

# Sweeney Mason

LLP

## *Coronavirus (COVID-19) Update:*

### *California Lifts Regional Stay-at-Home Order; Santa Clara County Remains in Purple Tier*

On January 25, 2021, the California Department of Health announced that the Bay Area is no longer subject to the state's Regional Stay at Home Order and returned to the county-by-county-based tier system. Santa Clara County continues to experience high rates of COVID-19 transmission, and hospital and ICU capacities remain limited in the county and region. The County Health Officer urges businesses, entities, and residents to continue exercising the utmost caution even as certain restrictions are lifted by the State.

All businesses, entities, and individuals in Santa Clara County remain subject to the restrictions in the Purple Tier as well as to additional restrictions that the County Health Officer has imposed. As always, businesses, entities, and individuals must follow both the State and County Health Officer Orders, and where there is a conflict between the two, the stricter rules must be followed.

All businesses are encouraged to carefully review the order, the [summary of the order](#), and the County's guidance on the new requirements. Significant changes are highlighted below:

1. The County's [Mandatory Directive on Capacity Limitations](#) has been updated to reflect current openings and closings. Most businesses that are allowed to open indoor operations to the public must limit capacity of their publicly accessible space to 20%.
2. Outdoor gatherings with up to three households are now allowed for any purpose. Larger outdoor gatherings with up to 200 people are allowed only for political, religious, or ceremonial purposes, or as otherwise specifically allowed by the State. Indoor gatherings of any kind remain prohibited. All allowed gatherings must comply with the County's updated directive on capacity limitations.

3. Outdoor dining may resume, subject to the [Mandatory Directive for Dining](#). Indoor dining remains prohibited. Bars, breweries, distilleries, and pubs may serve alcohol only outdoors and only in the same transaction as a meal.
4. Personal care services may resume indoors and outdoors, subject to the [Mandatory Directive for Personal Care Services](#).
5. The County's [Mandatory Directive on Travel](#), which requires most people who travel into the county from more than 150 miles away to quarantine for 10 days upon their arrival, is still in effect.

The following are key rules under the Current Local Orders (the County Health Officer's October 5, 2020 Revised Risk Reduction Order and associated Mandatory Directives), **which are applicable to all businesses and remain in effect:**

1. [Telework](#). All businesses must continue to require workers to do their jobs from home whenever possible. Workers can go into work only to complete the job duties they can't complete from home.
2. [Social Distancing Protocol Requirements](#). Social Distancing Protocols submitted prior to October 11, 2020 are no longer valid. All businesses must make sure they have an updated protocol on file with the county. The Revised Social Distancing Protocols must be filled out using an updated template for the Social Distancing Protocol at [COVID19Prepared.org](https://www.covid19prepared.org).
3. [Positive Case Reporting](#). All businesses are legally required to report to the Public Health Department within **4 hours** if they learn that any of their workers are confirmed to be positive for COVID-19. They must also ensure workers alert them if they test positive.
4. [Capacity Limitation and Metering](#). All businesses must comply with applicable capacity limitations. All businesses with indoor facilities open to the public must establish a "metering system" to ensure that the applicable capacity limits are not exceeded, e.g., posting an employee at the facility entrance to track the number of people entering and exiting.
5. [Indoor Breakroom Closure](#). All businesses must limit employees' access to indoor workplace breakrooms as described in section 3 of the [Mandatory Directive on Capacity Limitations](#).

A full list of the Mandatory Directives is available [here](#). Companies in these industries should carefully review the applicable Mandatory Directive and ensure that their protocols and practices are in compliance.

Please note that COVID-19 continues to pose a severe risk to residents of Santa Clara County, and the Health Officer urges residents to continue taking precautions, including staying home when possible, minimizing interaction with people outside one's household, maintaining social

distance, wearing face coverings, and moving as many activities outdoors as possible. Indoor dining and indoor gatherings are considered particularly high-risk activities. Individuals over age 50 and those with serious underlying medical conditions are at greater risk for serious illness from COVID-19.

*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](mailto:rmason@smwb.com) or Rachael Brown at [reb@smwb.com](mailto:reb@smwb.com).*

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

**DOL Publications:**

[FFCRA FAQs](#)

[FFCRA Required Notice](#)

**IRS Guidelines:**

[FFCRA Tax Credits](#)

[Employee Retention Tax Credits Under CARES Act](#)

**SBA Guidelines:**

[PPP FAQs](#)

**CDC Guidelines:**

[Interim Guidance on Risk Assessment for Individuals with Possible COVID-19 Exposure](#)

[Interim Guidance for Businesses and Employers](#)

**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](#)

**Santa Clara County:**

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

[Current Guidance for Businesses](#)

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

[Public Health Department FAQs](#)

[Requirements 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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