMA will provide [financial assistance for COVID-19-related funeral expenses](#) incurred after January 20, 2020.

Who is Eligible?

- To be eligible for funeral assistance, you must meet these conditions:
- The death must have occurred in the United States, including the US territories, and the District of Columbia.
- The death certificate must indicate the death was attributed to COVID-19.
- The applicant must be a US citizen, non-citizen national, or qualified alien who incurred funeral expenses after January 20, 2020.
- There is no requirement for the deceased person to have been a US citizen, non-citizen national, or qualified alien.

How to Apply:

In April, FEMA will begin accepting applications. If you had COVID-19 funeral expenses, we encourage you to keep and gather documentation. Types of information should include:

- **An official death certificate** that attributes the death directly or indirectly to COVID-19 and shows that the death occurred in the United States, including the US territories and the District of Columbia.
- **Funeral expenses documents** (receipts, funeral home contract, etc.) that includes the applicant's name, the deceased person's name, the amount of funeral expenses, and the dates the funeral expenses happened.

Proof of funds received from other sources specifically for use toward funeral costs. FEMA is not able to duplicate benefits received from burial or funeral insurance, financial assistance received from voluntary agencies, government agencies, or other sources.

IRS: Masks, Sanitizer Bought To Fight COVID-19 Can Be Deducted From Taxes

The IRS said that taxpayers can deduct the costs of purchasing personal protective equipment (PPE) meant to prevent the spread of COVID-19 from their taxes. In an announcement, the IRS said that taxpayers who've spent at least 7.5 percent of their adjusted gross income on PPE such as masks, hand sanitizer and disinfectant wipes "for

the primary purpose” of curbing the pandemic can deduct those costs from their taxes. “Amounts paid for personal protective equipment, such as masks, hand sanitizer and sanitizing wipes, for the primary purpose of preventing the spread of the Coronavirus Disease 2019 (COVID-19 PPE) are treated as amounts paid for medical care under § 213(d) of the Internal Revenue Code,” the IRS said. The IRS also said that taxpayers can use funds in tax-exempt health savings accounts, Archer medical savings accounts, health reimbursement arrangements and health flexible spending arrangements to pay for PPE used to stop the spread of COVID-19.

EMPLOYER ISSUES

Retroactive 2021 Emergency Supplemental Paid Sick Leave Law

Michelle Falconer with the law firm [Littler](#) issued an update on the 2021 supplemental paid sick leave law. Employers with more than 25 employees must provide COVID-19 supplemental paid sick leave to their California employees under a recent law signed by the Governor. This new law is broader than California’s prior COVID-19 paid sick leave law and, unlike the prior law, also covers employees who telework. The new sick leave entitlement is retroactive to January 1, 2021 and extends until September 30, 2021. Below the update from Littler.

On March 19, 2021, California Governor Gavin Newsom signed [Senate Bill \(SB\) 95](#), which creates new Labor Code section 248.2 and mandates that employers provide employees with supplemental paid sick leave (SPSL) for various COVID-related absences *in addition to* paid time off benefits employees receive by law or policy, *e.g.*, non-COVID statutory paid sick leave or vacation. Additionally, SB 95 creates new Labor Code section 248.3, which mandates that providers of in-home supportive and/or waiver personal care services receive SPSL. The new statutes will apply retroactively to January 1, 2021, and are effective through September 30, 2021, though technically they do not begin until March 29, 2021 – 10 days after the Governor signed SB 95. To employers that had to comply with California’s 2020 food sector and non-food-sector SPSL laws, the statutes will look familiar; coverage, and leave entitlements, however, are broader. As a result, employers will not be able to simply restart in 2021 policies and practices they had in place during 2020 to comply with the then-applicable statewide mandate, though it may be possible to offset this new SPSL obligation with paid leave already provided in 2021. Because the new statutes do not preempt local ordinances, employers may have compliance obligations under the state law and possibly up to 11 similar – but not identical – local ordinances in Long Beach, Los Angeles (City and County), Oakland, Sacramento (City and County), San Jose, San Francisco, San Mateo County, Santa Rosa, and Sonoma County.

Covered Employers, Employees *and* Family Members: New Labor Code section 248.2 will apply to employers with 26 or more employees and to a number of public entities that were not covered under the 2020 version of the law.¹ The result is that far more employers are covered than those covered by the 2020 COVID-19 supplemental paid sick leave law (Labor Code section 248.1), which was limited to employers and hiring entities with 500 or more US employees. The 2021 law does *not* apply to employers with 25 or fewer employees. Section 248.2 covers all employees. Additionally, it allows employees to use leave to care for family members – something the now-defunct 2020 law did not. *Family member* is defined to include a child, grandchild, grandparent, parent, sibling, or spouse.

Amount of Leave Employees Receive and Can Use: The process for determining the amount of leave employees receive under the 2021 law is the same as that for the 2020 law. The leave amount also represents how much leave employees can use through September 30, 2021. More specifically:

- **Full-Time Employees:** Employees receive *80 hours* if either their employer considers them to work full time or, on average, they worked or were scheduled to work at least 40 hours per week in the two weeks preceding the date they took leave.
- **Non-Full-Time Employees:** Employees with a normal weekly schedule receive the total number of hours they are normally scheduled to work over two weeks. Employees who work a variable number of hours, whose tenure is six months or more, receive 14 times the average number of hours they worked each day in the six months preceding their leave date. If they worked only between 15 days and six months, use this same calculation but over their entire period of employment. Employees who worked 14 days or fewer receive leave hours equal to their total number of hours worked.

The Offset: As noted above, the amount of paid leave employees already received in 2021 before the law takes effect *might* qualify as an offset that wholly or partially satisfies an employer's SPSL obligations. Under the law, if an employer pays an employee another benefit for leave taken on or after January 1, 2021 that is payable for the law's covered reasons and compensates employees in an amount equal to or greater than the amount of pay the law requires (we discuss pay further below), an employer may count those hours towards the number of hours of SPSL it must provide an employee under the new law. Note, however, this must be a *supplemental* benefit, so employers cannot count paid sick leave employees used under California's Healthy Workplaces, Healthy Families Act, the pre-COVID paid sick and safe time law, or 2020 SPSL. But employers can use as an offset paid leave they provided per a federal or local law in effect, or that became effective on or after,

January 1, 2021, if that leave was provided to an employee for *any* of the California law's covered reasons.

What about qualifying supplemental benefits paid in 2021, but before the law took effect that were compensated at a pay rate lower than what the California law requires? An employer must true-up (*i.e.*, increase retroactively) the pay to what California's law would require (had it been in effect when the employee took leave in 2021), such that the leave qualifies for the offset. If a payment is made due to an employee's oral or written true-up request, payment must be made on or before the payday for the *next* full pay period *after* the request. Another unusual aspect is the law's retroactivity provision. If an employee took leave for a covered reason between January 1, 2021 and the effective date of the statute, an employer could be required to apply the provisions of the law. This could, as discussed above, involve providing a payment for unpaid time off if an employee makes a request.

Reasons Employees Can Use, and Duration of, Leave: Employees who are unable to work or telework – another difference between the 2020 and 2021 laws – can use SPSL for the following reasons, which are more numerous than reasons employees could use California SPSL in 2020:

- Employee is subject to a quarantine or isolation period related to COVID-19 as defined by federal, state, or local orders or guidelines.
- Employee is advised by a health care provider to self-quarantine due to concerns related to COVID-19.
- Employee is attending an appointment to receive a COVID-19 vaccine.
- Employee is experiencing symptoms related to a COVID-19 vaccine that prevent the employee from being able to work or telework.
- Employee is experiencing COVID-19 symptoms and seeking a medical diagnosis.
- Employee is caring for a family member who is subject to a quarantine or isolation order or guideline or who has been advised to self-quarantine by a health care provider due to concerns related to COVID-19.
- Employee is caring for a child whose school or place of care is closed or otherwise unavailable *on the premises* for reasons related to COVID-19.

The requirement to provide SPSL remains in effect through September 30, 2021. If an employee is using SPSL on September 30, however, and the absence would continue without interruption past September 30, the employee gets to continue using available SPSL for that absence. Importantly, the 2021 law addresses how it interacts with Cal-OSHA requirements. Specifically, if Cal-OSHA COVID-19 Emergency Temporary Standards (ETS) or Cal-OSHA Aerosol Transmissible Diseases Standard (ATDS) require an employer to maintain an employee's earnings when an employee is

excluded from the workplace due to COVID-19 exposure, employers may require an employee to first exhaust SPSL.

Employee Obligations when Using Leave: Employees alone determine how many SPSL hours they need to use. Similarly, with the exception of the ETS or ATDS, employees get to choose whether they will use SPSL or some other paid or unpaid leave benefit their employer provides, or the law requires, to cover an absence. Employees can use 2021 SPSL immediately when the law takes effect if they make an oral or written request to use leave. Like its 2020 predecessor, the 2021 SPSL law does not contain language allowing employers to ask employees to provide verification or documentation to substantiate their need for leave. Assuming the state labor department does not change its 2020 position, employers might only be able to ask for reasonable supporting verification or documentation if they have evidence that an employee is abusing their entitlement to leave.

Rate of Pay When Employees Use Leave: The 2021 SPSL pay rate calculation differs from the 2020 calculation, which required employers to pay SPSL at the employee's regular rate for the last pay period, the state minimum wage, or the local minimum wage, whichever rate was highest. Under the 2021 law, for non-exempt employees, generally, there are two calculation formulas. Employers must pay the highest pay rate determined by either calculation. The first pay rate calculation uses the employee's regular rate of pay, regardless of whether an employee works overtime in the workweek they use leave. The second calculation requires the employer to divide the employee's total wages – excluding overtime premiums – by their total hours worked in the full pay periods of the prior 90 days of employment. But, if the applicable state or local minimum wage is a greater than what either calculation produces, employers use that amount for the SPSL rate.

This "highest of" approach differs from the state's pre-COVID paid sick and safe time law, which, although it uses the same calculation formulas, uses an "either/or" approach and does not require the rate to be at least the applicable state or local minimum wage. For exempt employees, employers calculate SPSL in the same manner they calculate wages for other forms of paid leave. Although the 2021 law does not define "exempt," an "exempt" definition is included in the state's pre-COVID paid sick and safe time law. Moreover, under that law, the state labor department, in an [opinion letter](#), said employees are only "exempt" if they are executive, administrative, or professional employees. Whether "exempt" or otherwise, like the 2020 law, employers need not pay more than \$511 for each day an employee uses SPSL, or more than \$5,110 overall. A provision unique to the 2021 law, however, allows employees who max out because of the pay caps to use other available paid leave they have ("top up") so they are fully compensated during the absence.

Notice, Posting & Paystub Requirements: By March 26, 2021 (within seven days of the date of enactment), the state labor department must make a model poster publicly available, which employers must conspicuously display in their workplaces. If employees do not frequent a workplace, employers can distribute the poster electronically, *e.g.*, by email. Like it did in 2020, California requires information concerning SPSL be available on paystubs or other written notices employees receive on payday. Also, like 2020 standards, there is a provision that says the paystub requirement is not enforceable until the next full pay period following the date that the law takes effect (March 29, 2021). The 2021 law incorporates into the statute guidance the state labor department issued concerning the 2020 paystub requirement. Specifically, the 2021 law expressly requires that SPSL and pre-COVID statutory paid sick leave be displayed separately. Additionally, for part-time, variable hour employees (part-time employees who don't have a regularly set schedule), the 2021 law says employers may meet their paystub obligations by performing an initial calculation of SPSL available and indicating "(variable)" next to that calculation, which employers will need to update when employees request to use SPSL. A final SPSL-related paystub requirement concerns true-up payments for leave employees used before the law took effect; specifically, the retroactive payment must be on the paystub for the pay period during which payment is made.

Next Steps: The law does not take effect immediately like some COVID paid leave laws in California have. With few days remaining before the law becomes fully operative, however, employers do not have a lot of time to examine their policies, practices, and payroll records to determine how they will comply, and to what extent they must. The tight deadline and mandatory pay obligations might accelerate discussions employers with 499 or fewer US employees are having about whether they will voluntarily offer similar paid leave and claim federal tax credits contained in the American Rescue Plan Act of 2021. Whether or not tax credits are available, or will be claimed, employers should consult knowledgeable counsel to discuss the best way forward for their business.

LEGAL DEVELOPMENTS

California Must Show Evidence Supporting Its Covid-Related Church Occupancy Cap
A federal judge declined to issue a temporary restraining order to block California from enforcing occupancy restrictions on in-person worship services during Holy Week, but the state must produce evidence showing its cap on religious services is science-backed. South Bay United Pentecostal Church failed during its fourth attempt to block California from restricting occupancy rates on in-person worship services more severely than pandemic standards set by the state for retail and grocery stores. US District Judge

Cynthia Bashant, set an evidentiary hearing in the case, South Bay United Pentecostal Church v. Newsom, where California must show how it came up with its capacity caps on in-person worship services. The hearing follows a Supreme Court order last month finding California's ban on in-person church services was unconstitutional. While the Ninth Circuit found California's ban during the height of the pandemic was constitutional, it found the state's capacity restrictions on worship services under relaxed Covid-19 restrictions were not.

Appeals Court To Hear Challenge To Gov. Newsom's Orders

The Third District Court of Appeals in Sacramento will hear a case on April 20 brought against Governor Newsom by two state legislators. Newsom is appealing a Superior Court ruling where a judge said that he abused his emergency powers. The judge ordered the Governor to stop issuing additional executive orders. Newsom ignored the ruling and continued to issue executive orders. "In November, we defeated Newsom at trial, handing him his first loss in court," state Assemblyman Kevin Kiley, one of the two legislators who sued the Governor, said. "The Superior Court ruled that his one-man rule violated the Constitution and restrained him from further unconstitutional orders." State Assemblyman James Gallagher and Kiley, the two northern California Republicans who won one of the first court victories against Newsom, filed a 13,986-word brief in their appeal to the court in early December. In it, they argued, "This case concerns a limited point of law: whether the California Constitution countenances a dictatorship. Gavin Newsom is no Caesar, but his legal theory in this case and ruling philosophy this year are that of dictator legibus faciendis. The Executive can make laws at will, and the participation of the Legislature is at his discretion.

Insurance Broker Not Liable For Calif. Hair Salons' Virus Loss

A California judge tossed a hair salon owner's suit alleging that its insurance broker failed to help it obtain pandemic or virus-related coverage, holding that the insurance agent has no duty to warn a policyholder of unforeseen risks such as the pandemic. Judge Randall S. Stamen said that VStyles Inc., which operated several hair salons in California, failed to allege that its broker Arthur J. Gallagher & Co took on any extra obligation to help it predict unforeseen risks, such as the COVID-19 outbreak, which has not been seen for over 100 years. The case is VStyles Inc. v. Continental Casualty Co. et al., case number RIC2003415, in the Superior Court of California, County of Riverside.

WHAT WE'RE READING

WHO Report: COVID Likely 1st Jumped Into Humans From Animals

A joint World Health Organization-China study on the origins of COVID-19 says that transmission of the virus from bats to humans through another animal is the most likely

scenario and that a lab leak is “extremely unlikely,” according to a draft copy obtained by The Associated Press. The findings offer little new insight into how the virus first emerged and leave many questions unanswered, though that was as expected. But the report does provide more detail on the reasoning behind the researchers’ conclusions. To read the full story, click [here](#).

Workers Get More COVID-19 Sick Time Under Bill Signed By Newsom

Millions of workers in California will be eligible for more paid sick leave for COVID-19-related matters under a bill signed by Gov. Gavin Newsom late Friday. The measure requires companies with 25 or more employees to provide up to two weeks of paid sick time. Workers can use the time to quarantine if they have been exposed to the coronavirus, schedule a vaccine, care for a sick family member, or take care of a child whose school or daycare is closed. To read the full story, click [here](#).

What to Know About COVID-19 Vaccine Passports and Travel

A vaccine passport system has been suggested for activities like attending concerts or going into the workplace. But its biggest influence could come from encouraging tourists to resume trips, providing a massive boon to a travel industry that has suffered dramatic losses during the pandemic. However, experts say the idea faces several concerns that are difficult to address. To read the full story, click [here](#).

Women In 40s, 50s Who Survive COVID More Likely To Suffer Persistent Problems: UK Studies

Women in their 40s and 50s appear more at risk of long-term problems following discharge from hospital after COVID-19, with many suffering months of persistent symptoms such as fatigue, breathlessness and brain fog, two UK studies found on Wednesday. One study found that five months after leaving hospital, COVID-19 patients who were also middle-aged, white, female, and had other health problems such as diabetes, lung or heart disease, tended to be more likely to report long-COVID symptoms. To read the full story, click [here](#).

What’s Going Wrong With The Astrazeneca Vaccine?

Just when we need to be able to trust the safety and effectiveness of COVID-19 vaccines, AstraZeneca planted more seeds of doubt about its vaccine. We learned this week that the drug company appears to have released “outdated” data about its vaccine [when it said Monday](#) the vaccine had. To read the full story, click [here](#).

Stocks sink as coronavirus European lockdowns rise, Powell and Yellen assess economy

US equity markets fell Tuesday, as selling accelerated in the final hour of trading, amid renewed concerns about the pace of the global recovery as European countries imposed new COVID-19 lockdowns and as Federal Reserve Chairman Jerome Powell and Treasury Secretary Janet Yellen testified about the US government's COVID-19 relief efforts. To read the full story, click [here](#).

Owners React After Ventura County Drops Lawsuits Against 5 Businesses For Staying Open During Pandemic

Many gyms and restaurants were hit hard after going through multiple shutdowns. Barbara Klempler and her husband own Original Pizza Cookery in Thousand Oaks--one of many restaurants that remained open during the closures. "We were the first ones that opened after four times and nine months of opening and closing. We decided that we were going to stay open after the last indoor closure. To read the full story, click [here](#).

IRS Criminal Investigation Pledges Continued Commitment To Investigating COVID-19 Crimes

The Internal Revenue Service's Criminal Investigation Division (IRS-CI) marks the one-year anniversary of the Coronavirus Aid, Relief and Economic Security (CARES) Act by pledging its continued commitment to investigating COVID-19 financial crimes and urging taxpayers to report suspected fraud. To read the full story, click [here](#).

Gov. Newsom And Legislators Have Lots Of Money To Spend, Few Strings Attached

Roughly \$150 billion is on its way to California from Washington, DC, from the \$1.9 trillion American Rescue Plan. The bulk of that cash either circumvents the state government — including \$40 billion in checks to households and \$16 billion in direct relief to cities and counties — or has to be spent on specific programs such as vaccinations, child care or preparing schools for reopening. But \$26 billion will go directly into a state budget already brimming with cash. Those funds come with very few strings attached; in a memo issued Tuesday, the nonpartisan Legislative Analyst's Office called it "flexible funding." Under the broad conditions set by the federal legislation, this latest round of relief money to the state has to be spent addressing some aspect of the "public health emergency" or its "negative economic impacts," on pay for essential workers, on making up for lost tax revenue or on making "necessary investments in water, sewer, or broadband infrastructure." To read the full story, click [here](#).

Steyer Polls The Newsom Recall — Offering Himself As An Alternative

Steyer's decision to poll himself as a possible replacement does suggest he's entertained the possibility. At a minimum, it is one of the few concrete examples of a Democrat

weighing the opportunities and landscape of a post-Newsom California. Antonio Villaraigosa, Newsom's primary opponent in 2018, sidestepped questions about the recall, and has taken no formal steps to test his viability. The feeling among political strategists and officials across the state is that many Democrats are waiting to see what Newsom's political pulse will be by late summer, when they will have to decide whether to enter the race. To read the full story, click [here](#).

California Virus Cases Keep Falling, More Businesses Reopen

San Francisco, Marin and Santa Clara counties were among counties moving to less restrictive tiers in the state's four-level system. The three joined neighboring Santa Mateo County as the latest Bay Area counties to move into California's "moderate" tier for coronavirus restrictions, meaning restaurants and other businesses can serve more customers. ... Also moving to the moderate tier are Lassen, Trinity and Yolo counties, all in Northern California. Sierra County joined similarly isolated Alpine County in the least restrictive yellow tier with minimal virus transmission and restrictions. Gov. Gavin Newsom recently said the state is developing a new "green tier" that would end many restrictions altogether. It's likely that within a few weeks Los Angeles, San Diego and much of the rest of the state will be in the lowest two tiers. To read the full story, click [here](#).

These Bay Area Cities Have The Most 'Untethered' Workers In The Country

San Jose and San Francisco have the highest percentage of workers in the US with few family and financial ties to their cities, according to a new study by Apartment List. And it signals that a Bay Area exodus could last a while. The listing site estimates about 13% percent of Bay Area workers are "untethered" — able to work remotely, rent and have no children or a spouse working an essential, in-person job. The national average is 5.6%, according to the analysis. The study suggests a possible expansion of migration away from the Bay Area hastened by the COVID-19 pandemic. Could more Bay Area residents be on the move? To read the full story, click [here](#).

Hospitals In Much Of California Begin Reopening To Visitors

Most counties moved this month to less restrictive tiers and the state last week issued [new, looser guidelines for hospitals](#). Now hospitals in 50 counties — home to more than 93% of the population — are eligible to open up to two visitors per patient, with some caveats. Some hospitals changed their visitor policies immediately and with enthusiasm. ... Some hospitals, however, are cautiously weighing whether to allow more people inside. Dignity Health, Kaiser Permanente and Sutter Health hospital systems, for example, said that they will continue to reevaluate their visitor policies and could update them soon. To read the full story, click [here](#).

Riverside County Removes Public Health Officer

Dr. Cameron Kaiser was ousted as Riverside County's public health officer Tuesday, March 23, after a closed-door Board of Supervisors meeting that led to the promotion of another doctor to the highly visible role in the County's coronavirus pandemic response. Kaiser "is no longer employed by the county, which was a decision made by the county executive officer ... earlier (Tuesday)," read a county news release announcing the appointment of Dr. Geoffrey Leung as Kaiser's successor. ... County spokeswoman Brooke Federico described Kaiser's departure as being "released" and declined to go into details about his exit. To read the full story, click [here](#).

Thousands of child care centers shutter, spelling bad news for California

California has two types of child care facilities: large centers and family care homes. Centers tend to be larger and more expensive while in-home care providers, who can serve up to 8 or 14 children depending on size, accept the majority of low-income children who receive state child care subsidies. Among in-home family child care sites, 14% shuttered — a loss of some 3,635 sites — between January 2020 and January 2021, according to newly released data from the Child Care Resource and Referral Network. Among larger centers, 33% closed, accounting for 4,873 centers. These are both permanent and temporary closures. To read the full story, click [here](#).

Biden Administration Extends Enrollment Period for Affordable Care Act

The Department of Health and Human Services said Tuesday that consumers will have until August 15 to sign up for plans, extending the deadline from May 15. The special open-enrollment period began February 15 to help people who had lost jobs because of the pandemic gain health-insurance coverage. The additional three-month extension for health plans sold on the federal exchange, HealthCare.gov, is aimed at giving people extra time to sign up or re-evaluate their coverage because of increased subsidies included in the recently enacted Covid-19 aid package. To read the full story, click [here](#).

School Survey Shows 'Critical Gaps' For In-Person Learning

Nearly half of US elementary schools were open for full-time classroom learning as of last month, but the share of students with in-person instruction has varied greatly by region and by race, with most nonwhite students taught entirely online, according to a Biden administration survey. ... Among schools that enroll fourth graders, 47% offered full-time classroom learning in February, while for schools that teach eighth-graders, the figure was 46%. The results suggested that at least some students weren't opting in. In total, about 76% of elementary and middle schools were open for in-person or hybrid learning, according to the survey, while 24% offered remote learning only. The percentage of students spending at least some time in the classroom has probably

increased since February, when coronavirus rates were just coming down from a national surge. To read the full story, click [here](#).

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EU Moves Toward Six-Week Vaccine Export Cut

The European Commission is proposing controversial new rules that would let the EU slash vaccine exports for six weeks to places like the UK and US — countries that are either receiving EU-made vaccines but not sending other shots back, or that have vaccinated more of their population than the EU. The drastic proposal is set to be unveiled Wednesday, ahead of a virtual summit of EU leaders on Thursday and Friday. It

comes amid mounting frustration in the EU about the bloc's sluggish vaccine rollout, as well as vaccine delivery delays from pharmaceutical companies like AstraZeneca and Johnson & Johnson. To read the full story, click [here](#).

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Dangerous COVID Variants Spreading In LA: Wear That Mask, Worry About Reopenings

While excitement builds for a possible loosening of more restrictions due to sharp drops in COVID-19 cases, Los Angeles County's public health director warned Wednesday that highly infectious variants of the virus appear to be spreading, heightening the need for continued mask-wearing and infection-control measures. To read the full story, click [here](#).

Bay Area Counties Agree To Vaccine Distribution Plan After Weeks Of Squabbles With State Over Blue Shield Deal

Bay Area counties will be able to retain local control over coronavirus vaccine distribution under a new agreement with the state, ending weeks of bitter negotiations with Gov. Gavin Newsom's administration after it hired Blue Shield to oversee California's vaccine supply. Santa Clara County and the state on Wednesday signed a contract that will allow the County to continue giving vaccine supply to local community clinics and to continue using the County's own appointment sign-up system rather than moving to the state's My Turn program, which has been plagued by technical difficulties. To read the full story, click [here](#).

Brazilian Coronavirus Variant Detected In San Diego

San Diego joins 18 regions nationwide that have reported cases of Brazilian coronavirus variants which have the ability to reinfect people who have been infected by other viral varieties. County officials announced that two cases of the COV2 lineage dubbed "P.1"

have been confirmed in the San Diego region. One case is a person who recently entered the country from Mexico and is not a local resident. The second person lives in the area. Case investigators have found no connections between the two people, said Dr. Eric McDonald, medical director of the County's epidemiology department. To read the full story, click [here](#).

Some School Districts Offer Reopening Bonuses To Teachers

Sweetwater and San Ysidro — two South County districts that have had budget troubles in recent years — plan to give extra pay to staff using school reopening incentive money that the state is offering. In order to qualify for that money, though, schools have to reopen in April and must invite certain groups and grade levels of students back. For every school day past April 1 that the districts do not reopen for those students, the districts will lose 1 percent of the reopening incentive money they are eligible for. Sweetwater is aiming to reopen on a voluntary basis for staff on April 12, but it will require staff to report on May 3. The bonuses are meant to entice enough teachers to return to campus by April 12 so the district can qualify for the state incentive money. To read the full story, click [here](#).

US Jobless Claims Reach Lowest Level Of The Pandemic

Jobless claims reached their lowest level of the pandemic last week, as the US economy's revival picks up speed. Worker filings for unemployment benefits, a proxy for layoffs, fell to 684,000 last week from 781,000 a week earlier, the Labor Department said Thursday. Claims are now at the lowest point since mid-March of last year and below the pre-pandemic high of 695,000. "There are fewer people that are losing their jobs," said Ben Ayers, senior economist at Nationwide Mutual Insurance Company. "That's a great sign that things are starting to pick up again for the economy." To read the full story, click [here](#).

Another \$282M In No-Bid Pandemic Contracts To Major Newsom Contributor UnitedHealth

The state awarded over \$221 million in no-bid contracts this year alone for UnitedHealth subsidiary OptumServe to help with vaccine delivery, according to recently released contract documents. Another no-bid agreement from last year — this one for testing — was extended by \$61 million, according to the documents. A CapRadio investigation in February found the state had already awarded UnitedHealth nearly half-a-billion dollars worth of pandemic response contracts — some no-bid, and some awarded through a fast-tracked bidding process. The company has contributed hundreds of thousands of dollars to Newsom's reelection campaign and ballot measure committee since 2018. That includes \$131,000 in December 2020, sandwiched between

the state awarding various no-bid deals worth hundreds of millions of dollars. To read the full story, click [here](#).

‘Variants Of Concern’ Dominate Recent Virus Samples Tested In LA County, Official Says

Most of the coronavirus samples analyzed in Los Angeles County last week were found to be variants that are believed to spread more readily, officials said. While the recent round of screenings comes with caveats — the sample size of 73 is a fraction of the new infections that are being confirmed countywide each day, and the specimens themselves were not randomly selected — it indicates that some viral mutations are continuing to circulate countywide. ... Wider spread of the more infectious mutations, health officials worry, could potentially fuel another surge that the County, and California, can ill afford after so recently emerging from the devastating fall-and-winter wave. To read the full story, click [here](#).

Cases Of ‘Long COVID’ Frustrate Patients, Puzzle Scientists

Their numbers go well beyond the minority of patients who were put on ventilators, or who nearly died because their immune systems overreacted to acute infection. Patients who have sustained organ damage face medical challenges that are complex, but not mysterious. ... One early indicator of their growing presence: Hospitals in 32 states and the District of Columbia have established programs or clinics specializing in the care of patients suffering persistent symptoms after coronavirus infection. ... The National Institute for Allergy and Infectious. To read the full story, click [here](#).

Justice Department Takes Historic Level Of Enforcement Against COVID-19 Fraud

When Texan Dinesh Sah pleaded guilty this week to orchestrating a fraudulent scheme to lift \$17 million from the Paycheck Protection Program’s forgivable loan program, it might have been a solo act of someone who was all hat and no cattle just getting in the wrong line at USDA’s Service Center. But instead, it turns out to be the beginning of enforcement by the Department of Justice on massive amounts of pandemic relief contained in recent congressional appropriations. Food and agricultural sectors are the targets of much of this government spending and the DOJ is making it known that fraud schemes that always follow the money this time won’t be tolerated. To read the full story, click [here](#).

Cal/OSHA Fines Sutter’s Alta Bates Hospital In Berkeley Over COVID Safety Violations

State health and safety regulators have fined the Alta Bates Campus of Sutter Health in Berkeley \$141,750, alleging the hospital failed to notify employees within a certain time frame that they had been exposed to COVID-19, officials said. Officials with the California Division of Occupational Safety and Health issued eight serious citations to the

Ashby Avenue campus in Berkeley, saying the hospital failed on several fronts: to implement and maintain its Aerosol Transmissible Disease Exposure Control Plan; to ensure that employees in an intensive care unit who were required to use an N95 filtering facepiece respirator passed a fit test; to investigate coronavirus exposure incidents; and to notify employees who had “significant exposure to a COVID- 19 case within 96 hours of becoming aware of the potential exposure.” To read the full story, click [here](#).

Santa Clara County Wanted To Stop COVID. So It Fined Businesses 50 Times More Than Any Other

In the year since the Bay Area issued the nation’s first public health order to fight the pandemic, with businesses struggling from a seemingly endless series of capacity restrictions and forced closings, the County has fined nearly 400 business owners like Dubon a whopping total of \$4.9 million in civil penalties for breaching coronavirus restrictions. In contrast, six other Bay Area counties that issue fines for similar infractions have collected a combined \$82,000 from 68 businesses in all, according to an analysis of data obtained by this news organization. Interviews with business owners as well as a survey of about half of California’s 58 counties reveal that Santa Clara County has for months deployed an exceptionally heavy enforcement hand. To read the full story, click [here](#).

Napa And Alameda Counties Set To Move To Orange Tier, Allowing Wineries To Open Indoor Tastings

Napa and Alameda counties are expected to move into the orange tier of California’s pandemic reopening plan on Tuesday, allowing wineries to open indoor tasting rooms and letting bars and music and sports venues open outdoors with limits. If both counties maintain low case numbers and positive test rates in the state’s weekly report, they will be the latest in the Bay Area to leave the red tier, the second most restrictive of the state’s four-tiered system. They will join San Francisco, Marin, San Mateo and Santa Clara counties in the orange tier; only three local counties will remain in red. 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.

Previous 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.