

**CLIENT ALERT
FOR COMPANIES & EMPLOYERS**

COVID-19

Immediate Action Items:

**Family First Coronavirus Response Act and Shelter-in-Place Requirements
for Onsite Operations**

The purpose of this Alert is to inform California companies and employers of immediate action items necessary to comply with:

- The Family First Coronavirus Response Act notice requirements.
- The March 31, 2020 Bay Area shelter-in-place requirements for businesses with onsite operations.

It is our hope that these Alerts will serve as a helpful resource as our corporate clients in the US and Headquarters in Japan make important strategic decisions during these fast-changing challenging times. The team at Yorozu Law Group is ready to assist in creating and implementing strategies to manage business and employment risks. Please contact us if we can be of any assistance. It would be our privilege to serve you.

The business community continues to face significant challenges due to the COVID-19 outbreak, the recent enactment of federal and state legislation related to COVID-19 employment leave, and shelter-in-place orders from the State of California and numerous counties in Northern California. It is important for you to check the specific language of the order that was issued in your county and consult with legal counsel if you have any questions about compliance.

Businesses are required to take immediate action, as outlined below, to comply with newly applicable laws, including the March 31, 2020 shelter-in-place orders from the Bay Area counties (Alameda, Contra Costa, Marin, San Francisco, San Mateo, and Santa Clara), which supersede the original orders issued on March 16.

Businesses with fewer than 500 employees must immediately provide the notice below, if you have not already done so.

- Post the US Department of Labor’s Family First Coronavirus Response Act Notice in the workplace (and on the company’s intranet). This notice is available at https://www.dol.gov/sites/dolgov/files/WHD/posters/FFCRA_Poster_WH1422_Non-Federal.pdf
- If employees are working remotely and the business does not have an intranet, then email the notice to all employees working remotely.

Businesses with any employees working onsite from the business office or facility in the Counties of Alameda, Contra Costa, Marin, San Francisco, San Mateo, Santa Clara, or Sonoma must immediately implement the action items below to comply with an issued or reissued shelter-in-place order.

- Ensure that all onsite work is compliant under the applicable shelter-in-place order. Onsite work is typically permitted when necessary for “Essential Businesses” or for “Minimum Basic Operations” of nonessential businesses, as defined by the applicable order.
- Inform all employees of and require compliance with the “Social Distancing Requirements” as defined by the applicable order.
- If you have not already done so, Essential Businesses must prepare and post a “Social Distancing Protocol” by 11:59 pm, April 2, 2020.
 - Each Bay Area county’s shelter-in-place order contains a Social Distancing Protocol template which each company should tailor to their business. While the templates are essentially identical, please see the fillable template for Santa Clara County at the link below as an example: <https://www.sccgov.org/sites/covid19/Documents/Appendix-A-Social-Distancing-Protocol.pdf>.
 - Implement the Social Distancing Protocol and related workplace recommendations by ensuring that:
 - Tissues, handwashing facilities, and/or alcohol-based hand sanitizer are available for employees onsite.
 - Employees are only working onsite when absolutely necessary.
 - Employee scheduling and/or seating complies with the 6’ (approximately 2 meters) social distancing requirements.
 - The business is following recommendations for workplace cleaning (e.g., frequently cleaning/disinfecting high touch areas).
 - Consider providing transit authorization letters to employees who will be working onsite at the business location.

For more information, please refer to our April 1, 2020 Client Alerts (Part 1 and Part 2), which we have posted on our website at <https://yorozulaw.com/news/>. The Alerts cover the following topics in both Japanese and English:

- Part 1: California State and Bay Area Shelter-in-Place Orders
 - Overview and timeline of the COVID-19-related orders with a focus on specific provisions that relate to businesses and employers in California and certain Bay Area counties
 - Highlight compliance requirements under the orders
 - Identify legal issues that businesses should consider in complying with the COVID-19-related orders and assessing the impact of the orders on its business operations

- Part 2: Business Operations and Employment Concerns
 - Best Practices for Employees Working Onsite
 - Best Practices for Employees Working Remotely
 - Employers' Obligations to Provide Leave to Employees
 - Employers' Obligations in the Event of Reduction in Employees' Hours, Furloughs, or Layoffs
 - Other Commercial Concerns

Please keep in mind that this is a continuously developing situation that is subject to update based on the evolution of the COVID-19 outbreak, the issuance of additional orders from federal, state, and local governmental agencies, and developments in the interpretation and enforcement of the California and local shelter-in-place orders.

For additional information, please contact Yorozu Law Group at:

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Additional Resources:

- California Shelter-in-Place Order
 - [Executive Order N-33-20](#)
 - [Frequently asked questions](#)
 - List of [Essential Critical Infrastructure Workers](#)

- City and County of San Francisco Shelter-in-Place Order

- [Order of the Health Officer No. C19-07 \(Superseded\)](#)
- [Order of the Health Officer No. C19-07\(b\)](#)
- [Frequently asked questions](#)

- California Department of Public Health
 - [COVID-19 Updates](#)

- US Department of Labor Occupational Safety and Health Administration
 - [Guidance on Preparing Workplaces for COVID-19](#)

The content of this Client Alert is for informational purposes only and does not constitute, nor should it be relied upon as, legal advice.