



2021 Cal-Peculiarities Webinar

*Series 2: Cal/OSHA ETS, Hero Pay,
and Industry Specific New Rehire Laws*

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June 30, 2021

Seyfarth Shaw LLP

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Agenda



- 01 Overview of Updated Cal/OSHA Requirements
- 02 California COVID-19 Hazard Pay Ordinances
- 03 Industry Specific Right to Recall Laws

Important Changes

Overview of Updated Cal/OSHA Requirements



- **Quarantine/exclusion of fully vaccinated employees**
 - Testing changes
- **Face coverings for fully vaccinated employees indoors**
- **Face coverings for all employees outdoors**
 - Only required in “mass gathering”
- **Physical distancing eliminated for all**
 - Except in limited circumstances (outbreak or hazard)

Important Changes

Overview of Updated Cal/OSHA Requirements



- **Employees who are not fully vaccinated may request respirators**
 - No respiratory protection program required
 - But employers must train employees
- **Evaluate ventilation**

Overview of Updated Cal/OSHA Requirements



Still In Place

- **COVID-19 Prevention Program (CPP)**
 - Cal/OSHA released updated model CPP on June 29, 2021
- **Training**
 - Cal/OSHA to release new training materials
- **Employee screening**
 - May be done off-site
- **Exclusion of symptomatic and close contacts**
- **Outbreak reporting/requirements**
- **Notification requirements**

California COVID-19 Hazard Pay Ordinances



Overview

- Grocery stores and pharmacies
 - Size limitations, some carve outs for convenience stores and smaller stores
 - Non-managerial employees, e.g. assistant manager
- Regular rate, sick pay rates, wage statements
- Some ordinances create paid time off options or obligations
- Record keeping requirements
- Notice requirements
- Regular vs. urgency ordinances, expiration and extensions
- To date, legal challenges unsuccessful

California COVID-19 Hazard Pay Ordinances



California Locations

- Alameda City
- Albany
- Alhambra
- American Canyon
- Benicia
- Berkley
- Buena Park
- Burbank
- Coachella
- Concord
- Costa Mesa
- Culver City
- Daly City
- El Monte
- Glendale
- Irvine
- Los Angeles (City and County)
- Long Beach
- Malibu
- Millbrae
- Montebello
- Oakland
- Palm Springs
- Pomona
- Redwood City
- Richmond
- San Jose
- San Leandro
- San Mateo (City and County)
- San Francisco
- Santa Ana
- Santa Barbara
- Santa Clara County
- Santa Monica
- South Pasadena
- South San Francisco
- West Hollywood
- **States and cities outside California are considering similar ordinances.**

California's Statewide Right to Recall Law



SB 93

- **Only Applies to Certain Employers**
 - Hotel businesses
 - Private clubs
 - Event centers
 - Airport hospitality operations & airport service providers
 - Building service providers
- **Who is a covered “laid-off employee”?**
 - Worked 6 months in the year prior to January 1, 2020 for at least 2 hours a week
 - Terminated (or furloughed) due to COVID-19

California's Statewide Right to Recall Law



AB 93

- **What Should A Covered Employer Do If It Is Ready To Rehire For Roles Lost Due To COVID-19**
 - Bring back “qualified” laid off employees in order of seniority
 - Ok to contemporaneously issue offer letters
 - 5 business days to respond
 - If laid-off employee is not qualified for an open role, employer must provide a written explanation within 30 days
- **DLSE Exclusive Enforcement Jurisdiction**
 - \$1,000 for each impacted employee
 - Hiring and reinstatement rights
 - Front or back pay, along with benefits
- **Effective April 16, 2021 through December 31, 2024**

Local Right to Recall Ordinances



SB 93 Does Not Supersede the Local Ordinances

Southern California

- City of Los Angeles
- City of San Diego
- Long Beach
- Pasadena

Northern California

- San Francisco
- Oakland
- City of Santa Clara

CLE CODE

Webinar Series Schedule



2021 Cal-Peculiarities Webinar Series

How California Employment Law is Different

- **Series 1: COVID-19 Supplemental Sick Pay**
Wednesday, June 23, 2021 | [Webinar Recording](#)
- **Series 2: Hero Pay/Industry Specific New Rehire Laws**
Wednesday, June 30, 2021 | [Webinar Recording](#)
- **Series 3: Independent Contractor Intricacies**
Tuesday, July 6, 2021 | 1:00 p.m. – 1:30 p.m. PST
- **Series 4: Rounding and Meal Periods**
Tuesday, July 13, 2021 | 1:00 p.m. – 1:30 p.m. PST

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Cal-Peculiarities Resources



- **Request Seyfarth's 2021 Cal-Peculiarities eBook**
 - <https://connect.seyfarth.com/34/64/landing-pages/2021-cal-pecs---rsvp-blank.asp?sid=337242d8-d085-41c5-b4e6-39b9233555d5>
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Thank You!