

# Sweeney Mason

LLP

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

### *Santa Clara County Updates Shelter-in-Place Order*

On June 1, 2020, the Santa Clara County Public Health Department announced some amendments to the existing shelter-in-place order as a result of the substantial progress the community has achieved in slowing the spread of COVID-19. The updated order goes into effect on **Friday, June 5, 2020**. The full text of the current order (effective May 22, 2020) is available [here](#), an overview of the June 5 updates is available [here](#), and a poster summarizing what businesses can be open is available [here](#). Each of these documents should be carefully reviewed before making any changes to operations.

#### **Additional Businesses and Activities:**

In addition to businesses currently operating, 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.

#### **Additional Businesses:**

- Outdoor dining at restaurants and other facilities that prepare and serve food, subject to limitations/social distancing;
- Retail and shopping centers for in-store shopping, subject to limitations/social distancing;
- Childcare, summer camps, summer school, and all other educational or recreational programs for all children, in stable groups of up to 12 children;
  
- All manufacturing, warehousing, and logistics, subject to limitations/social distancing;
- House cleaning and other no-contact in-home services;

- Low contact/no contact service businesses such as shoe repair, watch repair, and other similar services, subject to limitations/social distancing;
- All pet grooming.

Additional Activities:

- Outdoor small ceremonies and religious services, in groups no larger than 25;
- All outdoor recreational activities that do not involve physical contact, with social distancing, including swimming pools, hiking, tennis, golf, etc.;
- Camping, subject to limitations/social distancing;
- Drive-in Theaters and other car-based gatherings.

All operating 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 had previously created and posted a social distancing protocol should carefully review it to ensure compliance with the current requirements.

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.

**Construction Project Safety Protocols:**

The updated order also amends the Construction Project Safety Protocols found in Appendix B-1 and B-2 :

- The threshold for an essential infrastructure project subject to the Large Construction Project Safety Protocol has changed from 5 workers to 20 workers. All essential infrastructure projects with fewer than 20 workers present at the jobsite at any one time are now subject to the Small Construction Project Safety Protocol in Appendix B-1.
- Appendix B-1 now specifies that specified steps must be taken if a worker at a construction site tests positive for COVID-19, and both appendices now state that COVID-19 cases associated with construction must be immediately reported to the County Public Health Department by both telephone and by email.

**General Reminders:**

1. All workers who can work from home should continue to do so. The Order still states:

"All Essential Businesses are strongly encouraged to remain open. But all businesses are directed to maximize the number of personnel who work from home."

Further, the Social Distancing Protocol found in Appendix A, "Social Distancing Protocol further requires that businesses confirm:

"All personnel who can carry out their work duties from home have been directed to do so and are doing so."

2. The County's June 5, 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.

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