

# Sweeney Mason

LLP

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

### *New Face Covering Requirements for Santa Clara County*

With ever-evolving rules and guidance about the coronavirus coming from a variety of sources, it can be difficult to stay on top of current requirements. This is especially true with respect to face coverings. Masks have been ubiquitous at essential businesses like grocery stores and medical clinics since the early days of the coronavirus pandemic, but rules about face coverings in California vary from county to county, and indeed, from city to city.

Under the current order, Santa Clara County (the "County") strongly recommends, but does not require, the use of face coverings. Starting Friday, May 22, 2020, however, the County will require all persons to wear a face covering at all times when at a business facility (including an outdoor business) or using public transportation. Children under the age of 6 and people who have trouble breathing or are otherwise unable to remove a face covering without assistance are exempt from this requirement. For all other activities, the County does not mandate the wearing of face coverings, but strongly urges people to do so.

Some cities in the County have gone further, implementing stricter requirements. For example:

- Fremont requires all persons to wear a face covering in public, including while outdoors walking or exercising if at least 6 feet of social distance cannot be maintained. Violators face a \$100 citation.
- Palo Alto requires that face coverings be worn while in public, except when engaged in outdoor recreation, including walking. Violations may result in an administrative citation, but law enforcement officers will pursue voluntary compliance through warnings and education first.

- Cupertino's face covering order requires individuals to wear a face covering when not at home. Although face coverings are not required while exercising outdoors, people are recommended to have a face covering with them.
- San Jose's City Council is expected to pass a proposed face covering ordinance at its June 2, 2020 meeting. The proposed ordinance will require face coverings at all times in public and when interacting with others, even if socially distanced. Exceptions will include children under 6, people exercising outdoors, and individuals who have trouble breathing or have been advised by a medical professional not to wear a face covering. Violations may result in an administrative citation, but law enforcement officers will pursue voluntary compliance through warnings and education first.

All businesses in the County must post signs reminding all individuals entering the facility to wear a face covering. It is also recommended that businesses review their social distancing protocols to make sure that the face covering requirements are properly addressed.

**Take note that, unlike previous orders, the County's May 22, 2020 order does not list an end date, and instead remains in place indefinitely, or until rescinded or amended by county officials.**

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 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](#)

**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.

Sweeney Mason LLP  
983 University Ave, Suite 104C | Los Gatos, CA 95032 US  
408.356.3000  
[www.smwb.com](http://www.smwb.com)