

More COVID-19 Action by the State of California

July 27, 2020

The State of California continues to pile more and more on top of employers during this COVID-19 situation. Just this past Friday, Governor Newsom issued a press release outlining a number of new programs and strategies. The full press release is [here](#).

One of the items Newsom outlined is an “Employer Playbook For a Safe Reopening” ostensibly designed to assist employers in dealing with the virus in the workplace, to help stop the spread, and so on. Among other things, the Playbook requires employers to implement and update when necessary a site specific plan that identifies potential exposure risks and plans to address (reduce or eliminate) those risks, maintain a healthy worksite, provide effective employee training (including encourage employee suggestions for improving the plan), and so on. The Playbook can be found at the State’s COVID page: <https://covid19.ca.gov/>. I am also attaching it as a PDF you can download.

The Governor also unveiled a new campaign to encourage wearing of face coverings, including radio ads in English and Spanish. The ads are being touted on the internet as #WearAMask and #StoptheSpread. According to the press release, this campaign is designed to engage community organizers, labor advocacy groups and labor unions to “build a more comprehensive community engagement strategy....” This undoubtedly means involvement by CRLA and the UFW.

The overall campaign includes a plan to help isolate and quarantine workers who might not otherwise be able to do so, by allocating existing state and federal funds to local public health departments and “community-based organizations” (again, read CRLA and UFW) to assist in the effort. Part of that effort is dubbed “Housing for the Harvest” and is intended to provide temporary housing to farmworkers and other agricultural workers who test positive or were otherwise exposed to COVID, and is primarily aimed at the Central Valley, Central Coast and Imperial Valley regions.

While he did not announce a specific plan yet, the press release hints at a further expansion of the paid sick leave entitlement and workers’ comp presumption that were recently implemented: “Governor Newsom will work with the Legislature to build on the previous executive action and advance worker protections. Expanded paid sick leave will provide workers financial security so they are able to stay home when sick. Similarly, workers’ compensation access helps ensure that front-line workers can quarantine and stay home from work when ill.” Expect further action on that front soon.

Finally, in his press release, the Governor announced that Cal/OSHA and the Labor Commissioner have begun “strategically targeted investigation in high-risk industries” with expedited enforcement action, and a planned requirement that employers report “outbreaks” to their local health department to allow the State to track transmission. There are very mixed signals about this program coming from the State. Cal/OSHA official have

said that this is intended to be an educational effort to help stop the spread of the virus, but in reality, employers are being cited with “serious” citations starting at \$5000. We highly recommend that you strictly adhere to Cal/OSHA guidance on this front. The most recent one targeted to agriculture was issued on July 21, and can be found [here](#). I am also attaching it as a PDF you can download. Cal/OSHA is strictly enforcing that guidance, and is also looking at the Heat Illness Prevention requirements, particularly in regard to shade and the issue of social distancing. Be sure to redouble your training efforts on those issues.

If you have any questions, please let us know.

If you know others who would like to receive our updates, please let us know.

If you would like to stop receiving our updates, please let us know.

Patrick S. Moody

Barsamian & Moody

www.theemployerslawfirm.com

Off.: (559) 248-2360

Cell: (559) 285-1438

Email: PMoody@TheEmployersLawfirm.com

The information contained in this message may be privileged, confidential and/or protected by the attorney-client privilege. If you are not the intended recipient, any dissemination, distribution or copying of the contents of this message is strictly prohibited. If you think you have received this message in error, please call Barsamian & Moody at (559) 248-2360.