

Sweeney Mason

LLP

Coronavirus (COVID-19) Update:

California Implements New Public Health Order Lifting Many COVID-19-Related Restrictions, But CalOSHA Temporary Regulations Still in Effect for Employers

Effective Tuesday, June 15, 2021, California terminated the executive orders that implemented the Stay Home Order and the Blueprint for a Safer Economy. The California Department of Public Health (CDPH) implemented guidance that aligns with the guidance set forth by the Centers for Disease Control (CDC).

New Face Covering Guidelines

Individuals must follow the [guidance for the use of face coverings](#). Some highlights:

- Fully vaccinated* individuals are not required to wear a mask except in settings where masking is required for everyone, regardless of vaccination status, such as on public transportation, in healthcare facilities, in transportation hubs (such as airports), and correctional facilities.
- Masks are required for individuals who are not fully vaccinated in indoor public settings and businesses.

* full vaccination occurs two weeks after completion of the entire recommended series of vaccination, usually one or two doses, with a vaccine authorized to prevent COVID-19 by the federal Food and Drug Administration, including by way of an emergency use authorization).

With respect to their customers and patrons, businesses can elect to:

- Provide information to all patrons, guests and attendees regarding vaccination requirements and allow vaccinated individuals to self-attest that they are in compliance prior to entry;
- Implement vaccine verification to determine whether individuals are required to wear a mask;

- Require all patrons to wear masks.

Businesses may not prevent someone from wearing a mask as a condition of participation in an activity or entry into a business.

All persons are encouraged to review the CDPH's [FAQs](#) about the use of face coverings.

With respect to employees, however, **businesses must continue to follow the CalOSHA [Emergency Temporary Standards \(ETS\)](#)** (or, where applicable, the CalOSHA [Aerosol Transmissible Diseases Standard](#)).

CalOSHA Emergency Temporary Standards (ETS)

Until the CalOSHA board considers the [proposed revisions](#) to the ETS at its meeting on Thursday, June 17, 2021, and issues updated standards, businesses are still required to comply with the ETS [adopted November 2020](#) and [amended May 7, 2021](#). In particular, **businesses must continue to enforce face covering requirements for its employees for at least the next two days**, exclude non-vaccinated employees from the workplace if they test positive for COVID-19 or have a COVID-19 exposure, and maintain social distancing protocols.

Sweeney Mason will continue to monitor and provide updates on the revised ETS as we receive more information. We expect that the revised ETS will align with the guidance set forth by the CDPH discussed above and recommend that businesses familiarize themselves with the proposed revised regulations.

Sweeney Mason LLP continues to monitor the rapidly evolving situation pertaining to the COVID-19 virus and resulting legal issues. We are finding that the laws and orders released by the Federal, State, County and Local governments are, in some cases, ambiguous, vague and/or contradictory, resulting in some confusion among a broad cross-section of our clients. At this juncture, and given the fast-paced changes to the applicable orders and mandates, as well as the ambiguities inherent in the orders there is no “one-size-fits-all” approach to COVID-19-related legal matters. As a result, contracts, employment issues, ongoing lawsuits and other matters impacted by the COVID-19 outbreak should be analyzed on a case-by-case basis and with the assistance of Sweeney Mason LLP.

Sweeney Mason LLP is in daily contact with governmental offices and various trade organizations to monitor the developments surrounding the COVID-19 outbreak. While much of

our personnel continues to work remotely, Sweeney Mason LLP is fully operational and will continue to assist our clients and community with their legally related issues and concerns during this uncertain time.

For more information, please contact our employment team at 408-356-3000 or via email: Roger Mason at rmason@smwb.com or Rachael Brown at reb@smwb.com.

The following links may assist you in evaluating some of the issues you may have. Stay safe!

Cal/OSHA:

[Preparing Your Workplace for COVID-19](#)

[Emergency Temporary Standards](#)

[Emergency Temporary Standards FAQs](#)

California:

[Blueprint for a Safer Economy](#)

[EDD COVID-19 Overview](#)

[EDD COVID-19 FAQs](#)

[Supplemental Paid Sick Leave FAQs](#)

Santa Clara County:

[Current Risk Reduction Order \(October 5, 2021\)](#)

[Risk Reduction Measures \(March 2, 2021\)](#)

[Social Distancing Protocol \(October 5, 2021\)](#)

[Public Health Department FAQs](#)

[Requirements for Businesses](#)

[Guidance for Businesses](#)

San Jose:

[Paid Sick Leave Ordinance](#)



The information provided in this publication is general in nature and is not intended to answer every question that may arise under different fact situations and should not be relied on in the place of professional advice in a given case. If you have specific questions, please contact Sweeney Mason LLP.

SWEENEY MASON LLP's philosophy is that by educating our clients, and other businesses, about their legal obligations, including changes in the law, we best serve our legal goal of minimizing or preventing expensive litigation.

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