On Friday, July 24th, Governor Newsom announced new safeguards for California workers that face the greatest risk of COVID-19. In addition to support for workers to help them isolate and quarantine when necessary, the Governor unveiled an educational campaign for workers and employers. The Governor also committed to work with the state legislature to build on and advance worker protections, including to expand paid sick leave.

As part of this announcement, the Governor released a new “Covid-19 Employer Playbook For a Safe Reopening” (available at https://files.covid19.ca.gov/pdf/employer-playbook-for-safe-reopening--en.pdf), which provides guidance for employers to support a safe, clean environment for workers and customers. The Playbook emphasizes that its guidance is not intended to revoke any worker rights, whether statutory, regulatory or collectively bargained, and is not exhaustive as it does not include information on applicable local health orders, nor is it a substitute for any existing safety and health-related regulatory requirements such as those of Cal/OSHA.

The Playbook provides guidance as to how to open safely, provides links to industry-specific guidance for certain sectors including childcare, construction, day camps, food packing, hotels & lodging, life sciences, facilities, manufacturing, office workspaces, places of worship & cultural ceremonies, public transit, real estate transactions, retail, schools (which guidance currently appears directed at K-12 institutions, but may be further updated for higher education), shopping centers, and take-out restaurants, along with guidance on family friendly practices for employers and support for working families (available at https://covid19.ca.gov/industry-guidance/). The Playbook also provides guidance as to what to do if there is a case of COVID-19 in the workplace, information on recording and reporting cases of COVID-19, and information on protected leave, paid sick leave, state disability insurance, workers’
compensation, and worker education. The Playbook includes several appendixes with links and contact information for further resources and information, along with several case studies.

The Playbook emphasizes that local health orders may require stricter guidelines than those required by the State, in which case the local health orders would prevail.

The latest Santa Clara County health order (which applies to the University’s main campus) can be found at https://www.sccgov.org/sites/covid19/Pages/public-health-orders.aspx. This health order went into effect on July 13th and, among other items, (1) prohibits indoor gatherings (school classrooms are exempted from this limitation, as are general spaces that people use at the same time but engage in separate activities, like medical offices, hospitals, or business environments like offices and stores); (2) limits outdoor gatherings to a maximum of 60 people on top of other detailed restrictions, including requiring a host for such gatherings that keeps a record of the name and contact information for each person present, wearing masks, and maintaining social distancing, (3) requires face coverings and social distancing in almost all instances, (4) directs all businesses to continue to require workers to do their jobs from home whenever possible; (5) requires all businesses to prepare and submit a social distancing protocol with the County; (6) stipulates density limitations for business facilities (healthcare and educational facilities are exempted from these density limitations, but may be subject to other restrictions if the County so chooses); (7) provides for mandatory reporting by businesses to the County of any personnel contracting COVID-19; (8) adopts specific industry guidelines that must also be complied with when applicable, including as it relates to outdoor dining, construction, food facilities, gatherings, public transit, lodging facilities, outdoor pools, recreation and athletics, childcare and summer camps, gyms and fitness centers, offices for non-essential sectors, and malls; and (9) requires that certain higher risk facilities remain closed, such as indoor dining and indoor theaters.

In certain instances, while the latest Santa Clara County health order would have permitted an industry to re-open such as in the case of indoor gyms and fitness centers, the State of California has stepped in and prohibited such industry from re-opening. The County’s website includes a summary of industries impacted by the State’s override, which can be viewed at https://www.sccgov.org/sites/covid19/Pages/public-health-orders.aspx

Careful analysis is required to navigate both State and local health orders to determine how they apply to any given situation, and such orders are being updated and modified frequently. Please reach out to the Office of the General Counsel (OGCadvice@stanford.edu) if you have any questions about this information.

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2 The latest California health order can be found at https://covid19.ca.gov/.
3 The latest San Mateo County health order (which applies to the University’s Redwood City campus) can be found at https://www.smchealth.org/coronavirus-health-officer-updates.