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NEXT.

Weekly Webinar Series: Returning to Work in California: Highlights of Major State and Local Orders

Daryl Landy, Lauren Nikkhah, Grace Tse

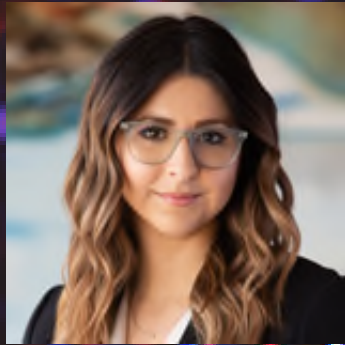
June 3, 2020

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Presenters



Daryl Landy



Lauren Nikkhah



Grace Tse

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The Interaction Between State, County, and City Orders and Reopening Guidelines.

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Basics of the California Order

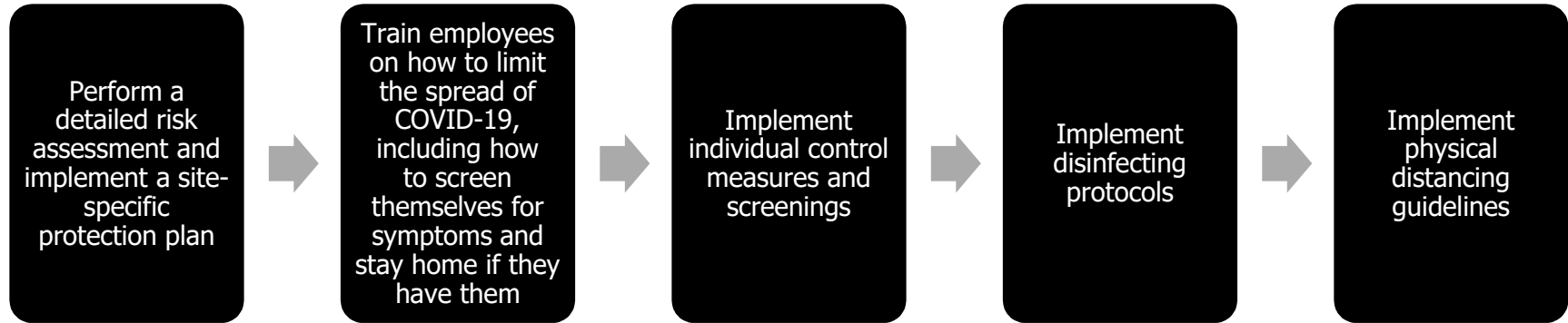
- On March 19, 2020 a CA Executive Order & Public Health Order directed all Californians to stay home except for transit to/from an essential job or shopping for essential needs, or for certain outdoor activities (e.g., hiking, running.)
- On May 8, the State modified the stay-at-home order, and California gradually advanced into Stage 2 of 4 — the beginning of “reopening.”



County Attestations

1. Alpine County
2. Amador County
3. Butte County
4. Calaveras County
5. Colusa County
6. Del Norte County
7. El Dorado County
8. Fresno County
9. Glenn County
10. Humboldt County
11. Inyo County
12. Kern County
13. Kings County
14. Lake County
15. Lassen County
16. Los Angeles County
17. Madera County
18. Mariposa County
19. Mendocino County
20. Merced County
21. Modoc County
22. Mono County
23. Monterey County
24. Napa County
25. Nevada County
26. Orange County
27. Placer County
28. Plumas County
29. Riverside County
30. Sacramento County
31. San Benito County
32. San Bernardino County
33. San Diego County
34. San Joaquin County
35. San Luis Obispo County
36. Santa Barbara County
37. Santa Cruz County
38. Shasta County
39. Sierra County
40. Siskiyou County
41. Solano County
42. Sonoma County
43. Stanislaus County
44. Tehama County
45. Trinity County
46. Tulare County
47. Tuolumne County
48. Ventura County
49. Yolo County
50. Yuba-Sutter County

Before Reopening, All Facilities Must:



Higher-Risk Workplaces: Sectors, businesses, establishments, or activities not permitted to operate in CA *at this time*:



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What's New from Governor Newsom's Office.

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What Is Next from the Governor's Office – Additional Loosening of Restrictions

- Fitness industry, including gyms
- Film industry, production, and movie theaters
- Nail salons and other personal care services
- Large counties with disparity of attestation criteria
- City of Los Angeles June 1 Modified Order

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Paid Sick Leave: **Sampling of State and Local** **Requirements**

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New Local COVID-19 Supplemental Paid Sick Leave Laws

- **Families First Coronavirus Response Act (FFCRA)** requires covered employers to provide up to 80 hours of paid sick leave for specific COVID-19 related reasons
 - Only applies to employers with *fewer than 500 employees*
- **Local COVID-19 Supplemental Paid Sick Leave Orders and Ordinances in California to date:**
 - 1) Los Angeles Mayor's Order
 - 2) Los Angeles City Council Ordinance
 - 3) Los Angeles County
 - 4) Long Beach
 - 5) Oakland
 - 6) San Francisco
 - 7) San Jose

Local COVID-19 SPSL Laws Not Identical

- **Some similarities among most local COVID-19 SPSL Laws:**

- Generally require 80 hours paid sick leave for covered FT employees (unless exemption applies)
- Qualifying reasons for SPSL not limited to just employees having COVID-19 or showing symptoms of COVID-19
- Many have been enacted on an “emergency” or “urgency” basis — they are effective immediately, but the final version is not released for several days after taking effect
- Most include private rights of action with attorneys’ fee provisions

- **Many differences among the local COVID-19 SPSL Laws, including:**

- Definitions of covered employers
- Definitions of covered employees
- Effective dates
- Exemptions
- How to calculate pay for sick leave hours
- Restrictions on requests for supporting documentation

- **NOTE: An employee may be covered by multiple SPSL laws, especially employees who have teleworked**

New & Pending Statewide COVID-19 Leave Requirements

- **CA Food Sector Worker COVID-19 Supplemental Paid Sick Leave Executive Order:**
 - 2 weeks of paid sick leave in addition to California State Paid Sick Leave
 - Pay Cap: \$511 per day or \$5,110 in the aggregate
 - Applies to any food sector worker who (1) must leave their home to perform work and (2) works for an employer with 500+ employees nationwide.
- **AB 3216 (current draft; referred on May 21 to Appropriations Committee):**
 - Would amend California statewide paid sick leave to require 80 hours of paid **emergency** sick leave
 - Would allow local governments to enact stricter standards
 - Would not provide CBA exemption for paid sick leave requirements
 - ***Note: the legislation includes other important provisions in addition to paid sick leave***

Existing (pre–COVID-19) Paid Sick Leave Requirements Still Apply

Existing California State Paid Sick Leave (California Labor Code § 246)

- California law requires three days (24 hours) of paid sick leave if front-loaded, or one hour for every 30 hours worked up to 48 hours.
- The employer may not require employees to use paid sick leave. If employees choose to use it, the employer can require employees to take a minimum of two hours.

California Existing Local Paid Sick Leave Ordinances

- Berkeley - 72 hours lump-sum advance/72 hours cap of accruals
- **Emeryville** - 72 hours lump-sum advance/72 hours cap of accruals
- **Los Angeles** - 48 hours lump-sum/72 hours cap on accruals
- Oakland - 72 hours lump-sum advance*/72 hours cap on accruals [*Technically Oakland only permits accrual method]
- San Diego - 40 hours lump-sum/80 hours cap on earned accruals/40-hour cap on yearly usage
- **San Francisco** - 72 hours lump sum advance/ 72 hours cap on accruals
- Santa Monica - 72 hours lump sum/72 hours cap on accruals
- ***Cities noted in red above have expanded their "regular" paid sick leave laws to cover COVID-related reasons, including preventive care and/or childcare coverage***

Return to Work Resources for Employers

View a list of the [return to work resources](#) we have developed to support employers' efforts in safely returning to work.

Get more information on our [Return to Work – Stay in the Safe Zone](#) training program.

Access our [workplace reopening checklist](#).

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RETURN TO WORK RESOURCES

Category	Work Product
Essential Business and/or Reopening Guidance	State and Local Orders, Ordinances, and Regulations Regarding Shelter in Place, Business Restrictions, and Business Reopening Chart <ul style="list-style-type: none">We can also provide weekly updates
	We can also create customized charts of specific orders or just reopening orders. Examples: <ul style="list-style-type: none">Requirements Regarding Temperature Screens and Symptom ScreensRequirements for PPE or Face Coverings
Workplace Screening, Social Distancing, PPE, and Sanitization Policies and Procedures	Social Distancing Policy Template, Customization Guidance, and Face Covering Policy Template
	Active Screening Protocol with Temperature/Symptom Screening Policy Template
	FAQs on COVID-19 Molecular and Serology Testing
	Infection Control Protocols for the Workplace
	<i>Policies and procedures can be customized for the company.</i>
Training	Webinar Training Program on Social Distancing and Safety Measures for Return to Work
Unions	Labor Management Return To Work Memorandum of Understanding Template

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Additional Resources

Find resources on how to cope with the post-pandemic reality on our [Now. Normal. Next page](#) and our [COVID-19 page](#) to help keep you on top of developments as they unfold.

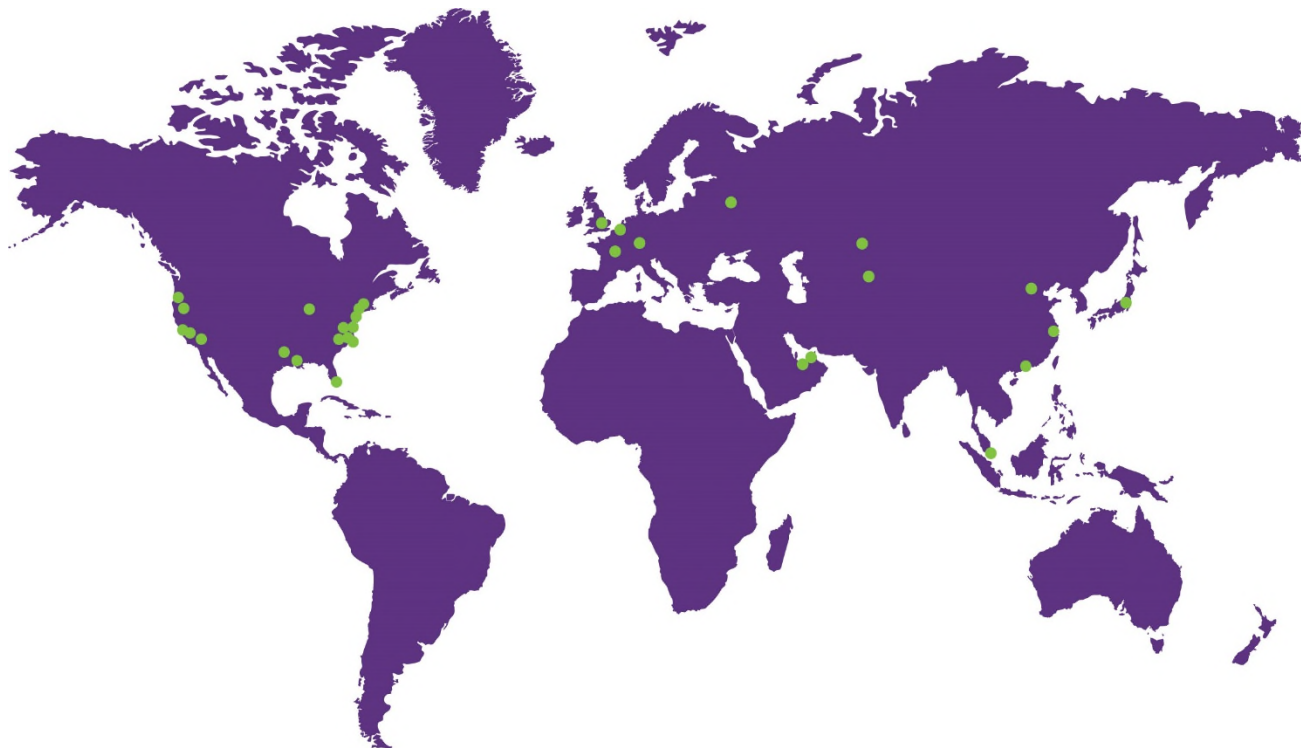
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Our Global Reach

Africa
Asia Pacific
Europe
Latin America
Middle East
North America

Our Locations

Abu Dhabi
Almaty
Beijing*
Boston
Brussels
Century City
Chicago
Dallas
Dubai
Frankfurt
Hartford
Hong Kong*
Houston
London
Los Angeles
Miami
Moscow
New York
Nur-Sultan
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