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Employment Update: Regional Stay Home Order
Posted December 4, 2020

Earlier this week the State announced a new Regional Stay Home Order (“Order”) that applies to the five new “regions” throughout the State. The Order is based on ICU capacity in each region, and will go into effect once the ICU capacity in that region is below 15%. The Bay Area region includes the following counties and is currently at around 25% ICU availability: Alameda, Contra Costa, Marin, Monterey, Napa, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma.

The State has updated its COVID-19 page with information regarding the new Order, including what will be closed once the Order goes into effect: <https://covid19.ca.gov/stay-home-except-for-essential-needs/>.

This afternoon the following counties announced that they will not wait for the ICU capacity to fall below 15% and have instead decided to enact the Order immediately and will remain in effect until January 4, 2021. Those counties are: **Alameda, Contra Costa, Marin, Santa Clara, and San Francisco, as well as the City of Berkeley.** The following timelines apply for these counties:

- Sunday December 6 for Contra Costa, Santa Clara, and San Francisco counties;
- Monday December 7 for Alameda County; and
- Tuesday December 8 for Marin County.

Sonoma and Napa counties have not joined in this preemptive plan. We encourage you to check your county’s website for more information.

With the exception of the counties noted above, the Order will not go into effect until 24 hours after the region reaches less than 15% ICU availability. Once the Order is in effect, it will remain in effect for at least 3 weeks and will not be lifted until the region’s projected ICU capacity meets or exceeds 15% as assessed on a weekly basis.

Sectors that will be required to close include wineries, bars, breweries, and distilleries, and personal care services including hair salons and barbershops. Additionally, restaurants will remain limited to take-out and delivery only and retail can remain open but it is limited to 20% capacity. Offices will also be required to be remote, except for critical infrastructure sectors where remote working is not possible. Critical infrastructure, schools that are already open, non-urgent medical and dental care, and child care and pre-K will be allowed to remain open when a remote option is not possible.

If you have questions about whether or not you will be permitted to remain open once the Order goes into effect, or how to prepare your business please contact us.