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NEXT.

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

Daryl Landy and Lauren Nikkhah

August 5, 2020

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Presenters



Daryl Landy



Lauren Nikkhah

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Overview of State Directives

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California Closures – Statewide

Effective July 13, 2020, ALL counties must close **indoor** operations in these sectors:

- Dine-in restaurants
- Wineries and tasting rooms
- Movie theaters
- Family entertainment centers (for example, bowling alleys, miniature golf courses, batting cages, and arcades)
- Zoos and museums
- Cardrooms

Bars, breweries, and pubs must close **ALL** operations.

38 Counties on County Monitoring List (Updated Frequently)

Alameda

Butte

Colusa

Contra Costa

Fresno

Glenn

Imperial

Kern

Kings

Los Angeles

Madera

Marin

Merced

Mono

Monterey

Napa

Orange

Placer

Riverside

Sacramento

San Benito

San Bernardino

San Francisco

San Diego

San Joaquin

San Luis Obispo

San Mateo

Santa Barbara

Santa Clara

Santa Cruz

Solano

Sonoma

Stanislaus

Sutter

Tulare

Ventura

Yolo

Yuba

California Closures for Counties on Monitoring List

Must shut down unless can be modified for pick up/outdoors:

- Fitness centers
- Worship services
- Protests
- **Offices for nonessential sectors**
- Certain personal care services
- Malls

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Employer Playbook:

Face Covering Escalations at the Workplace

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CA Employer Playbook

The playbook includes detailed information on:

- When and how an employer must report a COVID-19 positive employee
- What is defined as an outbreak
- Guidance for employers who may be considering whether to suspend operations due to COVID-19 spread in the workplace

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COVID-19 Employer Playbook For a Safe Reopening

July 31, 2020

covid19.ca.gov



Face Covering Enforcement & Compliance

Focus on minimizing risk & practice de-escalation measures

Train employees on what to do, including how to minimize risk of workplace violence

- Maintain at least six feet from the individual
- How to get employer support when de-escalation efforts are unsuccessful

Identify protocols if someone claims a disability-related reason

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Remote Work Considerations

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Remote Work: Importance of Setting Expectations

Whether voluntary
or mandatory
(important for
expense issues)

Productivity and
compensation
expectations

Work-hour
expectations

Meal/rest break
expectations

Recordkeeping
expectations

Workers'
compensation/OSHA
issues

Protecting
proprietary
information

Expectations as to
supplying equipment

Expense
reimbursement
obligations

Remote Work: Protecting Proprietary Information

- Physical documents disposal
- Use of secure, encrypted connection
- Need-to-know basis restrictions
- Compliance issues with housemates
- Reasonable precautions against misuse, theft, or damage

Remote Work and Reopening: Wage and Hour Considerations

- Compensation for new COVID-related tasks
- Reporting time and/or predictive scheduling obligations
- Regular rate calculations
- Exemptions for employees classified as exempt
- Bonus and incentive plans
- Expense reimbursement

Remote Work: Expense Reimbursement Standards

California Labor Code § 2802:

- Must reimburse if activity was within the course and scope of employment
- Expenditures must be (1) reasonable and (2) necessary

Remote Work: Expense Reimbursement Amount

- Required to reimburse for a “reasonable percentage” of mixed use expenses (home internet and phone)
- Can be a reasonable estimate rather than the exact expenses, provided:
 - Some method or formula used
 - Opportunity to request additional reimbursement

AB 1492: Expense Reimbursements

- Must indemnify employees who work from home for all physical equipment at home reasonably necessary to perform work, ***unless equipment provided by the employer.***
- Covered equipment includes (but is not limited to):
 - Computer
 - Printer
 - Scanner
- Employer may establish procedures requiring prior approval of equipment for purchase, unless need is unforeseeable and required to be purchased immediately to perform work duties

Remote Work: Issues Relating to Work Hours

- Set established work hours and workday start and end times
- Procedures for variance from expected work hours
- Mechanisms for ensuring employees are actively working

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California's Roadmap to Modify the Stay-at-Home Order: Family Friendly Practices for Employers

Release date: **June 5, 2020**

Recommended effective date no sooner than: **June 12, 2020**

Remote Work: Compensation Issues for Nonexempt Employees

- Audit timekeeping systems
- Employee attestations/acknowledgement of accurate recording under circumstances
- Beware of potential triggers with remote work
- Review regular rate calculations

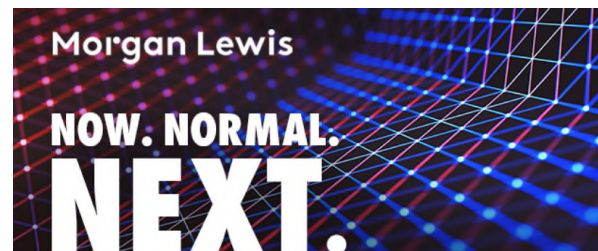
Return to Work Resources for Employers

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 postpandemic reality on our [Now. Normal. Next. page](#) and our [COVID-19 page](#) to help keep you on top of developments as they unfold.

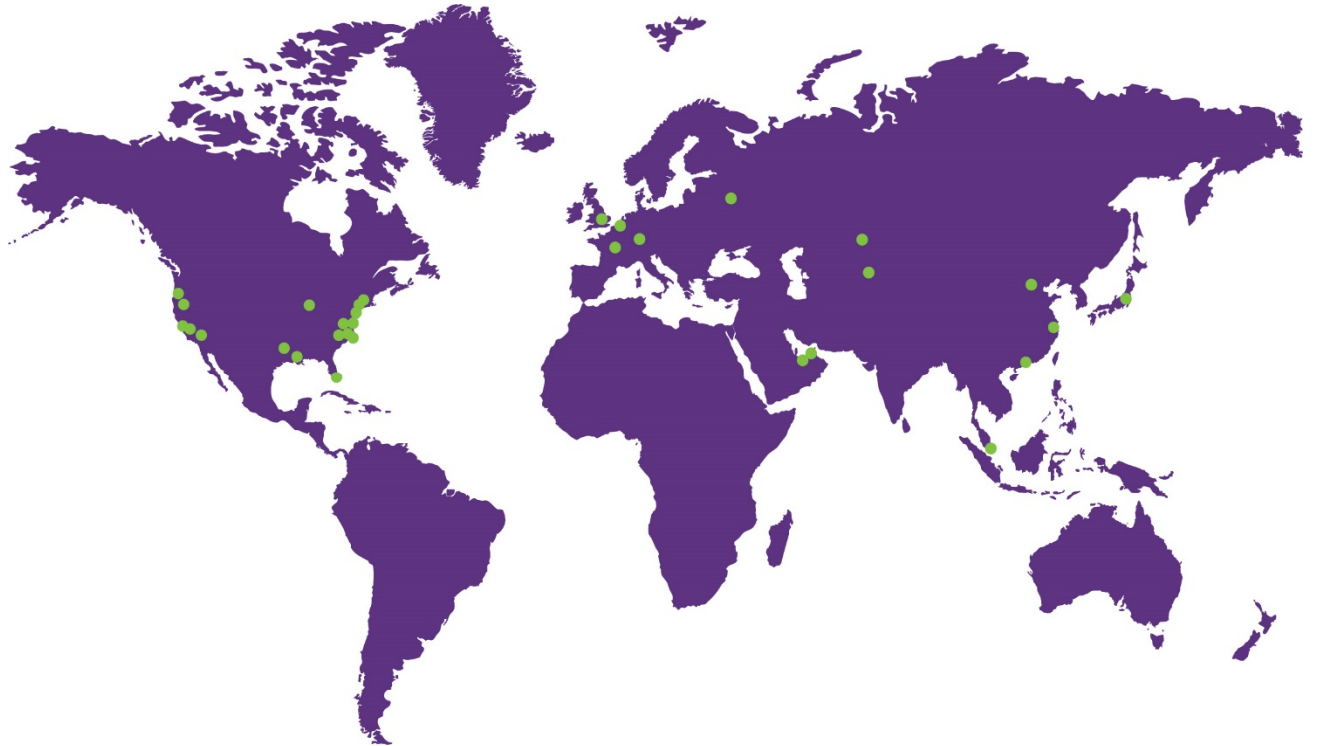
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Our Global Reach

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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