

*This post is for general informational purposes only and should not be considered to constitute legal advice.*

## Employment Update: Highlights of Napa County's Updated Shelter in Place Order Including Cloth Face Covering Requirement for the Workplace *Posted May 7, 2020*

On May 7, 2020, Napa County issued an Order modifying the prior Shelter in Place Order that was issued on April 22, 2020. The full text of the Order can be found here:

<https://www.countyofnapa.org/DocumentCenter/View/17112/Shelter-at-Home-Order-4-22-2020--?bidId=>.

Here are the key changes in the new Order for employers to be aware of:

- The Order requires wearing cloth face coverings when inside places of business and in workplaces when interacting with any person where six feet of physical distancing cannot be maintained.
  - Essential businesses must require their employees wear a face covering in any area where others may be present, even if there are no customers or members of the public present at the time.
  - Essential businesses should inform customers about the requirement of wearing a face covering, including posting signs at the entrance to the store or facility.
  - All workers operating public transportation, or operating other types of shared transportation are required to wear a face covering when at work in most settings.
  - Workers doing minimum basic operations, like security or payroll, essential infrastructure work, or government functions should wear a face covering when six feet of physical distance cannot be maintained.
  - For more information on cloth face coverings, see the Napa County requirement here: <https://www.countyofnapa.org/DocumentCenter/View/17329/Napa-County-Health-Officer-Recommendations-For-Wearing-Face-Coverings?bidId=>.
- The Order states that businesses will be permitted to reopen within the State of California's framework that identifies four-stages to reopening.
  - Non-essential businesses will be permitted to reopen according to the State's four-stage framework. It is anticipated that Early Stage 2 non-essential businesses may be able to open as early as Friday, May 8, 2020. The list of those businesses, and how they will be allowed to operate, will be provided by the State.
  - Counties may be able to move into Deep Stage 2, but only after the State Public Health Officer provides criteria and procedures for doing so, as well as the template for submitting a "readiness plan" that requires self-certification by the Public Health Officer and approval by the Board of Supervisors.
  - Stage 3 non-essential businesses will not be able to reopen until the Governor determines, on a statewide basis, that counties can move into Stage 3. The Governor has also said this stage is months away.
- All construction is now allowed but it must comply with Construction Site Requirements to maintain social distancing and sanitation (see Appendix B to the Order).
- Comment on the Short-Term Lodging Industry

Employment Update: Highlights of Napa County's Updated Shelter in Place Order Including Cloth Face Covering Requirement for the Workplace

Posted May 7, 2020

Page 2 of 2

- The Napa County Public Health Officer has advised the lodging industry that reservations beginning on and after June 1, 2020 may be accepted. However, this is not a guarantee that the reservations can be honored, and short-term lodging businesses should inform customers that their reservations will be cancelled if the local and/or state Shelter-At-Home orders continue to prohibit short-term lodging at that time. Further, lodging businesses should consider how they will provide appropriate sanitation and enforce physical distancing protocols when they are allowed to reopen.
- The Compliance Task Force will not engage in enforcement activities for lodging businesses that are currently accepting reservations for dates beginning June 1, 2020 and beyond, but making new reservations for dates in May is still prohibited and subject to enforcement.