

Sweeney Mason

LLP

Coronavirus (COVID-19) Update:

Santa Clara County Amends Shelter-in-Place Order

On May 18, 2020, the Santa Clara County Public Health Department issued notice of some amendments to its existing Shelter-in-Place order as a result of the substantial progress the community has achieved in slowing the spread of COVID-19. The full text of Santa Clara County's updated order is available [here](#) and should be carefully reviewed before making any changes in the way you operate.

The amended order, which goes into effect on Friday, May 22, 2020, will largely uphold the current order's restrictions on non-essential business and social distancing mandates, but it does loosen some restrictions. The county's prior guidance strongly urging all individuals to wear face coverings when out of their homes to perform essential activities remains in effect.

Additional Businesses & Activities.

In addition to essential businesses, the amended order allows certain additional businesses and activities to resume, subject to restrictions to reduce transmission risk. The activities and businesses allowed to reopen under the new order are referred to as "Additional Businesses" and "Additional Activities" and are explained in Appendices [C-1](#) and [C-2](#) to the Order. These and other significant changes are highlighted below.

1. Retail stores may reopen for sales, but only for curbside/outside pickup or by delivery. Customers are not allowed to enter these retail stores. These retail stores must also comply with several additional operating conditions, including:

- They cannot move goods outside the store to display and sell
- They must limit the number of workers inside the facility as described.

- They must have direct access to a sidewalk, street, outdoor walkway, parking lot, or alley for pickup.
2. Businesses that support these retail businesses may resume operating, including those that manufacture goods sold at these stores and businesses that provide warehousing and distribution services.
 3. Outdoor museums, historical sites, and publicly accessible gardens are allowed to reopen, but visitors are restricted to outside areas.

Social Distancing Protocol Updates.

The order also makes important changes to the Social Distancing Protocol requirements for all operating businesses. The order updates the Social Distancing Protocol to incorporate new State of California requirements for training personnel and other measures.

To operate, all businesses must complete a Social Distancing Protocol using the new template or update their Protocols to incorporate the new requirements. A copy of the Protocol must be distributed to all employees. **Businesses that have already created and posted a social distancing protocol should carefully review and update it to ensure compliance with the amended requirements;** the new template adds several categories of required information.

To show that they are implementing the Social Distancing Protocol to keep their staff and customers safe from COVID-19, all businesses must print and post in a prominent place near the entrance to the businesses (1) a COVID-19 PREPARED Sign and (2) a Social Distancing Protocol Visitor Information Sheet. Both the Sign and Visitor Information Sheet can be found in Appendix A to the Order.

All businesses must post signage required in the Social Distancing Protocol to educate customers about health and safety requirements. Sign templates are available here.

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. For example, several Bay Area Cities impose their own emergency orders that mirror but in many cases are more stringent than the Statewide or County orders. 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 corporate team at 408-356-3000 or via email: Romin P. Thomson at rthomson@smwb.com or Liudmyla Balke at mbalke@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](#)

OSHA:

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

California:

[Stay at Home Order](#)

[EDD COVID-19 Overview](#)

[EDD COVID-19 FAQs](#)

Santa Clara County:

Updated Shelter-in-Place

Social Distancing Protocol

Public Health Department FAQs on the Shelter in Place Order

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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