

## Weekly COVID-19 Update From EKA – October 7, 2020

### Coronavirus Facts

The [Safer at Home](#) order has been in place in Los Angeles since March 19. The coronavirus has killed over 1 million people worldwide. More than 209,000 people have died in the US and more than 16,000 people in California have died due to COVID-19.

### Previous EKA COVID-19 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.

## OPENING & CLOSING

### LA County To Open Nail Salons, Indoor Malls And Playgrounds

Los Angeles County has officially revised its coronavirus health order, authorizing breweries and wineries that don't have their own food kitchens to reopen for outdoor sit-down service if they partner with a caterer or food truck. The [revised language](#) includes some peculiar requirements such as purchasing alcohol with food in the same transaction, and customers must make a prior reservation for a table at least one day in advance. Public Health revised the Health Officer Order to allow for limited in-door operations at nail salons and shopping malls, outdoor operations for cardrooms, reopening of outside playgrounds and the school waiver program for grades TK-2. The following sectors and program have been allowed to reopen on the following dates under restrictions,

Sector	Date of Reopening	Restrictions
Nail Salons	October 1	Indoor services may resume at 25% capacity. Outdoor services should continue as much as possible.
Schools (TK-2) Waiver Program	Applications can be submitted on October 5	Limited to 30 schools per week.
Cardrooms	October 5	Outdoor operations only. Food and beverages may not be served at the tables.
Indoor Shopping Malls	October 7	Occupancy limited to 25% capacity; all food courts and all common areas remain closed.

Outside Playgrounds	At the discretion of cities and LA County Parks and Recreation	Face coverings and physical distancing are required.
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**Reopening Health Equity Metric**

The [Blueprint for a Safer Economy](#) includes a health equity metric which will be used (along with other metrics) to determine [a county's tier](#). The purpose of this metric is to ensure California reopens its economy safely by reducing disease transmission in all communities. The [equity metric and requirements](#) became effective October 6, 2020. LA County is currently in the Purple tier and its positivity rate remains lower than 8% and we are observing a decline in cases among these populations which qualifies them for progression to the Red Tier (less restrictive) as long as cases remain under 8%. For counties in purple or red tiers, if the county's case rate is declining but has not met threshold for the next less restrictive tier, the county can still progress to the next less restrictive tier if both the countywide and the county's lowest quartile HPI census tracts' test positivity rate meets the threshold for the tier that is two tiers less restrictive than the current tier for two consecutive weeks. It is important to note that the equity metric will not be considered as a factor in whether a county needs to move to a more restrictive tier. The Health Officer Order be found [here](#) on Public Health's [website](#). Please see attached the County Health Officer Order [Reopening Protocol for Cardrooms – Appendix Q](#) and [Reopening Protocol for Hair Salons, Barbershops and Nail Salons - Appendix H/](#)

**Comprehensive Protocols**

Comprehensive protocols for all sectors that reopen will be posted on the [Public Health website](#) to ensure the continued health and safety of workers and the community. Public Health urges all operators of businesses that are currently closed to implement all of the requirements in Public Health protocols prior to reopening to ensure compliance and avoid citations, fines and possible closure. It is critical that directives and infection protocols are followed to minimize COVID-19 spread as much as possible. The reopenings were announced one day after the county Board of Supervisors agreed to open a waiver process for schools to offer in-person instruction for students in pre-kindergarten through 2nd grade, and voted to reopen craft breweries, wineries and outdoor card rooms. The Reopening Protocols, COVID-19 Data Dashboard, Recovery Metrics, Recovery Dashboard, and additional things you can do to protect yourself, your family and your community are on the Public Health [website](#).

**Broad Stage**

The Broad Stage at the Santa Monica College Performing Arts Center announced today it is postponing live, indoor performances until next summer at the earliest. Last spring, The Broad Stage announced its 2020/21 season, hopeful that it would be able to resume in-theater performances in January. But live performances remain sidelined by the coronavirus pandemic and in compliance with state and county health officials, and with the guidance of Santa Monica College campus leadership, the stage will remain dark until next year. Also, dates have not been set for the world premiere of the mobile chamber opera, ``Birds in the Moon," which had

been announced for Fall 2020. The Broad Stage is planning to announce an updated performance schedule prior to the winter holidays, and at that time will communicate to subscribers about alternatives regarding purchased tickets. During the hiatus for in-person programming, The Broad Stage is continuing its work of curating a mix of virtual and outdoor programs for the months ahead.

## LOS ANGELES COUNTY

### **Ralphs and Food 4 Less in LA Cited for COVID-19 Violations**

Five grocery stores in Los Angeles, including branches of Ralphs and Food 4 Less, have been cited by Cal/OSHA for failing to protect their employees from COVID-19. The retailers were cited for various health and safety violations including some classified as serious, with proposed penalties ranging from \$13,500 to \$25,560. Cal/OSHA found that Ralphs failed to properly notify the state when two workers at two stores died from COVID-19. At a Food 4 Less, the agency found that employees could not maintain physical distancing between themselves and customers. As a reminder, Cal/OSHA has [created guidance](#) for many industries in multiple languages including videos, daily checklists and detailed guidelines on how to protect workers from the virus. This guidance provides a road map for employers on their existing obligations to protect workers from COVID-19.

### **Public Health Councils**

A new proposal to create health protocols could add new costs to employers of as much as 0.44 percent of payroll is on the verge of being adopted by the LA County Board of Supervisors. Citing the need for more enforcement of health protocols in the workplace, the county has advanced a plan for "public health councils." There are few details yet on exactly how this would work, but the outlines of the idea are described in a "research brief" published in July by the UCLA Labor Center, the UC Berkeley Labor Center and the UCLA Institute for Research on Labor and Employment. The LA County proposal would allow employees to form public health councils and themselves become badge-flashing inspectors. The UC report recommends an ordinance that requires employers to permit workers to "participate in public health council activities on paid time," estimating that council members would spend 4.4 percent of their time on council activities. The report recommends that not less than two workers and not more than 10 percent of the workforce would participate at each workplace, "so that the maximum cost to an employer would be 0.44 percent of payroll for the duration of the order."

### **Mental Health Resources**

The Los Angeles County Department of Mental Health continues to offer resources and [guides related to COVID-19](#). In addition, you can find a growing collection of [resources organized by topic](#), including how to navigate questions and pressures surrounding [Back to School](#). The Department's partnership with meditation app, Headspace, makes subscriptions free to all LA County residents through the end of the year. With their free, premium subscription, residents can access hundreds of science-backed guided meditations in English and Spanish, as well as mindfulness and sleep exercises to help address rising stress and anxiety.

## CITY OF LOS ANGELES

### **LADOT To Resume Parking Enforcement**

The Los Angeles Department of Transportation (LADOT) Parking Enforcement and Traffic Control (PETC) will resume parking enforcement beginning on October 15. Beginning October 15, 2020 LADOT will RESUME parking enforcement and impounding, where applicable, for the following categories:

- Residential street sweeping
- Expired registration on a vehicle
- Overnight/Oversize parking districts
- Peak/rush hour and gridlock zone parking restrictions
- Ticket/tow for abandoned vehicles (72-hour rule)
- Vehicles displaying recently expired permits within preferential parking districts

LADOT will DELAY impounding vehicles used for dwelling pending a report back to Council in 30-60 days. Additionally, LADOT will DELAY the booting and impounding of scofflaw vehicles until January 1, 2021.

## RIVERSIDE

### **Riverside County Could Slide Back Into More-Restrictive Purple Coronavirus Tier**

According to the Riverside Press-Enterprise, rising COVID-19 case rates threaten to pull Riverside County back into the purple tier, which could force some newly reopened businesses to close and re-impose restrictions on others. The county on September 22 [moved into the red tier](#) of California's [Blueprint for a Safer Economy](#), a color-coded, four-tier framework that tightens or loosens coronavirus restrictions based on a county's new case rate per 100,000 residents and positivity rate, or the rate at which COVID-19 tests come back positive. That move allowed churches, restaurants, gyms and movie theaters to go back indoors, with limited capacities. The county's adjusted case rate, which is based on the amount of testing is currently entering the purple tier again.

## ORANGE COUNTY

### **Orange County Remains in Red Tier**

Orange County reported 283 new cases of COVID-19 but no additional deaths Sunday, bringing the county's totals to 54,640 cases and 1,286 fatalities. Hospitalizations dropped from 160 on Saturday to 155, with the number of patients in intensive care remaining at 47. The Orange County Health Care Agency reported that 896,617 COVID-19 tests have been conducted, including 5,513 reported Sunday. There have been 48,870 documented recoveries. The positivity rate, which is reported each Tuesday, stands at 3.1%, the same as last week, but the daily case rate per 100,000 people went up from 3.6 to 4.4, which is higher than the cutoff of 3.9 to qualify for the orange tier in the state's coronavirus monitoring system. It means the county will remain in the red tier for at least another two weeks, but there is hope the downward trend will continue and that the county will be able to move into to the orange tier by mid-October.

## VENTURA COUNTY

Ventura County moved into the RED Tier on the State of California's [Blueprint for a Safer Economy](#). This means the following activities can open or resume:

- Places of worship, restaurants, movie theaters and museums can be operated indoors at 25% capacity or 100 people, whichever is less..
- Gyms can reopen indoors at 10% capacity. 12 feet distancing required in Ventura County.
- All personal care services such as massage, skin care, tattoos and body art studios, electrolysis, and eyelash extensions can open indoors.
- Indoor shopping malls can operate at 50% maximum occupancy (instead of 25%). Food courts can also open following the [state's guidelines for restaurants](#).
- Indoor retail stores can now operate at 50% capacity (instead of 25%).

## SACRAMENTO

### Executive Orders

Governor Newsom's executive orders can be found [here](#).

### Temporary Fee Relief Extension for October Renewals

The Department of Alcohol Beverage Control (ABC) previously announced a 30-day extension on annual license renewal fees and late renewal penalty fees due by September 30. Click [here](#) for more details. The ABC has now announced that ABC licensees paying annual renewal fees have been given a 30-day grace period. The announcement comes after Governor Newsom signed an executive order that will provide tax, regulatory, and licensing extensions for businesses. ABC's announcement encompasses ABC licensees whose annual renewal payment is due by October 31.

## NATIONAL

### Updated Version Of The Heroes Act

House Democrats formerly passed an updated version of the Heroes Act last week, which would send another round of \$1,200 economic relief payment to American families if signed into law by the President. The bill passed by a 214-207 vote. The House said they would substitute a rules committee print in a Senate amendment and vote on the measure. The substituted [text](#) is identical to the Heroes Act. That measure would pass convincingly, by a 225-188 vote. On Thursday however, more than a dozen Democrats voted [against](#) the measure. The \$2.2 trillion version of the Heroes Act would provide \$436 billion for state local and territorial governments, along with \$75 billion for testing and contact tracing of those infected or possibly infected with coronavirus. An additional \$28 billion would go to procurement, education and distribution campaigns for a Covid-19 vaccine, she said, along with \$120 billion for stimulus for the restaurant industry. Senate Republicans pushed back against the full Heroes Act in July,

introducing their own [\\$1 trillion version](#) that also provided for the reconstruction of the FBI's Washington headquarters. Yesterday, the President abandoned COVID-19 relief talks, saying negotiations between the GOP and Democrats won't resume until after the election. The move came as the chairman of the Federal Reserve said further fiscal intervention was needed to prevent the economy from spiraling downward.

### **Facebook, Twitter Block Trump Posts**

Facebook removed a post from President Trump that claimed the Flu is more deadly than the coronavirus. Twitter hid the same message that was posted to Trump's Twitter account behind a label and prevented users from sharing it. The post was up for hours before both companies took action. In the post, which was shared on both Facebook and Twitter, Trump said: "Flu season is coming up! Many people every year, sometimes over 100,000, and despite the Vaccine, die from the Flu. Are we going to close down our Country? No, we have learned to live with it, just like we are learning to live with COVID, in most populations far less lethal!!!" As of yesterday, the COVID-19 pandemic has so far sickened more than 7.45 million in the United States, and at least 210,195 have died, according to data compiled by Johns Hopkins University.

### **CDC: Virus Spreads Indoors in Poor Ventilation**

The coronavirus can spread farther than 6 feet through the air, especially in enclosed spaces with poor ventilation, the CDC said in updated guidance on Monday. This comes weeks after the agency published and then deleted a similar warning on its site. Some experts say the virus can spread easier than how the CDC indicates, saying it can travel through the air.

## **LEGAL DEVELOPMENTS**

Law 360 reported that 100 [Outback Steakhouse](#) locations say their insurer owes them coverage for coronavirus-related losses and small businesses that claim [Wells Fargo](#) stiffed applicants for the Paycheck Protection Program are fighting the bank's arbitration bid. While courts across the Country are altering procedures, restricting access and postponing certain cases to stem the spread of [the coronavirus](#), the outbreak has also prompted a wave of new litigation across the Country.

### **Employment**

A union representing employees at the Port Authority of Allegheny County, Pennsylvania, filed a federal lawsuit Wednesday claiming that a uniform policy banning workers from wearing masks that say "Black Lives Matter" violated the workers' freedom of speech. The Port Authority — which operates buses, light rail and the celebrated funicular railways known as inclines in and around Pittsburgh — had previously spread messages showing support for LGBTQ Pride, Black History Month, women's rights, the victims of the October 2018 Tree of Life Synagogue shooting, and Pittsburgh police after three officers were killed by a white supremacist in 2009, the complaint said, but the agency barred workers from wearing face masks with messages supporting the Black Lives Matter movement.

In New Jersey, the union representing Atlantic City firefighters has [filed a state court lawsuit](#) alleging that 65 members have been exposed to COVID-19 due to faulty pandemic safety precautions, leading to six positive cases among the Department's ranks. Firefighters who had contact with other department members who tested positive were directed to return to work as long as they tested negative, instead of being ordered to undergo a 14-day quarantine, according to the complaint filed Friday by the International Association of Fire Fighters, AFL-CIO, Local 198. The union claims that system violates the guidance handed down by state and federal health authorities.

### **Consumer Protection**

New York's attorney general on Wednesday sued New York Sports Club and Lucille Roberts gyms in New York state court alleging that they have ripped off customers during the COVID-19 pandemic by continuing to charge fees and ignore cancellations even though the facilities have been largely closed since March. Attorney General Letitia James [filed suit](#) claiming the parent company's chain of nearly 100 gyms had "violated multiple New York State laws" by charging for services not rendered, not delivering promised refunds, tacking on fees and other barriers to cancel memberships and "refusing to honor cancellation requests."

### **Sports**

Four Western Pennsylvania high school students have sued the Pennsylvania Interscholastic Athletic Association over restrictions it put in place due to the COVID-19 pandemic, claiming the association's decision to reduce the number of participants in a golf tournament violated their equal-protection rights. The students, identified by their initials because they are minors, said the PIAA and its local district committee "arbitrarily and capriciously" reduced the number of students who could qualify for the October 2 tournament by about half, so golfers like themselves who had previously qualified no longer made the cut. The students sought a preliminary injunction to restore the "status quo" and allow them to participate in the tournament. The PIAA filed to remove the lawsuit from state court Thursday, arguing that because the claims were for violations of federal constitutional rights, it belonged in federal court, and filed a brief in opposition to the requested injunction.

### **Public Policy**

A Third Circuit panel agreed to reinstate Pennsylvania's pandemic-related restrictions on crowd sizes while the court hears an appeal from Democratic Gov. Tom Wolf challenging a district judge's decision last month declaring the emergency measures unconstitutional.

In an order signed by Chief Judge D. Brooks Smith, a three-judge panel granted a motion from the Wolf administration asking that the lower court's decision striking down the restrictions be stayed while the appeals process plays out before the Third Circuit. Wolf asked for the stay last week after US District Judge William Stickman IV ruled in mid-September that emergency business closure orders and crowd-size limitations imposed as a result of the ongoing COVID-19 pandemic violated freedom of assembly and due process guarantees under the First Amendment and Fourteenth Amendment.

## QUESTIONS EKA HAS RECEIVED

If you have a specific COVID-19 question, click [here](#) and we will attempt to answer it in our update.

### **Can You Explain Cal OSHA's New Authority To Shut Down Operations And New Notice Requirements**

Governor Gavin Newsom signed [AB 685](#), which authorizes Cal OSHA to prohibit operations and processes and prevent entry into workplaces that it has determined present a risk of infection of COVID-19 so as to constitute an imminent hazard to employees. AB 685 separately requires employers to provide specified notifications to employees within one business day of receiving notice of potential exposure to COVID-19. The law takes effect on January 1, 2021. Under AB 685, when Cal OSHA determines that employees are exposed to the risk of infection of COVID-19 to constitute an imminent hazard, it is authorized to:

- Prohibit the performance of such operation or process;
- Prohibit entry into such place of employment; and
- Require the posting of a notice.

The division's authority to prohibit use is limited to the immediate area in which the imminent hazard exists. In addition, this prohibition must not materially interrupt the performance of critical governmental functions essential to ensuring public health and safety functions or the delivery of electrical power or water. This section will be repealed on January 1, 2023.

#### **Notice Requirements**

If an employer receives a notice of potential exposure to COVID-19, the employer must take all of the following actions within **one business day** of the notice of potential exposure:

- Provide a written notice to all employees, and the employers of subcontracted employees, who were on the premises at the same worksite as the qualifying individual within the infectious period that they may have been exposed to COVID-19;
- Provide a written notice to the exclusive representative, if any, of employees.

Along with the notice, the employer must also provide: (a) information regarding COVID-19 related benefits to which the employee may be entitled under applicable federal, state, or local laws; and (b) information regarding the disinfection and safety plan that the employer plans to implement and complete per the guidelines of the federal Centers for Disease Control and Prevention (CDC). Additionally, an employer has an obligation to notify the local health agency if the number of cases reported meets the definition of a COVID-19 outbreak, as defined by the State Department of Public Health. In such cases, within 48 hours, the employer must notify the local public health agency in the jurisdiction of the worksite of the names and number of qualifying employees and other relevant information. The employer should be mindful not to

disclose any privacy-protected medical information. The employer must continue to cooperate with the local health agency on any subsequent laboratory-confirmed cases of COVID-19 at the worksite.

## WHAT WE'RE READING

### **Nail Salons, Bars, Playgrounds Open In Long Beach, With Restrictions**

Nail salons, bars, breweries and playgrounds [were allowed to open](#) today in Long Beach—with health code restrictions in place, including limited capacity. Los Angeles County also allowed card rooms to open for outdoor-only business today under gradually loosening coronavirus restrictions. To read the full story, click [here](#).

### **Small Businesses Agonize Over PPP Loan Forgiveness**

The Paycheck Protection Program pumped \$525 billion in forgivable loans to small businesses from early April through early August. The program has been praised for saving jobs and buoying struggling businesses and criticized for its clumsy rollout, fraud, and for favoring companies with established banking relationships over underbanked ventures. In a [recent report](#), the Government Accountability Office urged the Small Business Administration to identify and respond to multiple PPP risks among other recommendations for other agencies to improve the government's response to the pandemic. To read the full story, click [here](#).

### **COVID-19 Unemployment May Be Contributing To Rise In Rent Dispute Calls To LAPD, Data Shows**

The first of the month means rent is due for many Angelenos. And economic unrest amid the COVID-19 pandemic may be contributing to an increase in calls to LAPD for problems between landlords and tenants, according to an analysis of LAPD data by USC's data journalism organization, Crosstown and ABC7. On April 1, there were 50 such calls to LAPD, a 56% increase from the year before and nearly double the month before. On September 1, there were 48 such calls to LAPD, more than double the year before and nearly double the month before. The calls were lower in the months of May and June as the city continued a moratorium on evictions, rent relief and people out of work could get an extra \$600 in unemployment through the CARES Act. To read the full story, click [here](#).

### **10 CA Counties Allowed To Reopen And Expand Businesses**

California downgraded 10 counties into lower tiers of the state's four-tiered COVID-19 risk blueprint Tuesday, California Department of Public Health Secretary Dr. Mark Ghaly announced in an afternoon news conference. While Ghaly mentioned that hospitalizations were up, cases overall were still on the decline as the state reported a record low 2.8 percent positivity rate over a 14-day period, and reported that test results were being processed faster with most receiving results in just over one day. Ghaly announced 2,162 cases reported Tuesday and about 128,693 COVID-19 tests administered on a daily average. Seven counties, Butte, Contra Costa, Fresno, Sacramento, San Joaquin, Santa Barbara and Yolo, were moved into the red tier

or substantial tier, below the worst tier, the widespread purple tier. To read the full story, click [here](#).

### **Think California Is Bouncing Back? Recovery Will Take More Than Two Years, Economists Say**

The UCLA Anderson quarterly forecast released Wednesday suggested California payrolls will drop 7.2% this year to 16 million jobs, a loss of some 1.5 million since the COVID-19 pandemic hit. They are expected to climb back slowly, by just 1.3% next year and 3.5% in 2022. The Golden State's unemployment rate, which was 3.9% in February, will average 10.8% this year, then fall to 8.6% next year and 6.6% in 2022, the forecast calculated. Nonetheless, "the news is not all bad," economist Leila Bengali wrote in the report, noting that some industries are faring far better than others. A precipitous drop in travelers has hammered California's leisure and hospitality sector, where payrolls are projected to fall 25% this year, but "the housing market is an area where we project particular strength and a quick recovery to pre-recession levels." To read the full story, click [here](#).

### **Fatal Cases Of COVID-19 At Nursing Facilities Prompt New California Law**

With skilled nursing homes hit particularly hard by the COVID-19 pandemic, Gov. Gavin Newsom on Tuesday signed a law requiring those facilities in California to report disease-related deaths to health authorities within 24 hours during declared emergencies. The law was written in response to concerns that health agencies were slow to respond to outbreaks in skilled nursing facilities because they did not receive timely information about them. To read the full story, click [here](#).

### **New US Coronavirus Infections Above 40,000**

New coronavirus cases in the US rose above 40,000 as infection rates remained elevated in some states, while New York City is set to loosen restaurant-dining restrictions. In the Midwest, rising coronavirus cases are a growing concern, as the weather turns colder and more activities move indoors. Rates of Covid-19 have increased across Wisconsin, including in rural areas, said Laura D. Cassidy, professor and director of epidemiology at the Medical College of Wisconsin. Rates were particularly high in the young adult population at the end of summer, she said. To read the full story, click [here](#).

### **Small Study Finds Moderna's COVID-19 Vaccine May Work Equally Well In Older People As It Does In Younger Adults**

Moderna's coronavirus vaccine appears to create as strong an immune response in older people as it does in younger adults. That's a positive sign, because many vaccines don't work as well in the elderly. A small study published Tuesday in the New England Journal of Medicine found the Moderna COVID-19 vaccine elicited an immune system response almost as strong in people over 56 as in adults ages 18 to 55. To read the full story, click [here](#).

### **Gates Foundation, Pharmaceutical Companies Join to Advance Coronavirus Vaccines**

Sixteen pharmaceutical companies signed a statement committing to equitable allocation of coronavirus interventions. To read the full story, click [here](#).

### **Well-being of Parents and Children During the COVID-19 Pandemic: A National Survey**

As the coronavirus disease pandemic spread across the United States and protective measures to mitigate its impact were enacted, parents and children experienced widespread disruptions in daily life. Our objective with this national survey was to determine how the pandemic and mitigation efforts affected the physical and emotional well-being of parents and children in the United States through early June 2020. To read the full story, click [here](#).

### **American, United Move Ahead With More Than 32,000 Furloughs, But Will Recall Workers If Coronavirus Aid Deal Reached**

American Airlines and United Airlines will start furloughing more than 32,000 employees on Thursday after talks for a national coronavirus aid package failed in Washington, but both carriers say they are prepared to reverse course if a stimulus deal is reached. The terms of \$25 billion in federal payroll support Congress passed for the ailing sector in March prohibit airlines from cutting jobs until October 1. The aid was meant to help airlines cope with a sharp drop in bookings until there was a significant recovery in demand, which hasn't materialized. To read the full story, click [here](#).

### **To Battle COVID, Airlines Bet on Disinfectants That Come With Questions**

Many airlines have suspended beverage service because of the pandemic, but they are serving a new brew in passenger cabins: multiple doses of disinfectants. Between flights, most are spraying seats, armrests, tray tables, overhead bins and other areas with chemicals that come with toxicity warnings and require gloves and eye protection to apply. The virus-killing mixtures have been approved by the Environmental Protection Agency, and manufacturers and airlines say they are safe. But they have never been used with such frequency and volume on aircraft. To read the full story, click [here](#).

### **Federal Stimulus Impasse Endangers California Budget Relief**

A new infusion of federal aid looks increasingly unlikely to materialize in the coming weeks, dimming hopes that California will restore billions of dollars state leaders trimmed from the budget as part of an agreement with Gov. Gavin Newsom. The final budget deal included more than \$11 billion in cuts and deferrals that would be restored if the state receives \$14 billion in federal Covid-19 relief by October 15. The budget assumed the state would receive at least \$2 billion from Congress through a new stimulus package. But with less than three weeks to go, no such aid deal is in sight. To read the full story, click [here](#).

### **Newsom Vetoes Bill To Provide Rehiring Protections For Workers Laid Off Amid COVID-19 Pandemic**

Gov. Gavin Newsom vetoed a bill Wednesday that would have provided sweeping new labor protections for workers laid off during the pandemic by requiring hotel, airport and janitorial employers to rehire based on seniority. Assembly Bill 3216 by Assemblyman Ash Kalra (D-San Jose) called for employers in those industries to first rehire workers they laid off during a state of emergency, including in cases in which a new owner takes over a business. The protections pushed by labor groups targeted businesses, including event centers and building maintenance,

that have let go a third of their workforce as a result of COVID-19. To read the full story, click [here](#).

### **Orange County Resets Clock To Move Into Next Reopening Tier**

Orange County won't be moving up to the next tier under California's coronavirus reopening rules for at least two more weeks after the average new daily COVID-19 case rate climbed. Dr. Clayton Chau, the Orange County Health Care Agency director, said during a Board of Supervisors meeting Tuesday that the county was on track last week to move to the next tier, but the latest data on new infections will keep the county in Tier 2 — the "red tier" — denoting substantial transmission of the illness. The tier is the second-most restrictive in the state's reopening guidelines. Just a day after recording no deaths, the county agency also reported a new high of 33 fatalities Tuesday, for a total of 1,249 COVID-19 deaths in Orange County. It was the highest one-day total since 32 deaths were reported on August 6. In addition, 109 new cases were reported Tuesday, bringing the overall tally to 53,557. To read the full story, click [here](#).

### **UCSF testing promising new treatment that could lessen COVID-19 symptoms**

The drug, which could eventually work on coronavirus much the way Tamiflu reduces flu symptoms, is being rolled out in a clinical trial at Zuckerberg San Francisco General Hospital, one of many US sites that are enrolling volunteers for the study. The medicine, made by the drug company Eli Lilly, is a type of drug called a monoclonal antibody that in preliminary studies appears to help people in early or mild stages of the disease. If proved effective, this class of drugs could help people with less severe symptoms — the majority of people who fall ill with the coronavirus — recover. It could also help people who are sick stay out of the hospital, thus preserving precious hospital capacity, and make people with the virus less infectious. Like Tamiflu, it would be an antiviral that helps shorten the duration of symptoms. To read the full story, click [here](#).

### **Economy Will Not Recover Until The Virus Is Under Control Warns Federal Reserve Bank President**

The US economy will not recover until the coronavirus is under control, Neel Kashkari, President of the Federal Reserve Bank of Minneapolis. "This is not about politics — it's about confidence," Kashkari said at a webinar held by Wisconsin Manufacturers & Commerce, the state's largest business association. It will be six months to a year before a vaccine is widely available, he said. And, until then, people will be wary of going to restaurants, movie theaters and sporting events. To read the full story, click [here](#).

### **Jury Duty During a Pandemic: How Safe Is It?**

When I recently received a jury summons in the mail, it brought with it more than the usual onset of angst. It included a flyer titled "Attention Prospective Jurors," outlining COVID protections the courts had put in place. To read the full story, click [here](#).

### **LA Nightclub Says Virus Triggers 'Physical Loss' Insurance**

A Los Angeles nightclub is asking a California federal court not to throw out its proposed class action alleging its insurer wrongly denied it coverage for losses stemming from the COVID-19 pandemic, saying the virus caused a physical loss by curtailing its business. In a response filed Monday, Caribe Restaurant & Nightclub Inc. took aim at Topa Insurance Co.'s bid to dismiss the suit, saying the insurer is misinterpreting the "physical loss of or damage" clause in the policy to require a structural alteration when no such requirement is in its language. To read the full story, click [here](#).

### **US to Start Forgiving PPP Loans After Borrowers Complained**

The Small Business Administration will begin forgiving loans granted to small-business owners under the Paycheck Protection Program, the Treasury Department said Tuesday, following banks' and borrowers' complaints that the process had been bogged down. The government expects to approve and pay forgiveness requests by late this week or early next, a Treasury spokesperson said. The applications are generally expected to be approved quickly, with the exception of loans above \$2 million that will get added scrutiny. To read the full story, click [here](#).

### **PPP Loan Forgiveness To Begin Within The Coming Week: SBA**

More than 96,000 requests for Paycheck Protection Program loan forgiveness have been submitted to the Small Business Administration since early August, but none were approved — but that's about to change. The Treasury Department said that PPP requests will start to be approved and paid late this week or early next, the Wall Street Journal reported. The move comes as banks and small businesses have raised concerns about the onerous process of applying for forgiveness. To read the full story, click [here](#).

### **"Right to Recall" Job Killer Bill Vetoed as Deadline to Act on Legislation Comes to a Close**

As the September 30 deadline to act on bills drew to a close, Governor Newsom vetoed the remaining CalChamber Job Killer. AB 3216 (Kalra) would have established a "right to recall" requirement for certain hotels, event centers, airport hospitality operations, and building services that applied to all employees laid off during any state of emergency, not just COVID-19. To read the full story, click [here](#).

### **Disneyland's push to reopen sets up critical moment in California's coronavirus fight**

A growing chorus of businesses small and large has been desperately lobbying California officials to reopen this fall as they struggle to survive after months of coronavirus shutdowns. This week, they got an ally with undeniable star power. The Walt Disney Co., one of the world's largest entertainment companies, partially blamed California's strict reopening rules for massive layoffs in its theme park division after trying unsuccessfully to get officials to allow the gates of Disneyland to swing open again. Disney's blunt criticism is putting more pressure on Gov. Gavin Newsom and health officials at a critical moment. To read the full story, click [here](#).

### **Johnson & Johnson's COVID-19 vaccine study to be the third massive trial to reach San Diego**

As the race for a COVID-19 vaccine intensifies, San Diego is set to take part in a massive international study of a vaccine developed by drugmaker Johnson & Johnson. If the news feels

like déjà vu, that's because it's the third COVID-19 vaccine trial to reach San Diego, joining studies led by Massachusetts biotech Moderna and British pharma giant AstraZeneca. The international trial will enroll 60,000 participants across 34 US states and 10 countries, from Mexico and Argentina to South Africa to the Philippines. Local researchers aim to enroll 3,000 to 3,500 San Diegans. That includes 2,000 volunteers at UC San Diego and 1,000 to 1,500 at M3 Wake Research, an organization that provides clinical research facilities and services. To read the full story, click [here](#).

### **Mitigating Civil Liability For California COVID-19 Work Exposures**

As we enter the tenth month of this pandemic, it is becoming increasingly clear that life must, and will, return to some degree of post-pandemic 'normalcy' in order to ensure our economic survival. At the same time, managing and mitigating the risks associated with COVID-19 become increasingly critical to avoiding a second wave, and ensuring the viability of economic reopening. This will likely be true even if a 'silver-bullet' vaccine becomes widely available. To read the full story, click [here](#).

### **How Will Markets React To President Trump Contracting Covid-19?**

Markets are reacting relatively calmly to the news that President Donald Trump and First Lady Melania Trump have tested positive for Covid-19. The S&P 500 is off 0.8%, Dow Jones Industrial Average is down a mere 0.3%, although the tech-heavy Nasdaq is down more than 2% on the news. To read the full story, click [here](#).

### **COVID-19 Has Scared Off Halloween Events In These 37 States**

Nothing in 2020 has been the same – and Halloween won't be an exception. The spooky holiday is a month away, and already scores of cities have canceled popular events to avoid large gatherings that can contribute to the spread of the novel coronavirus. 24/7 Tempo has reviewed dozens of national and local news sources to compile a list of cities that have called off annual Halloween events. To read the full story, click [here](#).

### **Pence Ordered Borders Closed After CDC Experts Refused**

Vice President Mike Pence in March directed the nation's top disease control agency to use its emergency powers to effectively seal the US borders, overruling the agency's scientists who said there was no evidence the action would slow the coronavirus, according to two former health officials. The action has so far caused nearly 150,000 children and adults to be expelled from the Country. To read the full story, click [here](#).

### **Feds: California Man Tried To Steal \$22M From PPP Loans**

A California man convicted five years ago of defrauding several local governments in the state has been charged with trying to steal \$22 million from the Paycheck Protection Program. To read the full story, click [here](#).

### **California Wavers On Theme Park Opening Rules Amid Pressure**

Facing mounting pressure to let theme parks such as Disneyland reopen amid the pandemic, California Governor Gavin Newsom on Friday delayed new operating rules after industry

leaders criticized his administration's initial plans. Newsom's administration had planned to release the guidance on Friday, government spokesman Nathan Click told the Sacramento Bee. But following industry criticism of draft rules, state health officials said no announcement was immediately expected and conversations with the industry were ongoing. To read the full story, click [here](#).

### **Many Unemployment Benefit Debit Cards Frozen In California**

Some residents said their debit cards, which are funded with state and federal dollars and issued by Bank of America, have been frozen. The debit cards are one-way people can access their unemployment benefits — and for some claimants, the cards are the only way they can get benefits. An employee within EDD came forward and said some people have even seen their EDD checks bounce. The employee said EDD is hoping to verify the identities of people claiming unemployment benefits. But, the approach is instead causing confusion for both people with claims and employees inside EDD. To read the full story, click [here](#).

### **SF Hits Highest Office Vacancy Rate In Nearly A Decade As Workers Stay Home**

San Francisco's office vacancy rate shot up to 14.1% at the end of September, a height it hasn't seen since 2011, as the coronavirus pandemic continued to strangle the economy and big employers kept their workforces remote. The city's vacancy rate, including both standard and sublease listings, was up from 9.9% last quarter and 5.4% from a year ago, according to brokerage Cushman & Wakefield. The sublease vacancy rate was 7.4%, accounting for the majority of the overall vacancy for the first time, with companies like Credit Karma, Dropbox and Twitter listing available space. To read the full story, click [here](#).

### **As California Coronavirus Infections And Deaths Fall, Bay Area Sees Localized Uptick**

Alameda and Santa Clara counties showed above-average new coronavirus case and death numbers in new figures Sunday, an alarming local uptick amid a slow-down in infections across California. According to data compiled by this news organization, public health officials in Alameda County reported 113 new cases, well above the 7-day average of 69.29 new cases. Officials also reported six new deaths, also above the rate of 2.86 daily deaths in the past week. Santa Clara County officials recorded 129 positive infections, above the 7-day average of 100.57. Officials also reported three new deaths from the coronavirus, about the same as the 7-day average of 3.14. To read the full story, click [here](#).

### **Caregivers, Advocates Push For Indoor Visits To Resume At Nursing Homes**

On September 17, the Centers for Medicare & Medicaid Services sent a letter to nursing centers stating that "facilities should accommodate and support indoor visitation, including visits for reasons beyond compassionate care situations." Per this letter, nursing homes must have no new COVID-19 cases for two weeks, and the length of visitations and total number of visitors in the facility at any given time should reflect the size of the building and space. This week, the California Department of Public Health listed 62 nursing homes of San Diego County's 86 total facilities that can resume indoor visits. To read the full story, click [here](#).

### **California's Filipino American Nurses Are Dying From COVID-19 At Alarming Rates**

Nationally, over 30% of the 205 nurses who have died are Filipino American, though the group makes up just 4% of the nursing workforce. In California, where about 20% of nurses identify as Filipino, they account for 11 of the 16 COVID-19 deaths in the profession, or nearly 70%, according to the California Nurses Association. Among health care workers as a whole, the outsized impact of the virus on Filipino Americans is likely much greater. In California — where more than 39,000 health care workers have contracted COVID-19 and 191 have died — Filipino Americans comprise about 12% of all health care workers and 11% of health care support jobs, like assistants in nursing homes — putting them in vulnerable essential jobs where coronavirus has run rampant and personal protective equipment has been chronically scarce. To read the full story, click [here](#).

### **Wisconsin Struggles To Explain Sudden Covid-19 Spike**

A surge of Covid-19 cases in Wisconsin as students returned to universities in major cities like Milwaukee and Madison left many believing college parties and lax social distancing were responsible for what is now the state's worst-case spike since the start of the coronavirus pandemic. But health officials soon noticed that cases were also rising in cities and towns without a college campus, leading them to question what else might be driving the increase. To read the full story, click [here](#).

### **Coronavirus Infection Rate Among Children Surges as Schools Reopen**

The number of children infected with the coronavirus rose dramatically between April and September, according to [new research](#) by the American Academy of Pediatrics and the Children's Hospital Association, and by more than 14% in the last two weeks alone – a surge that coincides with schools reopening across the Country. To read the full story, click [here](#).

### **Stay Home if You Might Have Been Exposed to COVID-19**

People who have been in close contact with someone who has COVID-19 should stay home (quarantine) unless they've already had COVID-19 within the past 3 months. You were in close contact if you were within 6 feet of someone who has COVID-19 for a total of 15 minutes or more, you provided care at home to someone who is sick with COVID-19, you had direct physical contact with the person (hugged or kissed them), you shared eating or drinking utensils, or someone sneezed, coughed, or somehow got respiratory droplets on you. To read the full story, click [here](#).

### **10-Step Plan To Limit Exposure For California PAGA Health And Safety Claims In The COVID-19 Era**

California employers have been faced with an endless uptick of claims filed under the Private Attorneys General Act of 2004 – also known as PAGA – alleging violations of any of the hundreds of enumerated provisions of the state Labor Code. However, we have seen relatively few PAGA claims alleging violations of the Cal/OSHA health and safety law commencing in California Labor Code §§ 6300 *et seq.* That may all soon change. As the world – and California – continues to deal with the COVID-19 pandemic, we are likely on the verge of a new wave of PAGA litigation for alleged Cal/OSHA violations. To read the full story, click [here](#).

### **Airlines Are Flying Some Unexpected Routes During The Pandemic. Will They Stick Around?**

Things are looking a little different at Newark Liberty airport these days. United Airlines globes are still the most common tail at the field but JetBlue Airways' distinct blue fins are an increasingly common sight at the New York City area's second-busiest gateway. JetBlue, the hometown airline with its main base at nearby John F. Kennedy (JFK) airport, has added nine new routes from Newark since the pandemic hit and plans to add another seven in November — building a new base on the New Jersey side of Manhattan. To read the full story, click [here](#).

### **American Airlines Cuts November Schedule By Nearly Half 'To Match Low Demand'**

American Airlines removed 86,000 flights from its schedule for November as hopes for a commercial airline recovery this holiday season fade away. Fort Worth-based American cut its November schedule by 46% in November with this latest round of adjustments, according to Dallas-based Airline Data Inc. Chicago-based United made a similar cut and reduced the number of flights for November by 52%. Southwest cut 36% of its schedule for November. Delta also has made reductions To read the full story, click [here](#).

### **The Good, the Bad, and the Ugly of PPP Loan Forgiveness Delays**

Some banks aren't even ready to process PPP loan forgiveness applications--nearly a month after the SBA program launched. Why that's going to put a lot of business owners in a bind. To read the full story, click [here](#).

### **COVID-19: Coronavirus Coverage Litigation for Policyholders, All is Not "Loss," Nor Lost**

Since March of 2020, more than a thousand lawsuits have been brought in state and federal courts around the Country seeking to resolve questions around the availability of insurance coverage for COVID-19-related business losses. The overwhelming majority of these lawsuits have been filed by policyholders, and many of these suits have been the subject of early motions to dismiss brought by the insurance company defendants. To read the full story, click [here](#).

### **California's Latest Reopening Plan Is Going Better Than Its Last**

Daily new cases have plummeted across California and the Bay Area since they peaked mid-summer, and they have hit a plateau over the past month. There is still a lot of virus circulating in the community — much more so than in the spring — but for the second time, it appears that California has flattened the curve. ... Dr. Mark Ghaly, the head of the California Health and Human Services Agency, noted last week a worrisome uptick in cases in some parts of the state, and he said forecasts suggest hospitalizations could increase nearly 90% by the end of this month. But state numbers, as a whole, are steady, and Bay Area health officers said they haven't seen any metrics that are cause for alarm. To read the full story, click [here](#).

### **How The Pandemic Reshaped California Politics In 2020**

Since the beginning of the year, Democratic Gov. Gavin Newsom has signed 59 executive orders. That's how many his predecessor, Jerry Brown, issued between 2011 and 2018. The obvious reason for the unprecedented blitz of edicts: this coronavirus, which raised major policy challenges across the state. With the legislative process so hamstrung, Newsom rushed

to fill the vacuum. Fifty-three of the orders this year have been COVID-related. Republican legislators — and occasionally Democrats — have pushed back on Newsom's seizing of the reins of state. His administration has also been sued nearly 40 times for his COVID-related decrees. But by and large, the strategy has polled well. To read the full story, click [here](#).

### **Backlog Of California Jobless Claims Swelled While State Furloughs Hit Unemployment Agency**

Gov. Gavin Newsom and the Legislature instituted a furlough-like leave program for all state civil service employees in July to help address a projected \$54 billion deficit caused by the coronavirus outbreak. The leave program generally reduces workers' pay in exchange for two days off per month. The furloughs hit the Employment Development Department as its workforce, facing a historic number of unemployment claims, was already hobbled by inadequate technology and staffing missteps. The Department during the pandemic accumulated a backlog of more than 1.6 million unemployment claims this year that it does not expect to work through until January. To read the full story, click [here](#).

### **When Schools Reopen, What Happens If A Student Gets COVID-19? Here's The Plan In San Diego**

To make those calls, school health officials are turning to a "decision tree" of COVID-19 symptoms that guides when students should be sent home and how long they must wait before returning. The step-by-step flow chart provides direction for handling COVID-19 cases on campus and summarizes guidance from national, state and local public health authorities. It applies to all schools, both public and private, said Music Watson, communications chief for the San Diego County Office of Education, which wrote the guide in collaboration with county public health officials. To read the full story, click [here](#).

### **LAUSD To Start Testing Youngest Students For Coronavirus**

Children in early education and elementary schools, as well as all staff members, will have an opportunity to get tested as the district works to put in place safety measures in anticipation of an eventual return to campuses. ... The idea is to test all students and staff now to establish a baseline of the COVID-19 infection rate and to conduct a second round of baseline testing before schools reopen. There also will be periodic follow-up testing throughout the school year. Additionally, the district will provide tests to those living in the same household as students or staff members who are diagnosed with the coronavirus or who exhibit symptoms. To read the full story, click [here](#).

### **Fed's Powell Says US Faces 'Tragic' Risks From Doing Too Little to Support Economy**

Federal Reserve Chairman Jerome Powell warned of potentially tragic economic consequences that could result if Congress and the White House don't provide additional support to households and businesses disrupted by the coronavirus pandemic. "The expansion is still far from complete," Mr. Powell said in remarks to be delivered at a virtual economics conference Tuesday. "At this early stage, I would argue that the risks of policy intervention are still asymmetric. Too little support would lead to a weak recovery, creating unnecessary hardship" To read the full story, click [here](#).

### **Movie theaters 'at a crisis point' as Regal shutdown dampens recovery hopes**

In the latest sign of the movie industry's poor condition amid a lack of new films, Regal Cinemas parent company Cineworld dropped a bombshell over the weekend that the British exhibitor would temporarily close operations at all 536 of Regal's US theaters on Thursday. The decision puts 40,000 US employees out of work. To read the full story, click [here](#). To read the full story, click [here](#).

### **White House Blocks New Coronavirus Vaccine Guidelines**

Top White House officials are blocking strict new federal guidelines for the emergency release of a coronavirus vaccine, objecting to a provision that would almost certainly guarantee that no vaccine could be authorized before the election on November 3, according to people familiar with the approval process. To read the full story, click [here](#).

### **Dr. Fauci Contradicts Trump's False Claim That Covid-19 Is As Deadly As Flu**

Dr. Anthony Fauci, the government's top infectious diseases expert, emphasized the dangers of Covid-19 on Tuesday, contradicting President Donald Trump's false claim that the coronavirus was only as deadly as the Flu. To read the full story, click [here](#).

### **New FDA Guidance On Covid-19 Vaccine Trials Makes Election Day Approval Unlikely**

The Food and Drug Administration said Tuesday that manufacturers of Covid-19 vaccines will need to follow tens of thousands of study participants for at least two months to look for any possible safety issues before the agency would consider authorization. Given the timeline of when clinical trials began, the new guidance indicates that the earliest a Covid-19 vaccine might get an emergency use authorization would be the end of November — not Election Day, as President Donald Trump has previously touted. 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, then please reply with a "Remove" in the subject line and mention the email addresses to be removed.