

Weekly COVID-19 Update From EKA April 28, 2021

The [CDC recently stated that](#) “The risks of SARS-CoV-2 infection in fully vaccinated people cannot be completely eliminated as long as there is continued community transmission of the virus. Vaccinated people could still get COVID-19 and spread it to others.” The [CDC warns that](#) workspaces are actually a higher risk for transmission of coronavirus due to the close proximity in which employees will be!

VACCINATION

More than 5 million Americans have missed the second dose of their COVID-19 vaccine, new government data shows.

State’s ‘MyTurn’ website bypassed for most vaccine appointments

Appointments booked on MyTurn — an average of about 100,000 each day — account for only about 27% of the vaccinations given each day across the state, according to data from the California Department of Public Health. MyTurn was developed with unusual speed for a government website. State officials told CalMatters that they spent \$50 million building the site. ... A confluence of problems with MyTurn continues to frustrate many Californians: The technology was hastily deployed, leading to inevitable glitches because it wasn’t vetted enough before it was unveiled. It can’t reliably cope with the state’s constantly changing rules and wide variety of local eligibility qualifications. And the vaccine supply hasn’t kept up with demand, so until very recently, appointments were unavailable for most people.

Schedule a Vaccination Appointment

Everyone living or working in LA County 16 and older is eligible for the COVID-19 vaccine. Learn more and make an appointment on the [Vaccinate LA County website](#). Only proof of eligibility is required. The following documents also provide proof of living in LA County:

- Consular ID
- Post Office Change of Address Confirmation
- Letter from a local faith-based/non-profit organization or shelter
- Membership cards: YMCA, Union, fitness center, community association, apartment building association, business club.

If you are age 16 or 17, you are only eligible for the Pfizer vaccine. Make sure you book your appointment at a vaccination site that offers the Pfizer vaccine. You will be turned

away if you go to a site that does not offer Pfizer. Minors must bring their parent or guardian to their vaccine appointment to consent for vaccination.

White House Offers New Tax Credit To Help Spur Vaccinations

President Joe Biden announced new employer tax credits and other steps to encourage people reluctant to be inoculated to get the COVID-19 vaccine as his administration tries to overcome diminishing demand for the shots. The moves came as Biden celebrated reaching his latest goal of administering 200 million coronavirus doses in his first 100 days in office. The President is pushing for all employers to provide their workers with paid leave so they can go get a COVID-19 shot. The paid time off should also cover any time it takes for workers to recover from the after-effects of the vaccine.

New data shows vaccination gap by ZIP code across California

The gap in vaccination rates between people living in the state's healthiest and wealthiest quartile of ZIP Codes and those living in the least healthy and poorest ZIP codes continues to grow, leading to a 21 percentage point difference as of late April. This week, the CDPH released detailed data on vaccination rates for every ZIP code in the state. The data includes an estimate of the share of each ZIP codes 16-and-older population that has received at least one dose of COVID-19 vaccine, along with a measurement the government calls its Vaccine Equity Metric (VEM). That metric divides each ZIP code into quartiles, based on factors like economic stability and healthcare access. ZIP codes with a ranking of 1 are considered the most vulnerable and lowest-income; ZIP codes with a 4 ranking are considered the wealthiest and least vulnerable.

Fake COVID Vaccine Cards Targeted By California Attorney General

California's acting attorney general is among the officials sounding the alarm about fake COVID vaccine cards being sold online. Matthew Rodriguez is one of the signatories of a letter sent this week by the National Association of Attorneys General to OfferUp, a marketplace site similar to Craigslist. "Allowing users of your platform to market and sell fake vaccine cards is a threat to residents of our states," says the letter, which then demands that OfferUp remove such posts and retain information about the people who are selling the cards. The letter comes 10 days after a similar one that the attorneys general association sent to Twitter, eBay and Shopify about fake cards marketed on their platforms. A spokesperson for OfferUp said Wednesday that the site's administrators "actively remove" posts offering fake vaccine cards, usually taking them down within an hour.

REOPENING

New CDC guidelines for fully vaccinated people

Fully vaccinated individuals can unmask while walking, running, hiking or biking outdoors alone or with members of their household. Fully vaccinated people don't need to wear a mask during small outdoor gatherings with fully vaccinated family and friends, or at gatherings with a mixture of vaccinated and unvaccinated people. Fully vaccinated individuals don't need to wear a mask at outdoor restaurants with friends from multiple households. [Click here](#) to see the full guidance.

California Theme Parks Can Allow Out-Of-State Visitors

Disney, Universal and other theme parks in the state that had been forced to limit attendance to California residents can now allow out-of-state visitors under revised state guidelines — but not all parks are swinging open their gates to interstate travelers just yet. Revised guidelines in Gov. Gavin Newsom's [Blueprint for a Safer Economy](#) now allow fully vaccinated out-of-state visitors to attend activities or events that are currently limited to California residents only. California theme parks can allow fully vaccinated visitors from out of state, according to California Department of Public Health officials.

UC And Cal State Systems Intend To Require COVID-19 Vaccinations

The University of California and California State University intends to require COVID-19 vaccinations for all students, faculty and staff on campus properties this fall, once the FDA gives formal approval to the vaccines and supplies are available. The directive is the largest of its kind in US higher education, affecting more than 1 million members of the two public university systems. UC President Michael V. Drake, a physician, said that vaccinations are a “key step people can take to protect themselves, their friends and family, and our campus communities while helping bring the pandemic to an end.”

LOS ANGELES COUNTY

As LA County Reopens, Officials Plan For COVID-19 Economic Recovery

Los Angeles County saw a \$735-million drop in sales tax revenue due to the pandemic-related economic slowdown, but the county will avoid layoffs and furloughs and funding to large departments, including the Sheriff's Department, will remain largely unchanged, according to a budget proposal unveiled by officials on Monday. County Chief Executive Fesia Davenport said in a presentation to reporters that despite the financial hit from the pandemic, her “leaner” budget proposal still includes millions to help finance services to address homelessness, child welfare, healthcare and mental health. ... The last budget, approved amid the COVID-19 crisis, included \$369 million in cuts to departments funded with locally generated money and eliminated 2,586 positions. That money doesn't appear to be returning, and sacrifices will be made. County departments submitted more than \$2 billion in requests that won't be likely funded. Of this, only

\$530 million of the most critical requests will be considered later this year as the county knows more about tax revenues and other revenue streams.

Updated Public Health Cleaning & Disinfection Matrix

The [Cleaning & Disinfection Matrix](#) for COVID-19 has been updated. Recent Updates (Changes highlighted in yellow): 4/21/2021 – Updated to align with guidance issued by the Centers for Disease Control and Prevention (CDC). This cleaning matrix and other pertinent information and resources can be found on the Los Angeles County Department of Public Health [COVID-19 webpage](#).

SACRAMENTO

California Legislature OK's Tax Break For Small Businesses

The California Legislature approved a major tax break for small businesses, voting to give up as much as \$6.8 billion in revenue over the next six years so that struggling business owners can have smaller bills. The federal government loaned more than \$97 billion to California small businesses during the coronavirus pandemic, and most business owners did not have to pay that money back. Business owners used most of that money to pay the salaries of their employees, which prevented — or at least delayed — layoffs during the pandemic. In December, Congress said business owners could deduct expenses associated with those loans from their federal taxes. The bill that passed the California Legislature would let business owners deduct those expenses from their state taxes, too.

California's Coronavirus Case Rate Now The Lowest In The Continental US.

California's coronavirus case rate is now the lowest in the continental US, an achievement that reflects months of hard-won progress against the pandemic in the aftermath of the state's devastating fall and winter surge. The state's latest seven-day rate of new cases — 40.3 per 100,000 people — is dramatically lower than the nationwide rate of 135.3 and edged only by Hawaii, 39.1, over the same time period, according to data from the Centers for Disease Control and Prevention. At the other end of the spectrum is Michigan, which has far and away the highest seven-day case rate in the nation, at 483 per 100,000 people. Others topping that distressing leaderboard are New Jersey, 269.7; Delaware, 264.1; Pennsylvania, 248.5; and Minnesota, 238.4. Among larger states, the comparable rates over the same time period were 201.1 in Florida and 65.9 in Texas.

NATIONAL

Restaurant Revitalization Fund

The Small Business Associations \$28B Restaurant Revitalization Fund is expected to counterbalance pandemic-related revenue losses up to \$10 million per eligible business. Recipients are not required to repay the funding if funds are spent on specific uses no later than March 11, 2023. Uses include things like; payroll, rent mortgage, food and beverage costs and even construction for outdoor seating. The American Rescue Plan Act established the Restaurant Revitalization Fund (RRF) to provide funding to help restaurants and other eligible businesses keep their doors open. Recipients are not required to repay the funding as long as funds are used for eligible uses no later than March 11, 2023.

- [Restaurant Revitalization Fund program guide](#)
- [Restaurant Revitalization Fund sample application](#) (SBA Form 3172)
- [RRF knowledge base support documentation](#)
- Call center support: 1-844-279-8898

SBA may provide funding up to \$5 million per location, not to exceed \$10 million total for the applicant and any affiliated businesses. The minimum award is \$1,000. For more information, click [here](#).

US Extends Non-Essential Travel Restrictions With Mexico Through May 21

Restrictions on non-essential crossings at the U.S.-Mexico land border will remain in place through May 21, the Department of Homeland Security confirmed Tuesday. “We are guided by science and public health data and engaged in discussions with Canada and Mexico about easing restrictions as health conditions improve,” the agency said via Twitter. Mexico announced that its restrictions on non-essential land crossings from the US will also continue one more month, but only for the northern Mexican states in the top two tiers (red and orange) of their epidemiological risk traffic light

New, Antibody-Resistant Coronavirus Variant Discovered In Texas

Researchers at Texas A&M University this week reported a new strain of the coronavirus called the BV-1. The BV-1 variant was found in a saliva sample taken from a student who lives off campus and tested positive for the coronavirus on March 5, the university announced Monday. Researchers have not found the strain in other individuals but called its genetic make-up “concerning” because it may be resistant to antibodies. “We do not at present know the full significance of this variant, but it has a combination of mutations similar to other internationally notifiable variants of concern,” Ben Neuman, chief virologist at the university’s Global Health Research Complex, said in a statement.

USDA Extends Free Meals Through Next School Year

The US Department of Agriculture will continue reimbursing schools and childcare centers for free meals to all students regardless of their income through the 2021-22 school year, USDA officials announced Tuesday. Meal service waivers such as the “Seamless Summer Option,” which made it possible for California districts to distribute millions of grab-and-go meals to students since campuses closed due to Covid-19, will be extended through June 2022, according to a USDA news release. Advocates say the extension comes at a pivotal time for food-insecure families.

SVOG Application Portal Reopens

The Shuttered Venue Operators Grant application portal has now reopened. Applicants will also need a smartphone and a multi-factor authenticator app to register and apply.

The SBA has also added the following updated resources.

Applicant user guide and FAQ: For help with the application process, refer to the [applicant user guide](#) and [FAQ](#).

- **Checklist:** Use the [checklist](#) to make sure you have everything you need to complete your application.
- **Call Center:** For Shuttered Venue Operators Grant application portal technical assistance such as a password reset, browser suggestions, or how to use the multi-factor authentication with an app and the QR code, applicants can call 1-800-659-2955 or, for the deaf and hard-of-hearing 1-800-877-8339 and follow the prompts to SVOG assistance. The call center is open through the weekend from 8 a.m. to 8 p.m. EDT. For additional information and to review applicant resources, visit www.sba.gov/svogrant.

EMPLOYER ISSUES

California Requires Employers to Compensate Employees for Time Spent Obtaining a COVID-19 Test or Vaccination

The California Department of Industrial Relations (DIR) updated its [“Guide to COVID-19 Related Frequently Asked Questions \[FAQs\]”](#) to include wage and hour issues arising out of employer-mandated COVID-19 tests or vaccinations. The [Department of Fair Employment and Housing \(DFEH\)](#) confirmed that an employer does not violate the California Fair Employment and Housing Act (FEHA) by requiring employees to receive an FDA-approved COVID-19 vaccine so long as the employer does not discriminate against or harass employees or job applicants on the basis of protected characteristics, provides reasonable accommodations related to disability or sincerely-held religious beliefs or practices, and does not retaliate against employees who engage in protected activity, such as requesting an accommodation. While this guidance arguably protects employers against FEHA claims, employers should not take the DFEH’s guidance as

permission to mandate vaccines in other contexts, and it is not yet clear whether employers can safely mandate vaccines approved only under Emergency Use Authorizations by the Food and Drug Administration. If employers can legally mandate vaccines, the question becomes whether employers must pay for the time spent being vaccinated. Now, the DIR has weighed in on employer obligations to pay for tests and vaccines when mandated by the employer.

DIR and California Labor Commissioner's Office Launch Web-based COVID-19 Paid Sick Leave Tool

The Department of Industrial Relations (DIR) and its California Labor Commissioner's Office has launched a [web-based tool in English](#) and Spanish that offers key information on the new 2021 COVID-19 Supplemental Paid Sick Leave law, Senate Bill No. 95, signed by Governor Newsom on March 19. The 2021 Supplemental Paid Sick Leave law provides workers up to 80 hours of paid sick leave if they or a family member are unable to work or telework due to COVID-19, including for vaccine-related reasons. The navigator tool, available in English and Spanish, helps workers and employers confirm if they are eligible for COVID-19 supplemental paid sick leave by answering short simple questions on the impact COVID-19 is having on an employee's ability to work. Workers and employers need not provide a name or other personal details to determine eligibility. In addition, [Supplemental Paid Sick Leave FAQs](#) are posted online in English and Spanish.

Employers Should Think Twice Before Denying Virus-Related Leave Requests as COVID-19 Lawsuits Increase

The law firm [Fisher Phillips](#) has issued an article that says that while there may be light at the end of the tunnel, employers are facing lingering reminders of COVID-19 even as the pandemic subsides – including an increasing amount of litigation about how some have addressed virus-related leave requests. For ease of reference, the article is copied below.

A number of lawsuits have already been filed alleging that employees were not provided leave under the Families First Coronavirus Response Act (FFCRA) or were retaliated against for requesting FFCRA leave. These cases highlight the need for employers — particularly those opting to extend FFCRA leave to employees — to continue to carefully follow their obligations under the law to help prevent and defend against potential litigation.

Employer Obligations Under the FFCRA

Under the Families First Coronavirus Response Act (FFCRA), certain employers were required to provide eligible employees with emergency paid sick leave (EPSL) and expanded family medical leave (EFMLA) for specific COVID-19-related reasons. In

exchange, those employers would be eligible for refundable tax credits for the cost of providing employees with the FFCRA leave. Generally, the FFCRA provides for two weeks (up to 80 hours) of paid sick leave where an eligible employee is unable to work due to one of the qualifying reasons for leave, and up to an additional 10 weeks of paid expanded family and medical leave for an eligible employee whose is unable to work due to a bona fide need for leave to care for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19.

Employers Can Voluntarily Extend FFCRA Leave Through September 30

While the FFCRA originally expired on December 31, 2020, Congress initially extended the tax credit for employers who voluntarily chose to continue providing paid leave through March 31, 2021. The American Rescue Plan Act of 2021 further extends the tax credit for those employers who **voluntarily** provide leave through September 31, 2021. This Act also provides additional qualifying reasons for paid leave, of which employers need to be aware.

COVID-19 Lawsuits Related to FFCRA Leave Requests

A few recently filed cases illustrate the types of lawsuits employers may face. One example is *Garcia v. Home Expressions, Inc.*, which was filed in New Jersey in February 2021. Cenia Garcia worked as a logistics coordinator and administrative assistant for her employer for approximately two years before the COVID-19 pandemic hit. She alleges that she initially worked remotely, but her employer eventually asked her to return to the office five days per week. At the time, Garcia's three school-aged children were still attending school virtually, so she requested EFMLA leave. According to her Complaint, her employer first allowed her to continue working remotely, but then required her to report to the office two days per week and refused to pay her for days she did not report to work in-person. Garcia also alleges that she was not provided with an explanation of the FFCRA benefits and was subsequently terminated after seeking leave. Garcia's lawsuit alleges violation of the FFCRA and seeks compensatory and punitive damages in addition to reinstatement.

In *Aguilar v. National Center for Advocacy and Recovery, Inc.*, another lawsuit filed in New Jersey in February 2021, Barbara Aguilar alleged that she worked for her employer for seven years before she was terminated for requesting FFCRA leave. She alleges she requested intermittent leave to care for her minor child because her child's school and summer camp were not allowing in-person attendance. In response to her request, Aguilar claims her job duties were taken away and she was fired after her employer inquired as to the status of her daughter's school. Aguilar asserts claims under the FFCRA and New Jersey state law and seeks damages and reinstatement.

Similarly, in *Peace v. Curtis Resort Spa, Inc.*, filed in federal court the Northern District of Georgia, Lauren Peace alleges that her employer told her to “make it work” when she could not find child care for her young daughter due to the COVID-19 pandemic. When she requested FFCRA leave, she claims she was fired. Peace, like the plaintiffs in the other two cases, asserted claims for violation of the FFCRA. According to Peace, she was entitled to take up to 12 weeks of leave, but that when she asked for it, her employer fired her instead. Peace is seeking damages, including lost wages and benefits and reinstatement to her former position. These cases all share common features and tell a cautionary tale.

What Should Employers Do?

Even though the FFCRA initially expired on December 30, 2020, the Act provides for a private cause of action. The statute of limitations for claims under the FFCRA is two years from the date of the alleged violation (or three years for willful violations) so you may not be out of the woods even if you decided not to continue to provide FFCRA leave in 2021.

You could also find your organization the subject of a Department of Labor (DOL) investigation regarding your provision of leave under the FFCRA. The DOL observed a temporary period of non-enforcement for the first 30 days after the FFCRA took effect, so long as employers acted reasonably and in good faith to comply with the new law. “Good faith” exists when violations were remedied, and the employee was made whole as soon as practicable, the violations were not willful, and the employer agrees to future compliance with the FFCRA. However, employers found to be in violation could be subject to penalties and enforcement under either the Fair Labor Standards Act, the Family and Medical Leave Act, or both.

With the **voluntary option** for employers to extend the FFCRA leave to employees through September 30, 2021 under the American Rescue Plan, you should ensure you follow your obligations under the law related to employee eligibility and entitlement to FFCRA leave or risk possible litigation if you choose to continue providing FFCRA leave. The American Rescue Plan also adds non-discrimination rules that would deny tax credits to employers that discriminate against certain categories of employees when determining availability of the paid leave. That means that employers that decided to provide FFCRA leave should do so uniformly to reduce the risk of potential claims. The American Rescue Plan also provides for 10 additional days of FFCRA paid sick leave beginning April 1, 2021 for those employers who opt to provide it. For those choosing to continue to provide EFMLA leave, all 12 weeks are paid, and employees can now take EFMLA leave for any of the reasons that an employee would qualify for EPSL (and not just for reasons related to school or child care closures).

You should consult with counsel to determine the application of the FFCRA, the American Rescue Plan, and state and local paid leave laws. While they have not done so yet, the DOL and IRS may provide additional guidance related to those employers who opt to voluntarily continue to offer leave under the American Rescue Plan. If you opt to continue providing such leave, you should review and update your leave request forms and documentation as necessary to reflect these recent changes to the law. New leave laws could also be on the horizon under the Biden Administration and you should continue to monitor potential changes to federal leave laws in 2021 and beyond.

COVID-19 Obligations

The California Department of Fair Employment and Housing (DFEH), the agency charged with administering the state's employment discrimination statute and regulations, has issued [updated COVID-19 guidance](#). The new guidance includes how employers should handle:

- COVID-19 Inquiries and Protective Equipment
- Employees with COVID-19 Symptoms or Infection
- Job-Protected Leave
- Reasonable Accommodations for Employees with Disability/Vulnerable Populations
- Vaccination

LEGAL DEVELOPMENTS

Ventura County Sued Over Refusal To Provide Records On Virus Outbreaks At Businesses

A freedom of information organization has sued Ventura County to obtain public records on COVID-19 related deaths and virus outbreaks at workplaces. In a 10-page lawsuit filed in Ventura County Superior Court, the First Amendment Coalition asked for a court order compelling the county government to release records requested in January and March. The coalition says the records must be disclosed under the California Public Records Act, a long-standing law governing records of public agencies. The San Rafael-based coalition sought data for all non-residential settings with three or more laboratory-confirmed cases of COVID-19 in the request made in January, according to the lawsuit. Included were food and retail stores, gyms, restaurants, bars, government offices, places of worship, healthcare providers, residential care facilities, education settings and residential care facilities. The request was limited to the 10-month time period from March 1 of last year through January 5. County officials provided a link to business information on the county website, venturacountyrecovers.org.

Zurich Fights NJ Theater's Bid To Remand Virus Coverage Suit

Zurich has urged a New Jersey federal judge to reject an iconic entertainment venue's bid to remand its pandemic coverage suit to state court, arguing that the theater's suit does not raise novel state law questions and there are no identical cases opening in state court. Zurich American Insurance Co. fought Count Basie Theatre Inc.'s request to send its action back to state court, claiming that there is no need for the case to be decided at the state level as a growing body of federal cases in the Garden State weigh in on whether COVID-19 causes property damage and virus exclusions in policies bar coverage. Earlier this month, Count Basie, an iconic New Jersey entertainment venue, told the court that the largely unsettled legal question of pandemic-related policy limits deals with critical issues of state law. The case — in which Count Basie alleges that Zurich wrongfully limited the coverage the theater is owed for pandemic-related losses — was originally filed in state court in December and removed by Zurich in January. Count Basie has argued that public interest was best served by a state court applying and interpreting its own law to an unsettled issue, and because of the “general policy of constraint” federal courts should exercise when the same legal issues, if not between the same parties, are pending in state court. Zurich disagreed saying no identical issues are pending in state court.

EU Preps Legal Action Against AstraZeneca

AstraZeneca has maintained a rocky relationship with the EU after failing to live up to its COVID-19 vaccine delivery expectations. Now, the two appear headed to court over the issue. The European Commission is reportedly readying legal proceedings against the vaccine developer for failing to provide its promised supply of COVID-19 doses to the region, Politico [reports](#), citing six EU diplomats familiar with the matter. AstraZeneca originally committed to sending Europe 90 million doses of its vaccine in the first three months of the year. But after struggling to get its supply chain up to speed, the company knocked that projection down to 30 million.

Texas AG Ken Paxton Sues Biden Administration

Texas Attorney General Ken Paxton is again suing the Biden administration for what he says is encouraging the spread of COVID-19 at the southern border by allowing asylum-seeking migrants to gather in congregated care settings. The attorney general argues the administration is violating its own CDC rules and the Immigration and Nationality Act requiring the detention of arriving migrants who might transmit diseases of public health significance. He is asking a federal court to require the administration to expel migrants to Mexico under the Trump-era Title 42 rule.

WHAT WE'RE READING

How Long Does Protection From COVID-19 Vaccines Last?

Experts don't know yet because they're still studying vaccinated people to see when protection might wear off. How well the vaccines work against emerging variants will also determine if, when and how often additional shots might be needed. "We only have information for as long as the vaccines have been studied," said Deborah Fuller, a vaccine researcher at the University of Washington. "We have to study the vaccinated population and start to see, at what point do people become vulnerable again to the virus?" To read the full story, click [here](#).

Washington Sports Club To Pay DC \$100k For Allegedly Violating Covid-19 Safety Protocols

Washington Sports Club's parent company will pay DC \$100,000 as part of a [settlement](#) over allegations that it did not adhere to the city's COVID-19 emergency protocols and put customers at risk. The settlement marks yet another legal tussle between DC Attorney General Karl Racine and the chain, which has been accused of making it difficult for members to cancel their memberships and not following the city's COVID guidelines. To read the full story, click [here](#).

GOP Lawsuit Over Newsom's COVID Powers Faces Tough Questions From California Judges

Republican lawmakers faced tough questions from appeals court judges on Tuesday in a case where they argue Gov. Gavin Newsom overstepped his executive power when issuing orders related to the pandemic. Newsom's attorneys are seeking to have the Third District Court of Appeal overturn a lower court's ruling that found the governor misused his emergency authority with an executive order related to mail-in elections during the coronavirus pandemic. ... The crux of the disagreement is whether the California Emergency Services Act, or CESA, gave Newsom the power to not only suspend certain statues, but also prescribe rules. Newsom declared a statewide emergency because of the coronavirus outbreak on March 4, 2020, and he's used that power to hand down safety guidelines and move quickly on contracts. ... It is not clear when the appeals court will issue its ruling. To read the full story, click [here](#).

Santa Barbara County Among 5 Joining Orange Tier As California's Reopening Continues

Five more counties have moved into the orange tier of the state's COVID-19 reopening system — continuing a sustained and sweeping unlocking of the economy as case rates remain low and vaccinations ramp up. Those advancing from the red tier to orange were Fresno, Santa Barbara, Kings, Calaveras and Mono counties, according to data from the California Department of Public Health. Making it to the second-most lenient category

of the state's four-tier color-coded blueprint will those counties to further relax coronavirus-related restrictions on businesses, activities and public spaces starting Wednesday. To read the full story, click [here](#).

Bay Area Disrupted: How The Boba Shortage Reflects A Pandemic-Strained Supply Chain

At the start of the month, around two dozen big ships were waiting in line to unload at the Port of Oakland, an "unprecedented" challenge that could delay everything from electronics to clothing to, yes, boba tea from reaching consumers. The port reported record-high container volume for both imports and exports in March, including a 45% surge compared to last year, as the pandemic was taking hold. The port expects the surge to last for months or more. The ports of Los Angeles and Long Beach, the nation's two busiest, are seeing similar traffic jams. To read the full story, click [here](#).

Delayed School COVID Results, Canceled Games And Contamination Concerns – More Trouble For CA COVID Lab

Parents are demanding answers now a month after the state was supposed to release its investigation into its troubled COVID testing lab. The lab is now being used to process tests for students across the state and delays last week led to canceled football games and a "positive" player on the field. The state says, "routine maintenance" caused the delays, but CBS13 has learned a "contamination issue last week" forced the lab to "halt production." ... CBS13 has now obtained internal emails sent by top management, discussing "the contamination issue last week" that "resulted in a halt to production." "If there was contamination then everybody should know that there was contamination," Peterson stressed. CDPH refused to comment on a possible contamination issue; it's not clear if the state was aware before we asked them. To read the full story, click [here](#).

US Regulators Cite Shortcomings After Inspecting A Baltimore Plant Where J.&J. Doses Were Ruined

The violations included failure to properly disinfect the factory and its equipment, as well as failure to follow proper procedures designed to prevent contamination of doses and to ensure the strength and purity of the vaccine manufactured there. In a 12-page report, the inspectors cited a total of nine violations, ranging from the design of the building to improperly trained employees. The inspection was finished on Tuesday. In a statement, the FDA noted that it has not authorized Emergent to distribute any doses of Johnson & Johnson vaccine, and that no vaccine manufactured at the plant has been released for use in the United States. To read the full story, click [here](#).

California Lawmakers Revive Virus Tax Break For Businesses

The federal government has given California companies about \$97 billion in loans during the pandemic, the majority of which business owners won't have to pay back. Congress also gave \$26 billion to California's state government as part of the most recent coronavirus relief package President Joe Biden signed last month. Congress already lets business owners deduct expenses associated with those coronavirus loans from their federal taxes. But California business owners still owe state taxes on that money. California lawmakers wanted to change that, and they were prepared to do it earlier this year. But they put it off because they were afraid the proposal could force them to lose some of their own federal coronavirus aid. That's because Congress barred states from using coronavirus relief money to pay for tax cuts. Since the proposal would reduce how much money business owners pay in state taxes, Gov. Gavin Newsom's administration worried it would count as a tax cut. The US Treasury Department assured the state it could pass the bill without forfeiting billions of dollars in federal aid. Monday, the state Senate voted 37-0 to do just that. It now heads to the state Assembly. To read the full story, click [here](#).

California and Texas Took Different Routes to Vaccination. Who's Ahead?

California and Texas, the country's two most populous states, have taken radically different approaches to the pandemic and the vaccination campaign to end it. California has trumpeted its reliance on science and policies it says are aimed at improving social equity. Texas state officials have emphasized individual rights and protecting the economy, often ignoring public health warnings but encouraging vaccination — while calling it a personal choice. To read the full story, click [here](#).

California Coronavirus Variants 20% More Infectious, Resistant To Antibodies, New Study Finds

Two California-bred coronavirus variants are about 20% more infectious than the original virus, according to a study published Tuesday by researchers at UCSF, UC Berkeley and the California Department of Public Health. The study results, published in the journal *Cell*, support previously released research out of UCSF and the Chan Zuckerberg Biohub that had not yet been vetted by peer review. The California variants, known as B.1.427 and B.1.429, are described as one strain in the paper because they are very similar and share at least one key mutation. They are spreading widely across the state and appear to be more transmissible and less susceptible to antibodies produced by previous infection with the virus or by the vaccine, researchers said. To read the full story, click [here](#).

New Wrinkle In Bay Area: Slowdown In Interest For Thousands Of Vaccination Slots

On Friday, the first day after the statewide expansion, virtually all of the 1,400 appointments were snapped up. But by Tuesday, just two-thirds of available

appointments — about 2,300 of 3,400 — were booked, and only after “herculean” efforts to get the word out, a spokesperson said. The schedule for the rest of the week suggests a steep drop-off in interest. Fewer than 1,500 people had booked appointments for Wednesday, out of nearly 3,700 available slots. For Thursday and Friday, only 82 people and 46 people, respectively, had signed up, although more than 3,200 slots are available each day. The drop-off is among emerging signs that the Bay Area is fast approaching a juncture when it will have more vaccine than people who want it — a stark contrast to just a few weeks ago when lack of vaccine supply seemed to be the biggest problem slowing down inoculations. To read the full story, click [here](#).

US Unemployment Claims Hit New Covid-19 Pandemic Low

Worker filings for jobless benefits declined to 547,000 last week, a new pandemic low that adds to evidence of a strengthening labor market and overall economic recovery. Initial unemployment claims, a proxy for layoffs, fell 39,000 last week from an upwardly revised 586,000 the prior week, the Labor Department said on Thursday. That put new claims on a seasonally adjusted basis below 600,000 for two consecutive weeks in mid-April, their lowest levels since early 2020. The four-week moving average, which smooths out volatility in the weekly figures, was 651,000, also a pandemic low. To read the full story, click [here](#).

Don't Lose Your COVID-19 Vaccine Card – You'll Need It In These Situations

Getting [vaccinated](#) is an important milestone in protecting yourself and others from [COVID-19](#) and finally ending the pandemic. When you get vaccinated, you'll receive a COVID-19 vaccine card that shows the date you were vaccinated, as well as which vaccine you received. Authorities and leaders are still debating over whether a digital vaccine passport is a good idea or not -- so for now, the card is the best evidence to show proof of vaccination. Once you get a vaccine card, you'll need to keep it in a safe place for when you'll likely need it -- whether you are traveling or want your free Krispy Kreme donut. To read the full story, click [here](#).

After Getting a COVID-19 Vaccine, Women Are Selling Their Breast Milk Online

On Only The Breast, a website devoted to the buying and selling of breast milk, one ad advertises “COVID antibody” milk at \$2 an ounce. Another says the donor has been vaccinated with Pfizer’s COVID-19 vaccine and offers milk at \$2.50 an ounce: “Provide your baby with safe antibodies!” it reads. A third listing offers milk for free and notes, “I received the full course of Pfizer’s covid vaccination, so it’s possible that there may be some added benefit transmitted.”

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

British Regulator Says AstraZeneca COVID Shot Clots Rise to 168

Britain's medicines regulator on Thursday said there had been 168 major blood clots following a dose of COVID-19 vaccine, a rate of 7.9 clots per million doses, a jump in incidence from the previous week's figure. This was up from the 100 cases reported last week, when the overall case incidence was 4.9 per million doses. To read the full story, click [here](#).

Why California Has Lowest COVID Case Rate In Continental US As Michigan Sees New Surge

Since the peak of California's harrowing winter COVID-19 surge, not only has the state managed to flatten its coronavirus curve, but it now has the lowest case rate in the continental US at just 6 per 100,000 people. Only Hawaii has a lower rate among US states. Meanwhile, the worst-case scenario — a repeat of the winter surge — is unfolding in Michigan, which has a case rate of 64 per 100,000 people, according to the New York Times COVID tracker. That's the highest rate in the US by far, almost twice that of New Jersey, with the second-highest case rate of 38 per 100,000. ... John Swartzberg, an infectious disease expert at UC Berkeley, said the most likely explanation for Michigan's surge is the B.1.1.7 coronavirus variant. Now the dominant strain in the US, it is 50% more transmissible than the original virus. In California, the variants bred in the state known as B.1.427 and B.1.429 became the dominant source of infection as of January 31, and by comparison are 20% more transmissible. To read the full story, click [here](#).

Missing Kindergarteners Drive Largest Drop In 20 Years In California's K-12 Enrollment

The pandemic has intensified a multi-year trend of dwindling student enrollment statewide, causing a steep drop this year. More than a third of the decline stemmed from 61,000 missing kindergarteners. Statewide, enrollment in K-12 public schools in California fell by almost 3%, or 160,000, students in 2020-21, according to annual data released Thursday by the California Department of Education. That's the largest drop of the last 20 years, surpassing a 1% drop between October 2008 and October 2009. That's a net loss in students attending publicly funded schools. The last year has also seen an increase of 22,542 students attending publicly funded charter schools, which enroll about one in nine students in California. To read the full story, click [here](#).

FDA: N95 Masks, Now Plentiful, Should No Longer Be Reused

Critical shortages of masks, gowns, swabs, and other medical supplies prompted the Trump administration to issue guidelines for providers to ration, clean, and reuse disposable equipment. Thus, throughout the pandemic, once a week many doctors and nurses were issued an N95 mask, which is normally designed to be tossed after each patient. Now US manufacturers say they have vast surpluses for sale, and hospitals say they have three to 12 month stockpiles. In response, the government says hospitals and

healthcare providers should try to return to one mask per patient. To read the full story, click [here](#).

US, Global Economy See Pickup As Services Revive And Factories Ramp Up

Data firm IHS Markit said its US services index jumped to 63.1, up from 60.4 in March—the highest reading since data collection began in 2009, signaling the swiftest pace of expansion in at least 11 years. Services companies reported surging growth in new business, buoyed by stronger client demand and relaxing of restrictions. US manufacturers reported an upswing in April activity despite struggles to source raw materials, which drove up backlogs, according to surveys carried out by IHS Markit. The purchasing managers index for the US factory sector climbed to 60.6 so far this month, up from 59.1 in March. To read the full story, click [here](#).

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

Vaccine Passport Plans Can't Ignore Web Of Privacy Laws

As governments and businesses increasingly consider instituting systems to check whether travelers and eventgoers have received COVID-19 vaccines, they'll need to pay careful attention to an emerging global patchwork of privacy laws that will likely limit what's in these so-called vaccine passports. After more than a year of grappling with thorny questions about how to legally and ethically track the spread of COVID-19, governments' and companies' attention now turns to efforts to verify whether individuals who want to travel, attend an event or engage in other public activities have been vaccinated. To read the full story, click [here](#).

Cash Was 'Not King': Many Expected Financial Chaos During The Pandemic But It Wasn't All Bad

Americans across the board were affected by the COVID-19 pandemic, but financially it wasn't all bad. Despite millions of job losses and other economic pressures, key indicators such as bankruptcies and loan delinquencies are mostly stable. The gradual winding down of federal assistance programs could hurt consumers, but a much more vigorous job market should help. Here are some of the credit trends that are apparent so far. To read the full story, click [here](#).

NFL Modifies COVID-19 Protocols For Vaccinated People

The NFL is modifying COVID-19 protocols for all personnel who have been fully vaccinated. In a memo sent by Commissioner Roger Goodell to the 32 clubs Friday and obtained by The Associated Press, he cited the "advice of our medical and scientific experts" for the agreement to modify protocols to "reflect the reduced risk of infection and transmission for fully vaccinated individuals." "There is no question that being vaccinated is the single most important step that anyone can take to be protected – and

to protect others – from the virus,” Goodell noted. Effective immediately, fully vaccinated individuals in the NFL (players, coaches, staff and executives) are no longer required to be tested each day for the novel coronavirus. Instead, they must be tested weekly on a monitoring basis. To read the full story, click [here](#).

Western States Scientific Safety Review Workgroup Recommends Resuming Use of Johnson & Johnson Vaccine

The Western States Scientific Safety Review Workgroup today completed its review of the federal process and has concluded that use of the Johnson & Johnson (Janssen Biotech) COVID-19 vaccine should resume in the western states. The Workgroup provided its confirmation to the Governors of California, Nevada, Oregon and Washington this afternoon. ... Washington, Oregon and Nevada joined California’s COVID-19 Scientific Safety Review Workgroup in October. Read the Workgroup’s findings [here](#). To read the full story, click [here](#).

Millions Are Skipping Their Second Doses of Covid Vaccines

Millions of Americans are not getting the second doses of their Covid-19 vaccines, and their ranks are growing. More than five million people, or nearly 8 percent of those who got a first shot of the Pfizer or Moderna vaccines, have missed their second doses, according to the most recent data from the Centers for Disease Control and Prevention. That is more than double the rate among people who got inoculated in the first several weeks of the nationwide vaccine campaign. Even as the country wrestles with the problem of millions of people who are wary about getting vaccinated at all, local health authorities are confronting an emerging challenge of ensuring that those who do get inoculated are doing so fully. To read the full story, click [here](#).

Will California Lawmakers Allow Distance Learning to Continue Next Year?

Despite billions in state incentive grants to reopen classrooms, just 17% of California districts have so far returned to full in-person learning, the 10th-lowest mark among states in the US, according to data gathered by the American Enterprise Institute and the College Crisis Initiative of Davidson College earlier this month. Now, Newsom and legislators must again decide whether to give districts such deference in the state’s next spending plan, which the Legislature must pass before June 15 — although pieces of the budget can be adopted later in the summer. A return to pre-pandemic rules would mean only students approved for independent study or those in non-classroom-based charter schools could enroll in distance learning. To read the full story, click [here](#).

California Has Opened Hundreds Of Investigations Into Unemployment Fraud Involving Prisoners

A California task force formed five months ago to investigate fraudulent unemployment claims involving incarcerated people said Monday that there have so far been 68 arrests and it has opened 1,641 other inquiries. The report by the statewide task force comes after local prosecutors warned that potentially tens of thousands of fraudulent claims have been filed involving people in prison and jail that could total \$2 billion. Gov. Gavin Newsom announced in November that he was asking state officials to form a task force with federal prosecutors and county district attorneys who had already begun investigating improper claims filed in the names of people behind bars, including those on death row. To read the full story, click [here](#).

Vaccinating Children, Vigilance Next Phase Of California's COVID-19 Battle

At a panel discussion hosted by the Sacramento Press Club, Dr. Mark Ghaly, the California Health and Human Services secretary, credited the state's December and January regional stay-at-home order for blunting the pandemic and bringing cases to among the lowest levels since the start of the pandemic. By October, Ghaly said he expected there would be enough Californians — and Americans — vaccinated that the risk of contracting the virus would be dramatically lower. Until then, he said a number of people will probably prefer dining outdoors at restaurants instead of indoors, keep their social circles small and continue to wear a mask in settings where they're unsure of others' vaccination status. Because vaccines likely will not have been authorized for children by October, "we're going to still need to protect young people. We're still going to need to be concerned about the potential transmission because young people, although they don't become as sick and even as frequently infected ... we still know that they become a vector for transmission." To read the full story, click [here](#).

California Sends India COVID-19 Supplies To Combat Outbreak

The distribution of these lifesaving supplies is being coordinated through the US Agency for International Development and will be provided directly to health care providers and front-line workers. India reported nearly 350,000 new cases on Sunday, the largest single day total of cases ever recorded by a single country. California's contributions come as part of a wider effort by the United States to fight the spread of COVID-19 in India. On Sunday, the Biden Administration pledged to provide more medical aid to the country, including raw materials for vaccine production, test kits, ventilators and PPE. The supplies being sent to India are now being tested, packed and prepared for shipment at state warehouse facilities and are expected to be flown out as soon as tomorrow. To read the full story, click [here](#).

US to Share AstraZeneca Covid-19 Vaccine Doses With World

The White House said Monday it would share as many as 60 million doses of the AstraZeneca vaccine with the rest of the world. US officials also said they were exploring

options to urgently dispatch oxygen and related supplies to India. President Biden spoke to Prime Minister Narendra Modi as India reported 352,991 new coronavirus cases on Monday, marking the fifth consecutive day the country set a global record for a single-day rise in infections. 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, 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.