

## **Weekly COVID-19 Update From EKA May 5, 2021**

CDC: 30% of the US population is fully vaccinated against coronavirus, and California has given 30 million COVID-19 vaccinations, but demand may be dropping.

### **VACCINATION**

#### **Dodger Stadium Vaccine Site To Close**

Los Angeles city officials announced that the mass vaccination site at Dodger Stadium — one of the largest in the country — will cease operations by the end of May, as part of a significant shift to increase appointment-free vaccine availability at other city-run sites.

#### **Appointments For First Dose Of COVID-19 Vaccine Drop By Half**

Appointments for the first dose of the COVID-19 vaccine have decreased by about 50% in Los Angeles County, alarming public health officials who call it a worrisome trend that reflects the slowdown in vaccination rates across the state and country.

#### **Minimal Vaccine Hesitancy Fuels California COVID Recovery**

Several factors have fueled California's remarkable turnaround from the national epicenter of the COVID-19 pandemic to having one of the lowest case rates in the US. But one weapon in its arsenal has mainly gone unnoticed: Californians' general embrace of COVID-19 vaccines. Federal data indicate only about 11% of Californians are estimated to be vaccine-hesitant, a lower rate than all but four states: Massachusetts, Vermont, Connecticut and Hawaii. This relative lack of reluctance has undoubtedly been a boon for the state's inoculation campaign — though a Times analysis shows Californians in some of the state's conservative rural areas remain more disinclined to get the shots than their urban-dwelling neighbors.

#### **Choosing Safer Activities**

As detailed in a [CDC bulletin](#), if you are fully vaccinated against COVID-19, you can start doing many things that you had stopped doing because of the pandemic. Outdoor visits and activities are safer than indoor activities, and fully vaccinated people can participate in some indoor events with little risk. Fully vaccinated people can attend a small, outdoor gathering with fully vaccinated and unvaccinated people, as well as eat at outdoor restaurants with friends from multiple households.

#### **Essential Workers COVID-19 Vaccine Toolkit**

The CDC has [updated the toolkit](#) for essential workers. Essential workers like police officers, firefighters, and people working in education, child care centers, and grocery stores maintain the services and functions that US residents depend on daily. CDC

designed a toolkit to help employers educate essential workers about COVID-19 vaccines, raise awareness about the benefits of vaccination, and address common questions and concerns.

### **Parental consent required for anyone under 18 to get vaccinated**

This week, news outlets reported that the Food and Drug Administration was poised to grant emergency use authorization of the Pfizer vaccine for children ages 12 to 15. As we've noted before, parental consent is required for anyone under 18 to get vaccinated, and COVID-19 vaccinations are not mandated for any residents of the state of California, including students. Despite rumors to the contrary, **no** such proposal is — or has ever been — under discussion by the state of California. Coronavirus vaccines cannot be required based on the emergency use authorizations that allowed them to enter the market. Moreover, the State of California, the County of Orange and local school districts are not requiring students or staff to be vaccinated against COVID-19 as a condition of resuming in-person instruction, which is already offered at the vast majority of Orange County schools. Currently, Pfizer makes the only COVID-19 vaccine that is authorized for teens ages 16 and 17.

## **REOPENING**

### **Must Wear Mask Sign**

There is an **updated sign for businesses** to communicate that people [must wear a mask](#), even if they are vaccinated. This sign and other pertinent information and resources can be found on the Los Angeles County Department of Public Health [COVID-19 webpage](#).

### **LA County Set For Major Reopening As It Hits Yellow Tier**

Los Angeles County has hit a new milestone as the region progresses into the least restrictive category of California's reopening system. Moving into the yellow tier clears the way for the nation's most populous County to unshackle its economy to the widest extent currently possible, meaning a swath of businesses and venues - including gyms, movie theaters, amusement parks, stadiums and museums - can start operating at higher capacity later this week.

### **The Yellow Tier**

The yellow tier means that the risk for coronavirus spread is minimal. Counties [must have a seven-day average](#) of less than two new cases per 100,000 residents. Also, fewer than 2% of all coronavirus tests must come back positive. LA County has moved into the yellow tier. [Here are the changes that will go into effect:](#)

- Movie theaters, restaurants, fitness centers and places of worship can open indoors at 50% capacity

- Museums, zoos, aquariums, retail, hair salons, barbershops, playgrounds and malls can open indoors, with modifications
- Bars, wineries, breweries and distilleries can open indoors at 25% capacity
- Live performances will be allowed, with restrictions depending on the size of the venue
- Offices can resume work indoors, although remote work will be encouraged wherever possible

LA moved from the most restrictive purple tier to the [red tier](#) in mid-March and from the red tier to the [orange tier](#) at the end of March. The state will likely [stop using the color-coded tier system](#) in mid-June.

### **FAQs On Office Reopening And Meeting Protocols**

Here are some of our top Q&As to help you navigate the current COVID-19 state of play:

#### **Q: Can I make my employees come back to the office?**

A: For counties in the “Orange Tier,” non-essential offices may finally reopen. The [state guidelines](#) still encourage remote work for all employees where possible, particularly for those not yet vaccinated or with vulnerabilities. County guidelines also place limitations on office capacity. For example, the new LA rules permit 50% capacity, whereas San Francisco County limits office capacity for companies with staff of 20 or more to 25% provided employees can remain six feet apart.

#### **Q: Can I require employees to show proof of vaccination before permitting them to return to work?**

A: Yes, but we don’t necessarily recommend mandating vaccines. Remember your obligation to engage in an interactive dialogue and consider reasonable accommodations for employees unable to get vaccinated due to a disability or sincerely held religious belief. An alternate approach is to require an employee to either provide proof of vaccination or submit to a weekly testing routine paid by the company.

#### **Q: What requirements exist for employees returning to an office environment?**

A: Offices must have a [Cal-OSHA required COVID-19 Prevention Plan](#) and training program in place. Offices must provide [health screening](#) for employees and visitors via a self-screen or an on-site screening. Face masks must be provided at no cost to employees and other cleaning and social distancing measures must be taken. LA County recently released [this checklist](#) for returning to an office environment.

#### **Q: Can I host a team lunch or happy hour?**

A: Probably. But it depends on where you are located and how many people will attend. These types of gatherings might fall under guidance for a “private event,”

“meeting” or “gathering.” Gatherings are [defined](#) as social situations that bring together people from different households at the same time in a single space or place, without a defined guest list. State guidelines for [“private events” or “meetings”](#) with defined guest lists cap outdoor events at 100 or 300 (if everyone is vaccinated or tests negative). Indoor capacity is 150, provided everyone is vaccinated or tests negative. LA, Orange, San Diego and San Francisco counties have adopted the state threshold for private events/meetings. As far as informal gatherings, counties in the Orange Tier allow [50 people to gather outdoors](#), making a team lunch or dinner more realistic. Generally, everyone must still wear masks unless everyone is fully vaccinated.

**Q: Can I ask employees to sign a waiver that coming to a lunch or happy hour is voluntary?**

A: No. Employee COVID-19 waivers are likely invalid. Workers’ compensation would likely provide a remedy for an infection related to a work function, even if participation was voluntary. Cal-OSHA rules will also apply if an employee becomes infected at a work-sponsored event.

## LOS ANGELES COUNTY

### **Revised Health Officer Order**

The County has issued a [revised Health Officer Order](#) (HOO): Reopening Safer at Work and in the Community For Control of COVID-19. The HOO covers [Protocol for Social Distancing: Appendix A](#) and [Cleaning requirements](#). The HOO was updated to reflect updated CDC cleaning guidance. The HOO includes updated language related to screening of fully vaccinated employees, updated paid sick language, and it allows onsite food and drink consumption in designated dining areas with safety modifications. The HOO, protocols and other pertinent information and resources can be found on the Los Angeles County Department of Public Health [COVID-19 webpage](#).

### **Fully Vaccinated? Resume Some Activities Safely**

Los Angeles County is in the process of revising the [Health Officer Order](#) to align with the [new recommendations from the Centers for Disease Control and Prevention regarding when and where people need to wear masks to prevent the spread of COVID-19](#). The new recommendations support the continued need for everyone, including those fully vaccinated, to wear masks while in crowds where 6-feet of distance from other persons is not possible, while at large events and gatherings, and in indoor settings where unvaccinated people may be present. Because COVID-19 can still easily spread, unvaccinated people, who remain at highest risk of becoming infected, need to continue wearing masks in all settings where they are around people not in their household.

While these changes are appropriate and science-based, they could create unintended risk if individuals not yet fully vaccinated discontinue wearing their masks in situations where they may become infected. More than 50% of the people living in Los Angeles County are not yet fully vaccinated, and intermingling with others who are not vaccinated and unmasked increases the possibility of virus transmission. Given the continued threat of variants, *masking and distancing are essential protections for those not yet vaccinated*. The only safe way for everyone to enjoy more activities without masking and distancing, is for those eligible to get fully vaccinated against COVID-19 as soon as they can. This week, people 16 and older living or working in Los Angeles County can just show up at a County-run site during operating hours to get vaccinated. People fully vaccinated against COVID-19 can participate in some indoor events safely, without much risk. Outdoor visits and activities are always safer than indoor activities.

If you've been fully vaccinated:

- You can gather indoors with other fully vaccinated people without wearing a mask or staying 6 feet apart.
- You can gather indoors with unvaccinated people of any age from *one* other household (for example, visiting with relatives who all live together) without masks or staying 6 feet apart, unless any of those people or anyone they live with has an [increased risk for severe illness from COVID-19](#).
- You can gather or conduct activities outdoors **without** wearing a mask except in certain crowded settings and venues.
- If you [travel in the United States](#), you do not need to get tested before or after travel or self-quarantine after travel.
- You need to pay close attention to [the situation at your international destination](#) before traveling outside the United States.
  - You do NOT need to get tested **before** leaving the United States unless your destination requires it.
  - You still need to [show a negative test result](#) or documentation of recovery from COVID-19 **before** boarding an international flight to the United States.
  - You should still get tested 3-5 days **after** international travel.
  - You do NOT need to self-quarantine **after** arriving in the United States.
- If you've been around someone who has COVID-19, you do not need to stay away from others or get tested unless you have symptoms.
  - However, if you live in a group setting (like a correctional or detention facility or group home) and are around someone who has COVID-19, you should still stay away from others for 14 days and get tested, even if you don't have symptoms.

## SACRAMENTO

### **California Gives Small Businesses Over \$6 Billion In Pandemic Tax Relief**

California will give business owners impacted by the pandemic over \$6 billion in tax breaks on federal loans doled out under the Paycheck Protection Program. The tax breaks are part of a Covid-19 relief package signed by California Governor Gavin Newsom this past February. Newsom signed [AB 80](#) on which will help businesses that weathered the economic fallout over the last year with the help from federal loans.

### **California Follows CDC In Relaxing Outdoors Mask Guidance For Vaccinated People**

California's Department of Public Health, which currently requires masking in all public settings when people are closer than 6 feet to anyone not from their households, issued a statement in response to the announcement saying it is working to align the state's guidance with the federal recommendations. ... The state's individual county health departments still have the authority to impose more stringent rules than the state guidance allows, though they have tended to follow suit in most cases. San Francisco and Marin and Santa Clara counties announced Tuesday that they will follow California's lead on the new mask rules.

### **To Record Vaccine Reactions Or Not - The Form 300 Question**

Do either Cal/OSHA or Fed/OSHA require employers to record instances of reactions to COVID-19 vaccines as a "workplace" injury or illness on the "Form 300"? Fed/OSHA's [FAQs](#) clarify that when an employer *mandates* vaccinations, illnesses or adverse reactions to the vaccine will be considered work-related and thus recordable on [Form 300](#), as long as it is a: (1) new case and (2) meets one or more of the general recording criteria below:

- death;
- one or more days away from work;
- restricted work or transfer to another job;
- medical treatment beyond first aid;
- loss of consciousness; or
- a significant injury or illness diagnosed by a physician or other licensed health care professional

### **General Recording Criteria**

However, Fed/OSHA does not require employers to record vaccine-related illnesses or reactions where vaccination is optional. Even if the employer offers the vaccine at the workplace and/or is paid for by the company, as long as it is optional, illness or reactions will not be subject to reporting. Employee's choice to get a vaccine must truly be voluntary, namely accepting or rejecting the vaccine must have no effect on

employment status, good or bad. Cal/OSHA has not issued a statement or updated its [FAQs](#) regarding how illness or reactions to vaccinations come into play under its emergency regulations. While Cal/OSHA may eventually take the position of its federal counterpart, keep in mind that it does not have to. Cal/OSHA only needs to have enforcement procedures at least as *effective* as Fed/OSHA, and, as most employers have experienced, Cal/OSHA frequently has more stringent enforcement mechanisms. While it is hopeful that Cal/OSHA will adopt Fed/OSHA guidance concerning vaccine-related illnesses, we just do not know. Therefore, until Cal/OSHA provides additional guidance, California employers should continue to record adverse vaccine reactions that occur in their workforce that meet any of the categories listed under 8 CCR 14300.7(b), **IF** the company (1) mandates vaccinations, **or** (2) offers, pays for, or encourages vaccinations for its employees.

## NATIONAL

### **REAL ID Deadline Extended Because Of COVID, Giving Californians More Time To Get New License**

The US Department of Homeland Security is extending the deadline to get a REAL ID, giving drivers and travelers until May 2023 to obtain the new identification card. The department cited the ongoing coronavirus pandemic in announcing its decision to push back the deadline from October 1 to May 3, 2023. It's the second REAL ID deadline extension stemming from the COVID-19 outbreak. Former President Donald Trump issued the first extension in March 2020.

## EMPLOYER ISSUES

### **CA Agency Guidance Addresses Employer-Mandated COVID Vaccinations**

Constangy Brooks Smith & Prophete LLP provided some guidance regarding vaccines. For ease of reference, the information is below. May an employer require its California employees to be vaccinated against COVID-19? According to recent guidance from the state Department of Fair Employment and Housing, the short answer is yes. On March 4, the DFEH issued an updated [COVID-19 FAQ for Employers](#). According to the FAQs, an employer may require employees to receive an FDA-approved vaccination against COVID-19 as long as the employer complies with the Fair Employment and Housing Act. Note, however, that the DFEH did not advise about *whether* employers should mandate vaccinations.

The FAQs provide specific guidance about accommodating employees with a disability or sincerely held religious belief. In particular, the FAQs state as follows:

- If an employee objects to getting vaccinated because of disability or on the basis of a sincerely held religious belief or practice, the employer must engage in the interactive process with the employee to identify any reasonable accommodation that will allow the employee to continue working.
- Employers must provide a reasonable accommodation unless the employer can demonstrate (1) an undue hardship, (2) the employee is unable to perform the employee's essential duties even with reasonable accommodations, or (3) the employee cannot perform those duties in a manner that would not endanger the employee's health or safety or the health or safety of others even with reasonable accommodations.
- Employers cannot retaliate against employees who request an accommodation because of a disability or a sincerely held religious belief or practice.

The DFEH provides examples of reasonable accommodation options employers may consider, such as allowing the employee to work from home, implementing processes that would enable the employee to work without endangering the employee or others, job restructuring, job reassignment, or modification of work practices.

What about employees who “do not trust that the vaccine is safe”? According to the DFEH, a reasonable accommodation is unnecessary unless the employee objects to the vaccine for a disability-related reason or because of a sincerely held religious belief. However, although not specifically addressed by the DFEH, employers should also accommodate pregnant women who have been advised against getting vaccinated during their pregnancies.

Although employers may discipline employees who refuse to get vaccinated absent a disability or sincerely held religious belief, employers cannot retaliate against employees for engaging in protected activity (i.e., opposing practices prohibited by the FEHA). The Guidance states, “an employer may not retaliate against someone who alleges that the employer's vaccination policy intentionally discriminates on the basis of race, national origin, or another protected characteristic, or has a disparate impact on a protected group.”

Finally, employers may ask employees to present proof of vaccination. However, asking for more may be considered an improper medical inquiry, which is strictly prohibited under most circumstances. Any proof of vaccination must be maintained in the employee's confidential medical file.

The FAQs provide long-awaited guidance for California employers on vaccination policies and related issues. However, a caution is in order. Although the agency says that employers can mandate that their employees be vaccinated, the FAQs are simply guidance that has not yet been tested by the California courts. It is not clear how the

courts will react to mandatory COVID vaccination policies. A decision on mandating employee vaccinations requires a detailed analysis of the workforce and the objectives that the employer seeks to achieve. Employers who are considering mandated vaccinations are encouraged to proceed with caution and should consult with competent legal counsel.

### **Tax Credits For Certain Employers Paying for Time Off For COVID-19 Vaccinations**

The Biden administration detailed the provision of tax credits for certain businesses that pay employees for time off to get COVID-19 vaccines or due to vaccine side effects. The tax credits are funded by the [American Rescue Plan Act of 2021](#) and are part of President Biden's plan to encourage employers to use their resources to boost vaccinations. The tax credits are available for businesses with fewer than 500 employees for up to 80 hours in paid time off, capped at \$511 per day and \$5,110 in the aggregate. Eligible businesses can claim the credit quarterly through September 30, 2021. Self-employed individuals may claim comparable tax credits on their individual Form 1040, US Individual Income Tax Return. The Internal Revenue Service and the US Department of the Treasury issued details and guidelines for the tax credits on Wednesday, link [here](#). The tax credits are credits against the employer's share of the Medicare tax and are refundable, which means that employers are entitled to payment of the full amount of the credits if the amount exceeds the employer's share of the Medicare tax.

### **Are Employers Required to Pay For Employee Time Spent Receiving COVID-19 Vaccine?**

Many employers, including manufacturers, are questioning whether they must, or should, provide employees with paid time off for time spent related to obtaining the COVID-19 vaccine.

On the federal level, there is generally no law specifically requiring payment for employee time spent obtaining the vaccine or recovering from side effects or complications other than as it relates to federal contractors that may be required to provide paid sick leave.

Some companies that voluntarily choose to provide their employees with such paid time may be eligible for tax credits under the Families First Coronavirus Response Act (FFCRA). While the requirement to provide paid leave under this law expired at the end of 2020, the Consolidated Appropriations Act (CAA) extended the availability of the tax credit to employers who voluntarily provide such leave through March 31, 2021 and the American Rescue Plan Act of 2021 (ARPA) subsequently extended the availability of the tax credit through September 30, 2021. It is important to note that previously, if an employer provided paid sick leave to an employee and claimed a tax credit for the leave

provided to that employee in 2020, the employer was not able to claim the tax credit for any leave provided to that employee in 2021.

However, ARPA now permits employers to receive a payroll tax credit for up to ten additional days of paid sick leave for employees starting April 1, 2021 (even if the employer previously took a tax credit for paid sick leave for those employees prior to that time). This means that employers may now offer up to an additional ten days of paid sick leave to employees, even if the employee exhausted his/her FFCRA leave in 2020 or the first quarter of 2021, and the employer may still claim a tax credit for this leave. Importantly, ARPA also expanded the qualifying reasons for paid sick leave to include time spent obtaining the vaccine and recovering from any injury, disability, illness, or condition related to vaccination, among other reasons.

On the state level, there may be laws that require payment including more recent laws that have been passed. For example, New York recently enacted a law that requires all public and private employers to provide employees with four hours of paid leave, per dose, to obtain the COVID-19 vaccine. Additionally, existing state and local paid sick leave laws may cover time spent obtaining the vaccine (e.g., preventative care) as well as time spent recovering from side effects or complications or assisting a family member in this regard.

Additionally, payment may be required under wage payment laws. Depending on the circumstances, exempt employees may be entitled to their full salary for time off (both hours and days) related to obtaining the COVID-19 vaccine. Further, employers that implement mandatory vaccine policies may be required to pay for the time obtaining the vaccine as such time may be considered “working time” even if it occurs outside normal working hours.

## **LEGAL DEVELOPMENTS**

### **Supreme Court Vacates Ninth Circuit Ruling Against Church Suing California Over Worship Limits**

The US Supreme Court has vacated an appellate court ruling against a Pentecostal church that was suing California over its worship restrictions aimed at curbing the spread of COVID-19. In [an order](#), the high court vacated a ruling by the US Court of Appeals for the Ninth Circuit that denied South Bay United Pentecostal Church injunctive relief from the pandemic restrictions on in-person worship instituted by Gov. Gavin Newsom, which have since been rescinded.

### **Favorable Ruling for California Policyholders Seeking Coverage for COVID-19 Losses**

A Los Angeles court delivered another win to California policyholders in their ongoing battle to recover insurance proceeds for business interruption losses related to the COVID-19 pandemic. In [Boardwalk Ventures CA, LLC v. Century-National Insurance Company, et al.](#), the court denied the insurer's motion for judgment on the pleadings, finding that the policyholder, Boardwalk, had sufficiently alleged a basis for coverage under the commercial insurance policy issued by the insurer.

Boardwalk alleges that it suffered a substantial loss of business income when it was forced to shut down its Hermosa Beach restaurant as a result of the pandemic and the stay-at-home orders issued by the State of California and the City of Los Angeles in response to the pandemic. Boardwalk seeks a declaration that it is entitled to coverage for this loss under the Century Policy, which covers lost business income and extra expenses caused by "direct physical loss of or damage to property" or by "action of civil authority" that prohibits access to covered property due to "direct physical loss of or damage to property." The Century Policy does not contain a virus, contamination, or pollution exclusion.

In its motion for judgment on the pleadings, the insurer argued that Boardwalk could not allege a basis for declaratory relief because its loss did not constitute "direct physical loss of or damage to" covered property. Relying on [MRI Healthcare Ctr. of Glendale, Inc. v. State Farm Gen. Ins. Co.](#) and a litany of other state and federal decisions, the insurer contended that the phrase "direct physical loss of or damage to" requires "distinct, demonstrable, physical alteration of the property," and that the coronavirus, as a matter of law, does not physically alter property, including Boardwalk's restaurant. Accordingly, the insurer asked the court to dismiss Boardwalk's lawsuit. Ultimately, the insurer's arguments did not persuade the court. It denied the motion, ruling that, among other things, Boardwalk had alleged a valid cause of action for declaratory relief. As required in connection with a motion for judgment on the pleadings, the court accepted as true Boardwalk's allegations that the "presence of people infected with the Virus particles renders physical property in their vicinity unsafe and unusable, resulting in direct physical loss to that property," including Boardwalk's restaurant.

### **Chubb Says Physical Damage Absent In COVID Coverage Suit**

A Chubb unit has told a New Jersey federal court that a virus exclusion and a lack of physical damage to a Garden State restaurant should spell the end of the eatery's proposed class action over the insurer's refusal to cover losses related to the COVID-19 pandemic. Less than two weeks after making the same arguments against another New Jersey restaurant's class claims over such coverage, Indemnity Insurance Co. of North America urged the court on Friday to toss Beniak Enterprises Inc.'s suit, saying its theory of coverage has been rejected by every federal court to have considered it in the state. Those courts and others across the country "have endorsed the nearly unanimous view

that COVID-19 does not cause direct physical loss of or damage to property sufficient to trigger coverage,” IINA said in a brief on its motion for judgment on the pleadings. The case is Beniak Enterprises Inc. d/b/a Benito Ristorante v. Indemnity Insurance Co. of North America, case number 2:20-cv-05536, in the US District Court for the District of New Jersey.

## WHAT WE'RE READING

### **41,000 People Registered For Restaurant Revitalization Fund In First Hour**

Today at an Independent Restaurant Coalition (IRC) press conference with the Small Business Administration ([SBA](#)), SBA Administrator Isabella Casillas Guzman and Associate SBA Administrator Patrick Kelley announced that 41,000 people registered for the \$28.6 Billion Restaurant Revitalization Fund (RRF) in the first hour of the RRF pre-registration period and called on restaurants and bars to pre-register for grants today. To read the full story, click [here](#).

### **San Francisco To Update Guidelines For Wearing Masks Outside**

San Francisco's Acting Health Officer Dr. Susan Philip on Monday called a recent decision by the U.S. Centers for Disease Control and Prevention to do away with masks outdoors “fantastic news” as the city also prepares to lift more restrictions with a move into the COVID-19 yellow tier this week. To read the full story, click [here](#).

### **Coronavirus Cases Are Surging In Oregon**

While coronavirus cases are falling in much of the United States, infections are spiking in Oregon, where a new wave is set to push a third of counties into the most severe level of restrictions. In the past two weeks, virus cases have risen 54 percent and hospitalizations are up 39 percent, according to a New York Times database. A total of 15 counties, including some in the Portland metro area, will move back into the fourth and most extreme level of restrictions by Friday, after meeting the state's threshold, the governor's office said on Tuesday. In these counties, indoor dining will be prohibited and businesses such as gyms and movie theaters must significantly reduce capacity. To read the full story, click [here](#).

### **Capitol Mum On Eviction Moratorium Extension As Renters Seek More Time**

With two months to go before a statewide eviction moratorium expired in January, lawmakers, lobbyists and the governor's staff were already deep into negotiations on an extension. They reached it just days before the deadline, providing six more months of a ban on eviction. Now, with two months left before that extension itself expires on June 30, there is no proposed legislation on giving renters more time before the moratorium

ends, and lawmakers expressed uncertainty that there would be. To read the full story, click [here](#).

### **Nearly A Quarter Of Time's 100 Most Influential Companies Are In The Bay Area**

The list, released Tuesday and compiled for the first time this year, is dominated by the Bay Area and California. Of the 100 companies listed, 23 are in the Bay Area, and an additional seven are in California — six of them in the Los Angeles area and one in San Diego. Nearly half of the 64 United States companies on the list are based in the Golden State, despite some recent high-profile announcements from companies moving to lower-cost states such as Texas and Colorado. The list comes after a tumultuous year for the US economy, which saw crushing unemployment numbers while corporate stock prices soared. The move to online everything has been particularly beneficial for Silicon Valley's technology luminaries, such as San Jose-based Zoom, San Francisco-based DoorDash and Los Gatos-based Netflix, that have become a part of daily life. To read the full story, click [here](#).

### **California Has Lowest COVID-19 Rate In America: Here's Why**

First are vaccines. After federal delivery of vaccines has increased with more streamlined systems, every day a larger number of Americans are getting vaccinated. On Tuesday, 337,000 more Californians became vaccinated. Overall, 61% of adults 18 and older in California — 18.5 million people — have received at least one dose, according to the CDC. And that number is growing by 1% every day. More important: 87% of people over age 65 in California have received at least one dose, the group that was most at risk of dying. ... The second big reason for California's reversal is natural immunity. Officially, 3.6 million people have gotten COVID-19 in California since the pandemic began 14 months ago. ... Third is the lack of variants. Other states, such as Michigan, have been hard hit by the so-called "UK variant" of COVID-19, which is 50% to 70% more contagious than the main strain. But California hasn't seen a significant outbreak of that type. To read the full story, click [here](#).

### **Vaccines Aplenty But Some Californians Struggle To Get One**

Going forward, it's going to take more effort to reach the unvaccinated, say health experts. The group includes people unable to leave their homes or who can't miss work; for some, a vaccination may not be a priority, or they may have questions that can't be answered when making a vaccination appointment online. ... Counties, cities and providers nationwide are turning to paramedics to deliver in-home shots or arrange transportation to vaccination sites, even offering incentives to try to reach as many people as possible. Like California, many states also have more doses than arms to put them in. To read the full story, click [here](#).

### **Californians Say Students Are Falling Behind, But Still Approve Of Newsom On Schools**

More than 80% of Californians think children are falling behind in school after more than a year of mostly online learning, according to the latest poll from the nonpartisan Public Policy Institute of California. The survey of 1,602 adult Californians conducted in early April shows residents are concerned about the ongoing impact of the pandemic on children, but a majority still has confidence in state and school leaders. ... The poll showed a majority of Californians (57% of adults, 64% of public school parents) approve of how Gov. Gavin Newsom is handling the state's public schools. Newsom's rating on schools has dropped significantly from this time last year, when 73% of adults and 78% of public school parents approved of Newsom's handling of public schools. To read the full story, click [here](#).

### **California Teachers, School Staff Receive Bumps In Pay As Campuses Reopen**

Recently signed school district agreements with teachers unions include everything from retroactive pay raises and a bonus in Long Beach to bonuses as high as \$5,000 for a course in Campbell Union High School District in San Jose and one-time 7% salary increases in April for teachers who voluntarily return to campuses in Sweetwater Union High School District in Chula Vista. Under the terms of Assembly and Senate Bill 86, schools could earn a share of \$2 billion in state incentive money if they reopened for in-person instruction by April 1. The first students returning are those with extra needs, the youngest students and one grade of middle or high school. For those districts that did not open on April 1, the amount of incentive funding is reduced by 1% a day through May 15. To read the full story, click [here](#).

### **Vaccine Passport Policies and Technology Conferences: United States, Europe, Asia Updates and More**

If you're seeking to attend face-to-face technology conferences in 2021, you may need a so-called COVID-19 "vaccine passport" to navigate the travel industry (airports, airlines, trains, hotels, etc.), and to enter certain conference centers, stadiums and concert venues in various countries and US states. What exactly are vaccine passports? The short answer involves a document — either analog or digital — that verifies your COVID-19 immunization status. The vaccine passport, in theory, will allow inoculated people to more freely travel, shop, dine and meet locally, nationally and internationally. To read the full story, click [here](#).

### **US Recovery From Pandemic Recession Is Showing Momentum**

Powered by consumers and fueled by government aid, the US economy is achieving a remarkably fast recovery from the recession that ripped through the nation last year on the heels of the coronavirus and cost tens of millions of Americans their jobs and businesses. The economy grew last quarter at a vigorous 6.4% annual rate, the

government said Thursday, and expectations are that the current quarter will be even better. The number of people seeking unemployment aid — a rough reflection of layoffs — last week reached its lowest point since the pandemic struck. And the National Association of Realtors said Thursday that more Americans signed contracts to buy homes in March, reflecting a strong housing market as summer approaches. Economists say that widespread vaccinations and declining viral cases, the reopening of more businesses, a huge infusion of federal spending and healthy job gains should help sustain steady growth. To read the full story, click [here](#).

### **Biden's Economic Plan Would Redistribute Trillions and Expand Government**

With his \$1.8 trillion American Families Plan unveiled Wednesday—following his \$2.3 trillion American Jobs Plan and his \$1.9 trillion American Rescue Plan—President Biden has proposed \$6 trillion in new federal spending for the next decade. That is far more than any recent president at a comparable point in their terms. Beyond expanding the size and scope of government, Mr. Biden's program aims to redistribute trillions of dollars of resources from the highest-earning households and businesses to everyone making less than \$400,000 a year. He suggests doing so by undoing a portion of former President Donald Trump's tax cuts for corporations and high-income families. But Mr. Biden also wants to go further, giving the Internal Revenue Service more resources to scrutinize alleged tax avoidance, adding higher and different types of capital-gains taxes for certain investors, and hiking taxes on a popular form of Wall Street compensation known as carried interest. To read the full story, click [here](#).

### **Virus Cases Have Declined Significantly In Over Half Of US States In Last Two Weeks**

More than half of US states have seen a significant decline in new coronavirus cases over the past two weeks, as federal health officials have begun to suggest that the virus's trajectory is improving. Still, the uneven levels of vaccination across the country point to the challenge of reaching those people who have not gotten shots. As of Wednesday, the United States was averaging about 52,600 new cases a day, a 26 percent decline from two weeks ago, and a number comparable to the level of cases reported in mid-October before the deadly winter surge, according to a New York Times database. Since peaking in January, cases, hospitalizations and deaths nationwide have drastically declined. To read the full story, click [here](#).

### **California Unemployment Claims Rise Again, But Stay Under 100,000**

Unemployment claims in California rose last week, marking two straight weeks of increases, but they remain well below the benchmark of 100,000, the government reported Thursday. California workers filed 75,500 initial claims for unemployment during the week ended April 24, which was 2,600 more than the claims filed in the prior week, the US Labor Department reported. Nationwide, workers filed 556,000 initial

claims last week, down 13,000 from the prior week, according to the Labor Department. The latest weekly update suggests that the California job market is greatly improved from the worst depths of the coronavirus economic shutdowns. The report, however, is a grim reminder that the job sector in California remains far weaker than normal. To read the full story, click [here](#).

### **87% Of Additional California Deaths In 2020 Pandemic Were Workers, UC Merced Report Shows**

Deaths among Californians between ages 18 and 65 increased by 25% during the first ten months of the pandemic, with the state's workers making up 12,500 of 14,370 additional deaths compared to the previous year — or 87% of additional deaths in 2020, according to an analysis of state public health data by the UC Merced Community and Labor Center. ... While warehouse workers had the highest statewide increase in pandemic-related deaths between March and December 2020 — an increase of 334 additional deaths compared to the same period in 2019 — food-chain workers were most affected, UC Merced researchers found. Of the ten industries that experienced the highest pandemic-era increases in death, four were associated with the food chain. To read the full story, click [here](#).

### **US Officials: Anxiety Drove Vaccine Reactions In 5 States**

It was anxiety — and not a problem with the shots — that caused reactions in dozens of people at coronavirus vaccine clinics in five states, US health officials have concluded. Experts say the clusters detailed Friday by the Centers for Disease Control and Prevention are an example of a phenomenon that's been chronicled for decades from a variety of different vaccines. Basically, some people get so freaked out by injections that their anxiety spurs a physical reaction. ... The CDC authors said the reports came in over three days, April 7 to 9, from clinics in California, Colorado, Georgia, Iowa and North Carolina. The investigation was based on interviews with, and reports by, clinic staff. Many of the 64 people affected either fainted or reported dizziness. Some got nauseous or vomited, and a few had racing hearts, chest pain or other symptoms. None got seriously ill. To read the full story, click [here](#).

### **Mass Vaccination, India's Covid-19 Escape Route, Poses a Giant Challenge**

India is a critical supplier in the global effort to vaccinate people against the coronavirus, and its struggles to roll out enough vaccine for its own 1.4 billion people are being closely watched abroad. In Africa, especially, ripples from the Indian crisis are already being felt. Health officials on the continent who had been counting on vaccine shipments from India learned just weeks ago that they may not be arriving when expected. India's prime minister, Narendra Modi, suspended exports of nearly all 2.4 million doses of the AstraZeneca vaccine produced daily by its top vaccine company, the

Serum Institute of India. Now, they will be used in India instead. To read the full story, click [here](#).

### **Moderna Just Made The Pfizer Vaccine's Biggest Weakness An Even Bigger One**

Pfizer and Moderna have been close rivals in the COVID-19 vaccine race ever since they announced the starts of their phase 3 vaccine trials -- on the very same day back in July. But Pfizer edged ahead en route to the finish line. The big pharmaceutical company scored the first FDA emergency use authorization (EUA) for a coronavirus vaccine in December. Still, Moderna wasn't far behind -- the smaller [biotech company](#)'s vaccine earned its EUA only seven days later. To read the full story, click [here](#).

### **San Francisco's Pandemic Exodus Looks Like It's Almost Over**

In 2019, more households were already moving out of the city than into it: There were around 22,000 more change-of-address requests out of the city that year than into it — close to 2,000 households a month. (That being said, the city's population still grew slightly from mid-2018 to mid-2019, thanks to births and immigrants.) ... By the end of 2020, net moves out of San Francisco had nearly tripled compared to 2019, with nearly 61,000 more households filing change-of-address requests out of the city than into it. Yet after peaking in August, net move-outs trended downward. The city lost 6,200 households in October, and 4,400 in December. From January to March 2021, it lost an average of about 3,100 households per month. That's still a marked increase in outward migration from pre-pandemic levels, but if trends continue, move-outs will soon return to close to their 2019 numbers. To read the full story, click [here](#).

### **Reaching 'Herd Immunity' Is Unlikely In The US, Experts Now Believe**

Instead, they are coming to the conclusion that rather than making a long-promised exit, the virus will most likely become a manageable threat that will continue to circulate in the United States for years to come, still causing hospitalizations and deaths but in much smaller numbers. How much smaller is uncertain and depends in part on how much of the nation, and the world, becomes vaccinated and how the coronavirus evolves. It is already clear, however, that the virus is changing too quickly, new variants are spreading too easily and vaccination is proceeding too slowly for herd immunity to be within reach anytime soon. Continued immunizations, especially for people at highest risk because of age, exposure or health status, will be crucial to limiting the severity of outbreaks, if not their frequency, experts believe. To read the full story, click [here](#).

### **Feds Rethink Vaccination Strategy As Slowing Demand Reveals Stark Divide**

As the contrast within states like Colorado, Oregon and Michigan spotlights the emerging divide, the administration is pivoting away from mass vaccination sites to

refrigerated vans, community health clinics and even door-to-door campaigns in predominantly rural communities with the most holdouts. “The ground game really matters now,” a senior administration official said. “We don’t have to do these major FEMA sites.” The White House long expected vaccination rates to drop off in rural communities and among younger people who are either hesitant about the shots or unwilling to make arrangements to get a shot. But the sudden and dramatic decline in demand caught both state and federal officials off guard, coming as national case numbers have declined 25 percent over the past two weeks and creating a new obstacle to President Joe Biden’s pledge to return life to something approaching normal by July 4. To read the full story, click [here](#).

### **Moderna To Deliver Covid-19 Vaccine To Hard-Hit Developing World**

Moderna Inc. said Monday that it will supply 34 million doses of its Covid-19 vaccine to an international program that distributes free shots to poorer countries. The doses will be delivered in the fourth quarter of 2021 to the World Health Organization-backed Covax initiative, a program financed mostly by Western governments that offers free coronavirus vaccines to 92 low- and middle-income countries across the world. Covax will retain an option to purchase another 466 million doses in 2022, according to Moderna and Gavi, one of the organizations behind the vaccine aid program. To read the full story, click [here](#).

### **Biden To Propose \$1.8 Trillion Plan Aimed At Families, Tax Hikes For Wealthiest Americans**

President Biden plans to lay out a \$1.8 trillion proposal that includes new spending on child care, education and paid leave and extensions of some tax breaks, using a prime-time address Wednesday to pitch a package he says will benefit the US economy and workers. Speaking to a joint session of Congress just before his 100th day in office, Mr. Biden will detail his American Families Plan, which he would largely pay for by raising taxes on the wealthiest Americans. A senior administration official said the president’s goal is “to build a stronger economy that doesn’t leave anyone behind.” To read the full story, click [here](#).

### **India’s Catastrophic Coronavirus Surge Highlights Global Vulnerabilities**

While some countries are making progress on coronavirus vaccinations and even looking toward relaxing mitigation measures, India is seeing the worst outbreak of the pandemic – one that highlights that the crisis is still far from over. India’s massive population deepens the challenge of containing a highly transmissible virus. Still, experts say India’s surge shows that other countries must be wary of resurgences that could give rise to problematic variants capable of spreading across the globe. To read the full story, click [here](#).

### **San Diego County Considers Waiving Restaurant Fees To Offset Pandemic Losses**

The county Board of Supervisors will consider waiving restaurant permit fees Wednesday in an effort to help struggling eateries recover from pandemic closures and restrictions. “In the last year, San Diego County restaurants have suffered greatly,” said Supervisor Jim Desmond, who proposed the fee waiver. “We’ve all seen permanently out-of-business signs on many of the favorite restaurants in San Diego County.” With about 8,000 locations employing 126,000 workers, the restaurant sector was hard hit by mandatory closures and health restrictions on indoor dining, Desmond said. Business at San Diego restaurants dropped by 60 to 77 percent during the pandemic closures in April 2020 and remained below pre-pandemic levels as of January, according to a board of supervisors letter, citing figures from the San Diego Association of Governments. To read the full story, click [here](#).

### **Pandemic Led To 30% Increase In Deaths For Workers In Certain High-Risk Industries, Study Shows**

The pandemic accounted for a 30% increase in the deaths of essential workers in 10 industries in California during the first 10 months, according to a new study by U.C. Merced’s Community and Labor Center. The UC study found that overall deaths among Californians aged 18-65 increased by 25% in 2020. Workers accounted for 87% of those additional deaths, or more than 14,000 deceased. ... Most affected were warehouse workers, followed by agricultural workers, those in restaurants and food services, and grocery stores. Among the 10 industries with the highest increases were nursing care, landscaping, and building services such as janitorial and security. To read the full story, click [here](#).

### **Here’s How California’s New Mask Guidelines Differ From The CDC’s**

On Monday the California Department of Public Health put out [its own new set of mask guidelines](#), which were meant to bring the state’s rules in line with the CDC’s latest advice. For the most part the two sets of guidance line up — but on a couple of key points, California’s guidelines are stricter than those advanced by the CDC. Both the state and federal guidelines differentiate between those who are vaccinated and those who are not yet protected, saying those whose shots have taken full effect don’t need to wear masks outdoors unless they’re in large crowded events like a parade. People are considered fully vaccinated two weeks after their second Pfizer or Moderna shot, or a single dose of the Johnson & Johnson vaccine. State and federal health officials also agree that everyone needs to keep wearing masks indoors, where the virus spreads more easily, regardless of their vaccination status. Where the state differed from the CDC was on the question of when unvaccinated people need to wear masks in outdoor settings. To read the full story, click [here](#).

## **US To Reallocate COVID Shots To States With Greater Interest**

The Biden administration will begin shifting how it allocates COVID-19 shots to states, moving doses from states with lower demand to those with stronger interest in vaccines, an administration official said Tuesday. The change away from a strict by-population allocation comes as demand for the coronavirus vaccines has dropped nationwide, but especially precipitously in some areas, with some states turning down part or all of their weekly dose allotments. The federal government will now shift some of those doses to areas with higher demand, in an effort to speed shots in those areas. The administration says those states would have the shots available whenever demand for vaccines in their states increases — a key priority of the Biden administration. 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.