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# NAVIGATING THE NEXT.

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

Mike Schlemmer, Lauren Nikkiah, and Claire Lesikar  
March 31, 2021



# Presenters



**Mike Schlemmer**



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**Morgan Lewis**





# Return to Blueprint for a Safer Economy & County Tier Assignments

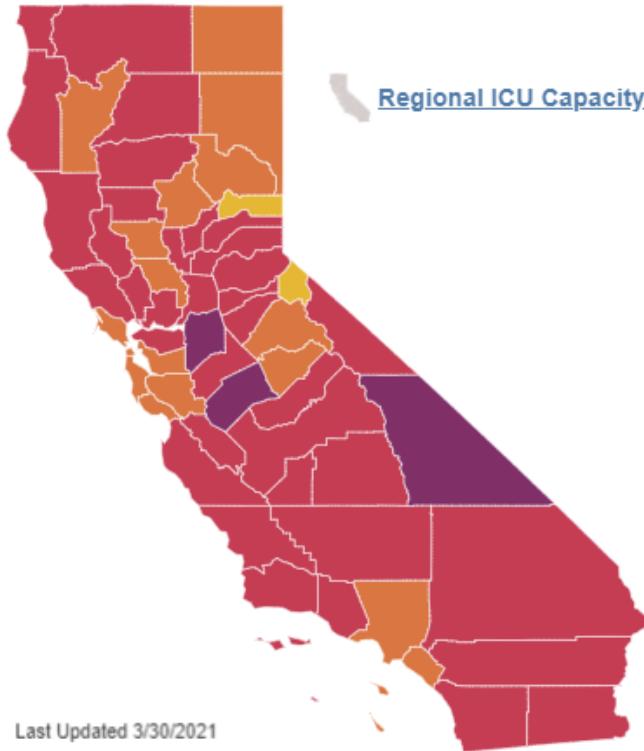
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# California's Tier System

County risk level	New cases	Positive tests
<b>WIDESPREAD</b> Many non-essential indoor business operations are closed	<b>More than 7</b> Daily new cases (per 100k)	<b>More than 8%</b> Positive tests
<b>SUBSTANTIAL</b> Some non-essential indoor business operations are closed	<b>4-7</b> Daily new cases (per 100k)	<b>5 – 8%</b> Positive tests
<b>MODERATE</b> Some indoor business operations are open with modifications	<b>1 – 3.9</b> Daily new cases (per 100k)	<b>2 – 4.9%</b> Positive tests
<b>MINIMAL</b> Most indoor business operations are open with modifications	<b>Less than 1</b> Daily new cases (per 100k)	<b>Less than 2%</b> Positive tests



# California's Tier System



## STATEWIDE METRICS

4.8 New COVID-19 positive cases per day per 100K

1.8% Positivity rate (7-day average)

30.3% ICU availability

## COUNTY RISK LEVELS

	Counties	Population	
Widespread	3	1,088,418	2.7%
Substantial	36	19,085,872	47.6%
Moderate	17	19,950,638	49.7%
Minimal	2	4,232	0.0%

# California's Tier System – Permissible Activity

- [Link: Full Chart](#)

SECTORS	Tier 1 Widespread (Case Rate >7 and Test Positivity >8%)	Tier 2 Substantial (Case Rate 4-7 and Test Positivity 5-8%)	Tier 3 Moderate (Case Rate 1-3.9 and Test Positivity 2-4.9%)	Tier 4 Minimal (Case Rate <1 and Test Positivity <2%)
Post 2 million administered in first Healthy Places Index quartile	CR >10	CR 4-10	CR 1-3.9	CR <1
Post 4 million administered in first Healthy Places Index quartile	CR >10	CR 6-10	CR 2-5.9	CR <2
<b>Bars</b> (where no meal provided; follow restaurant guidance where meal is provided)	Closed	Closed	Open outdoors with modifications	<b>Effective March 13, 2021:</b> Open indoors with modifications <ul style="list-style-type: none"> <li>• Max 25% capacity indoors, or 100 people, whichever is fewer</li> </ul>
<b>Family Entertainment Centers</b>	Outdoor only with modifications e.g. <ul style="list-style-type: none"> <li>• Kart Racing</li> <li>• Mini Golf</li> <li>• Batting Cages</li> </ul>	Outdoor only with modifications e.g. <ul style="list-style-type: none"> <li>• Kart Racing</li> <li>• Mini Golf</li> <li>• Batting Cages</li> </ul>	Open indoors for naturally distanced activities with modifications <ul style="list-style-type: none"> <li>• Max 25% capacity</li> <li>• Bowling Alleys</li> </ul>	Open indoors for activities with increased risk of proximity and mixing with modifications <ul style="list-style-type: none"> <li>• Max 50% capacity</li> <li>• Arcade Games</li> <li>• Ice and roller skating</li> <li>• Indoor playgrounds</li> </ul>
<b>Cardrooms, Satellite Wagering</b>	Outdoor only with modifications	Outdoor only with modifications	Open indoors with modifications <ul style="list-style-type: none"> <li>• Max 25% capacity</li> </ul>	Open indoors with modifications <ul style="list-style-type: none"> <li>• Max 50% capacity</li> </ul>
<b>Offices</b>	Remote	Remote	Open indoors with modifications <ul style="list-style-type: none"> <li>• Encourage telework</li> </ul>	Open indoors with modifications <ul style="list-style-type: none"> <li>• Encourage telework</li> </ul>



# California's Tier System – Searching for Status of Activity in Each County

## Find the status of activities in your county

County

Activity

San Francisco

Q Clear

Enter a business or activity

GET LATEST RISK LEVELS

## San Francisco

MINIMAL

Most indoor business operations are open with modifications. [Understand the data.](#)

Counties can restrict further. Check your [county's website](#).

### Office workspaces

#### Tier status:

Widespread (purple): Remote work

Substantial (red): Remote work

Moderate (orange): Indoor with modifications, encourage telework

Minimal (yellow): Indoor with modifications, encourage telework

Follow this [guidance for office workspaces](#) to create a safer environment for workers.

Review the guidance, prepare a plan, and post the [checklist for office workspaces](#) in your workplace to show customers and employees that you've reduced the risk and are open for business.

Faith-based office workspaces can reopen within the following parameters:

1. Faith-based facilities are considered "offices" only for those employed by the organization and where the facility is their regular place of work.
2. The employer should implement state guidance relating to offices before reopening the facility for employees.
3. This designation does not permit gatherings of non-employees, such as the organization's congregation.

# Reopening Offices for Those in the Orange Tier

- Example of San Francisco's Updated Health Order:
  - Offices with 20 staff members or more can open at 25% normal maximum capacity.
  - Offices with less than 20 staff members can operate at more than 25% capacity only if space permits that everyone can stay 6 feet apart.
  - The calculation of capacity is the total number of people, which includes members of the public.
  - The city still strongly encourages staff to work from home if possible.



# Major Considerations for Reopening...

1. A safety plan that is specific to the particular office (which includes a specific individual designated as a point person for the plan and various protocols for, among other things, social distancing, individual screenings, and face coverings);
2. Signage, postings, checklists, and other documents;
3. Providing face coverings and disinfecting provisions to employees;
4. Employees must provide notification to the employer of their intent to enter the office for each particular day prior to doing so; and
5. Individual screenings for [COVID-19 symptoms](#) or potential exposure upon entering the office.

# Vaccine Updates

The image is a composite background. At the top, a bright sun or star is on the horizon, casting a glow over a dark, starry space. Below this, a cityscape is visible at night, with lights from buildings and streets. Overlaid on the city is a network of glowing lines and nodes, resembling a data network or a global communication system. The lines are primarily blue and orange, connecting various points across the city and extending towards the horizon.

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# Current California Vaccine Rollout Progress



## COVID-19: Vaccine Dashboard

### Statewide

**18,023,603 (78.7%) Doses administered**  
**322,835 Average doses per day**



**5,504,092 (17.0%) People partially vaccinated**  
**6,533,894 (20.2%) People fully vaccinated**



**2,387,264 Doses on hand**  
**(7 days of inventory)**



**22,892,620 Doses Delivered**  
**3,670,950 CDC Pharmacy Doses Delivered**

See [Data Dictionary](#) for Details.

Note: Doses delivered includes the CDC Long Term Care (LTC) Pharmacy Partnership Program and Federal Retail Pharmacy Partnership Program. This does not include doses delivered to the following federal agencies: Indian Health Service, Veterans Health Administration, Department of Defense, and Federal Bureau of Prisons. The CDC LTC Pharmacy and Federal Retail Pharmacy Partnership Program doses are a subset of the doses delivered.

### Doses Administered by County of Residence

County

(All) ▾



Los Angeles	4,434,120
San Diego	1,697,943
Orange	1,453,874
Riverside	903,694
Santa Clara	900,319
Alameda	887,860
San Bernardino	707,172
Contra Costa	648,327
Sacramento	628,905
San Francisco	523,277
San Mateo	444,262
Ventura	406,243
Fresno	395,142
Sonoma	294,846

Data: 3/30/2021 11:59pm | Posted: 3/31/2021

# Vaccine Updates

- The state is also set to [open vaccine eligibility](#) to all Californians 50 and older on April 1.
- As is the situation in some counties at the moment, there is [a likely backlog of appointments](#) that could hamper efforts to accelerate distribution when such a large population will become eligible at once.
- Eligibility expands to all Californians 16 and older on April 15.

# Vaccine Update

## [Link: Questions on Vaccines?](#)



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NAVIGATING THE NEXT.



## QUESTIONS ON VACCINES?



As the US accelerates its goal of delivering safe and effective COVID-19 vaccines, employers, healthcare providers, and many others are considering the potential implications for their industries and organizations. Companies can begin planning now even as issues surrounding each phase of the vaccine rollout continue to take shape.

**INSIGHTS**

**IN THE NEWS**

**RECORDED WEBINARS**

COVID-19 Vaccines, Remote Working and Leave Issues:

### BACK TO

- > [Navigating the NEXT.](#)
- > [Biden Administration's First 100 Days](#)
- > [Implementing Workplace Changes](#)
- > [Protecting & Growing Your Business](#)
- > [Addressing Global Regulatory & Enforcement Actions](#)
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### COVID-19 RESOURCE CENTER

[VIEW RESOURCES AND UPDATES>>](#)

### STAY UP TO DATE

- > [Subscribe to the latest updates](#)
- > [Access the Navigating the NEXT RSS Feed](#)





# California COVID-19 Supplemental Paid Sick Leave (CSPSL)

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# CA Passes New Supplemental Paid Sick Leave Law

- Effective: March 29, 2021
- Retroactive to January 1, 2021
- Sunsets: September 30, 2021
- Covered employers: Any California employer with 25+ employees
- Covered employees: Any employee who cannot work or telework for an employer due to a covered reason, with certain limited exceptions
- Amount of leave: Up to 80 hours, depending on the employee's work schedule
- Pay for leave: Up to \$511 per day and \$5,110 in total

# CPSL Reasons for Leave

The employee is unable to work or telework for one of the following reasons:

- The employee is subject to a quarantine or isolation period related to COVID-19 or caring for a family member subject to a quarantine or isolation period related to COVID-19
- The employee is attending an appointment to receive a COVID-19 vaccine
- The employee is experiencing symptoms related to a COVID-19 vaccine that prevents the employee from being able to work or telework
- The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis
- The employee is caring for a child whose school or place of care is closed or otherwise unavailable for reasons related to COVID-19 on the premises



# CPSL Notice Requirements

- Required poster must be:
  - Posted in a conspicuous place in the workplace or
  - If employees do not frequent the workplace, disseminated electronically
- Wage statement notice:
  - An employee's amount of available CPSL must be listed separately on either their wage statement or in a separate writing provided on the designated pay date with the employee's payment of wages.
  - Wage statement requirement is not enforceable until the next full pay period following March 29.

# CPSL Retroactivity Requirement

- Employees may request for a retroactive CPSL payment if they took leave between January 1, 2021 and March 28, 2021 for one of the qualifying reasons but were not paid for this leave in the amount required by the CPSL.
  - This retroactive payment qualifies as a credit against an employer's obligation to provide CPSL.
- Employers may receive credit for providing employees with supplemental COVID-19 leave taken on or after January 1, 2021 that is payable for the reasons required under the CPSL and that is compensated in an amount equal to or greater than the amount required under the CPSL.

# CPSL Interaction with Other Laws

- In addition to any regular paid sick leave, vacation, paid time off, or paid/unpaid leave.
- Employers cannot require employees to use any other paid/unpaid leave, paid time off, or vacation before using, or in lieu of using, CPSL.
- Employers may require employees to first exhaust their CPSL leave before providing exclusion pay when an employee is excluded from the workplace due to COVID-19 exposure under the Cal-OSHA regulations.



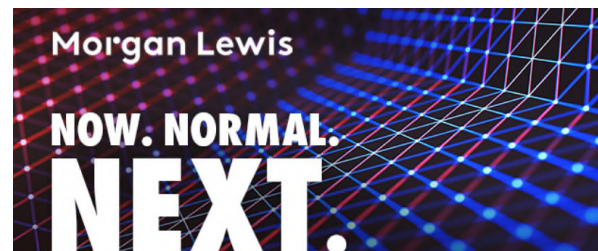
# Return to Work Resources for Employers

View a list of the [return to work resources](#) that 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](#).

[Questions on Vaccines?](#)



## 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"><li>We can also provide weekly updates</li></ul>
	We can also create customized charts of specific orders or just reopening orders. Examples: <ul style="list-style-type: none"><li>Requirements Regarding Temperature Screens and Symptom Screens</li><li>Requirements for PPE or Face Coverings</li></ul>
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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[www.morganlewis.com](http://www.morganlewis.com)

# Coronavirus COVID-19 Resources

We have formed a multidisciplinary **Coronavirus/COVID-19 Task Force** to help guide clients through the broad scope of legal issues brought on by this public health challenge.

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To help keep you on top of developments as they unfold, we also have launched a resource page on our website at

[www.morganlewis.com/  
topics/coronavirus-  
covid-19](http://www.morganlewis.com/topics/coronavirus-covid-19)

If you would like to receive a daily digest of all new updates to the page, please visit the resource page to **subscribe** using the purple "Subscribe" button.

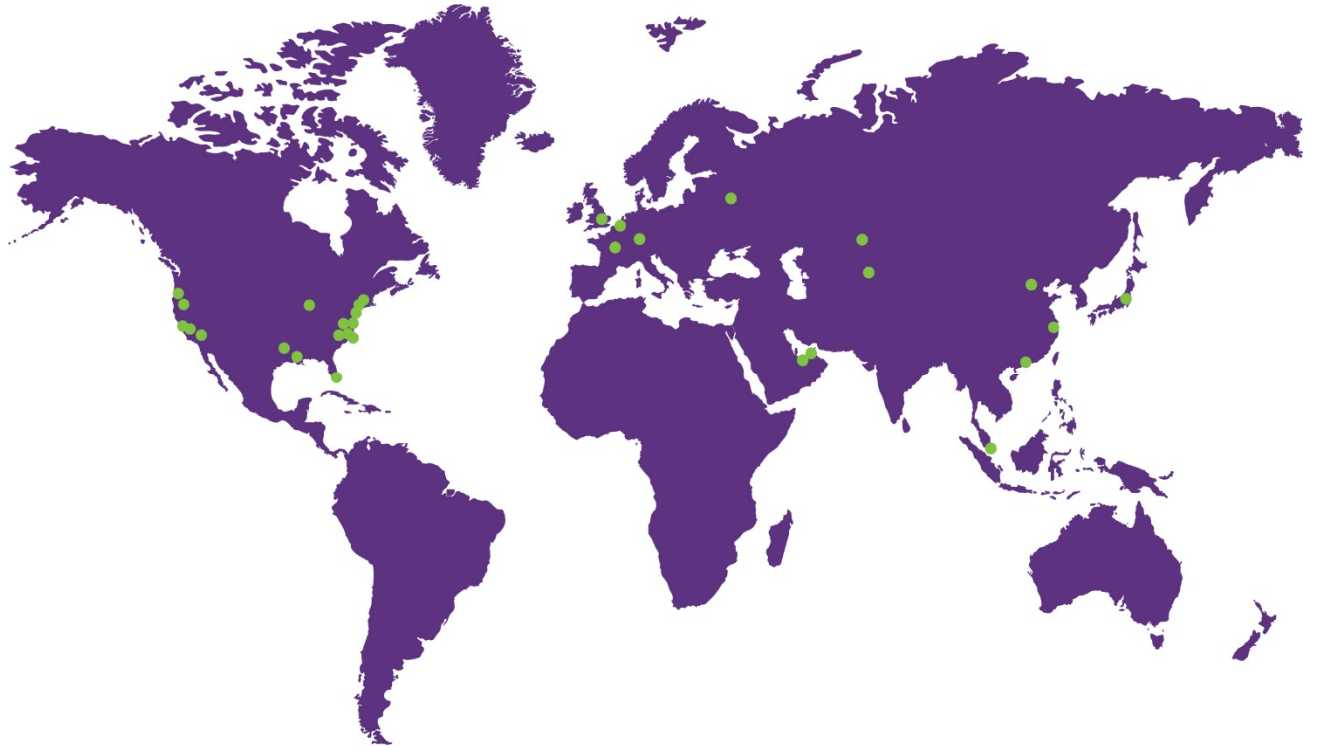


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