

California's Resilience Roadmap and Guidance to Employers for Stage Two Reopening

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May 11, 2020

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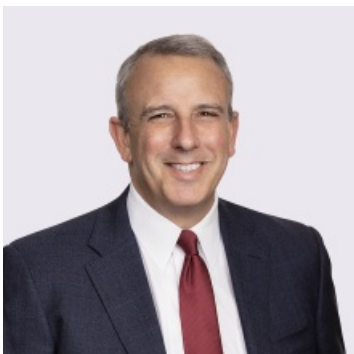
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California Governor Gavin Newsom has announced a plan to allow the limited reopening of some businesses beyond those in the category of essential critical infrastructure. This limited reopening is part of the “Resilience Roadmap” for California, the multi-phase plan to modify the statewide stay-at-home Order, originally issued on March 19, 2020, in response to the COVID-19 pandemic.

On May 4, 2020, the Governor issued an executive order directing Californians to continue to obey state public health directives. It also indicated the state was moving toward Stage Two, which would allow the reopening of “lower-risk businesses and spaces.”

The State Public Health Officer was directed to establish criteria and procedures to determine whether and how local jurisdictions may implement public health measures that depart from the statewide directives. This means that some counties and localities may be permitted to reopen businesses more quickly if certain benchmarks are met.

The following must be achieved by counties in order to move beyond the initial parts of Stage Two:

1. No more than one new COVID-19 case per 10,000 people for 14 days.
2. No COVID-19 deaths in the county for 14 days.
3. Testing capacity to conduct 1.5 daily tests per 1,000 residents.
4. At least 15 contact tracers per 100,000 residents.
5. Ability to temporarily house at least 15 percent of county residents experiencing homelessness.
6. Ability to accommodate at least a 35-percent surge in COVID-19 patients in local hospitals, in addition to usual care for non-COVID-19 patients.
7. Skilled nursing facilities must have at least a two-week supply of personal protective equipment for workers. They also must have the ability to obtain more as supplies run low.

On May 7, the State Public Health Officer stated she would “progressively designate sectors, businesses, establishments, or activities that may reopen with certain modifications based on public health and safety needs.” She indicated she would be announcing these sectors and business on the state website roadmap site: <https://covid19.ca.gov/roadmap/>. In addition, she stated that to the extent such sectors are reopened, “Californians may leave their homes to work at, patronize, or otherwise engage with those businesses.”

Clothing stores, florists, bookstores, sporting goods stores, manufacturing businesses, and warehouse facilities were allowed to reopen on May 8, as the state

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moves into the first part of Stage Two. Retail establishments were limited to curbside pickup only.

In conjunction with allowing these reopenings, the state has issued guidance for businesses to follow if permitted to open. Before reopening, all facilities must:

1. Perform a detailed risk assessment and implement a site-specific protection plan.
2. Train employees on how to limit the spread of COVID-19, including how to screen themselves for symptoms and stay home if they have symptoms.
3. Implement individual control measures and screenings.
4. Implement disinfecting protocols.
5. Implement physical distancing guidelines.

In addition to these general mandates, the state issued industry-specific guidance and checklists. Currently, the state has issued industry-specific guidance for the following sectors:

1. Agriculture and livestock
2. Auto dealerships
3. Childcare
4. Communication infrastructure
5. Construction
6. Delivery services
7. Energy and utilities
8. Food packing
9. Hotels and lodging
10. Life sciences
11. Logistics and warehousing facilities
12. Manufacturing
13. Mining and logging
14. Office workspaces
15. Ports
16. Public transit and intercity passenger rail
17. Real estate transaction
18. Retail

The Resilience Roadmap provides that these guidelines are to assist with ensuring a safer environment for workers and customers. Businesses may use effective alternative or innovative methods to build upon the guidelines.

Businesses looking to reopen should review any industry-specific guidance, prepare their reopening plans, and post any applicable checklist in the workplace in order to show customers and employees the business is actively working to help reduce and prevent the risk of spread of COVID-19.

As employers in Stage Two determine how to comply with recommendations and requirements under the state guidance, business owners should also review city and county shelter-in-place orders. Many county and city orders are currently more restrictive than the state's amended order. Following issuance of the state's guidance, many counties reiterated the requirements under their orders. In addition, many counties and cities have their own social distancing protocols for businesses

that are open. Businesses seeking to reopen should ensure compliance with both state and local requirements.

As California continues to follow its roadmap, employers should monitor guidance and best practices to ensure safety for their employees.

Jackson Lewis has a [dedicated team](#) tracking and responding to the developing issues facing employers as a result of COVID-19. Please contact a team member or the Jackson Lewis attorney with whom you regularly work if you have questions or need assistance.

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