



Sacramento County Allows Some Additional Businesses To Resume Operations While Extending Stay-At-Home Order

Insights

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The Health Officer for the County of Sacramento just extended the County's stay-at-home order through May 22, 2020. The order was set to expire on May 1, but county officials believe that individuals and businesses need to continue social distancing practices and reduce person-to-person contact in order to further slow the transmission of COVID-19. What do employers need to know about the extended stay-at-home order and the changes to the prior order?

Essential Business Activities Under The Sacramento County's Stay-At-Home Order

Sacramento County's prior stay-at-home order, which was issued on April 7, 2020, included a lengthy list of those businesses that are considered "essential" and thus may continue operating. Essential businesses include the following:

- Healthcare Operations, including hospitals, clinics, COVID-19 testing locations, dentists, pharmacies, blood banks and blood drives, pharmaceutical and biotechnology companies, healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related/ancillary healthcare services
- Businesses that operate, maintain, and repair Essential Infrastructure
- Grocery stores, certified farmers' markets, farm and produce stands, supermarkets, food banks, convenient stores and other establishments engaged in the retail sale of unprepared or canned food, dry goods, nonalcoholic beverages, fruits and vegetables, pet supply, meats, fish, and poultry, as well as hygienic products and household consumer products
- Agriculture, food, and beverage cultivation, processing and distribution
- Businesses that provide food, shelter, social services, and other necessities for economically disadvantaged or needy individuals
- Construction
- Newspapers, television, radio and other media services
- Gas stations and auto-supply, auto-repair and maintenance, and automotive dealerships
- Bicycle repair and supply shops
- Banks and related financial institutions

- Service providers that enable residential transactions, such as real estate agents, escrow agents, notaries, and title companies for virtual residential showings, but if a virtual viewing is not feasible, by appointment with two visitors at a time residing within the same household or living unit and one individual showing the unit (except that in person visits are not allowed when the occupant is still residing in the residence)
- Hardware stores
- Plumbers, electricians, exterminators and other businesses that are necessary to maintain habitability, sanitation, and operation of residences and Essential Businesses, but not for cosmetic or other purposes
- Arborists, landscapers, gardeners, and similar professionals, but only to the limited extent necessary to maintain habitability, sanitation, operation of businesses or residences, or the safety of individuals
- Businesses providing mailing and shipping services, including post office boxes
- Educational institutions to provide distance learning or performing essential functions
- Laundromats, drycleaners, and laundry services
- Restaurants and other services that prepare and serve food, but only for delivery or carry out
- Businesses that supply products needed for people to work from home
- Funeral home providers, mortuaries, cemeteries and crematoriums, to the extent necessary for the transport, preparation or processing of persons or remains
- Businesses that supply other Essential Businesses with the support or supplies necessary to operate, but not for sale to the general public from retail storefronts
- Businesses that have the primary function of shipping or delivering groceries, food or other goods directly to residences or businesses
- Airlines, taxis, rental car companies, rideshare services for Essential Activities
- Home-based care for seniors, adults, children and pets
- Residential facilities and shelters for seniors, adults and children
- Professional services, including legal, notary or accounting services when necessary to assist in compliance with non-elective, legally required activities
- Services to assist individuals in finding employment with Essential Businesses
- Moving services that facilitate residential or commercial moves
- Childcare facilities providing services that enable individuals for Essential Businesses or Essential Governmental Functions to work as permitted

Some Businesses Are Now Deemed “Essential” And May Resume Operations

Details about the extended stay-at-home order [can be found here](#), which was issued on May 1, 2020.

The Health Officer modified the prior order to allow some businesses to resume operations:

The Health Officer intended the prior order to allow some businesses to resume operations.

- Healthcare operations can begin elective procedures and surgeries as long as the facility has its own Personal Protective Equipment.
- Service providers that enable residential transactions, such as real estate agents, escrow agents, notaries, and title companies, may do residential viewings by appointment with two visitors at a time (who reside in the same household or living unit) and one individual showing the unit when the occupant is still residing in the residence, if a virtual showing is not feasible.
- Food trucks may now prepare and serve food, but only for delivery or carry out.

What Are An Essential Business' Responsibilities?

While essential businesses are encouraged to remain open, such businesses are directed to maximize the number of employees who can work remotely. Essential businesses may only assign those employees who cannot perform their job duties from home to work outside the home.

In addition, all essential businesses must prepare, post, and implement a "Social Distancing Protocol" at each of their facilities in the County that are frequented by the public or employees. The Social Distancing Protocol must be substantially the same in form to Appendix A of the stay-at-home order and a copy must be provided to each employee performing work at the facility. The Social Distancing Protocol must explain how the business is achieving the following, if applicable:

- Limiting the number of people who can enter the facility at any one time to maintain a six-foot distance from one another, except as required to complete essential business activities;
- Marking six-foot increments where lines may form at the facility;
- Providing hand sanitizer, soap, and water or effective disinfectant at or near the entrance of the facility and in other appropriate areas for use by the public and employees, and in locations where there is high-frequency employee interaction with the public (e.g., cashiers);
- Providing contactless payment systems or, if not feasible, providing for disinfecting all payment portals, pens, and styluses after each use;
- Regularly disinfecting other high-touch surfaces;
- Posting a sign at the entrance of the facility informing all employees and customers that they should: (i) avoid entering the facility if they have a cough or fever; (ii) maintain a minimum six-foot distance from one another; (iii) sneeze and cough into one's elbow; and (iv) not shake hands or engage in any unnecessary physical contact; and
- Any additional social distancing measures being implemented (such as the Centers for Disease Control and Prevention's Guidance).

When Does The Stay-At-Home Order End?

This new stay-at-home order became effective at 11:59 p.m. on May 1, 2020 and will continue to be in effect until 11:59 p.m. on May 22, 2020, or until it is extended, rescinded, superseded, or amended in writing by the Health Officer for the County of Sacramento.

What Should Employers Do?

As you begin the process of reopening, you should familiarize yourself with our alert: [5 Steps To Reopen Your Workplace, According To CDC's Latest Guidance](#). You should also keep handy our [4-Step Plan For Handling Confirmed COVID-19 Cases When Your Business Reopens](#) in the event you learn of a positive case at your workplace. For a more thorough analysis of the many issues you may encounter from a labor and employment perspective, we recommend you review our [FP BEYOND THE CURVE: Post-Pandemic Back-To-Business FAQs For Employers](#) and our [FP Resource Center For Employers](#).

Conclusion

Fisher Phillips will continue to monitor the rapidly developing COVID-19 situation and provide updates as appropriate. Make sure you are subscribed to [Fisher Phillips' Alert System](#) to get the most up-to-date information. For further information, contact your Fisher Phillips attorney, any attorney in our [Sacramento](#) office, or any member of [our Post-Pandemic Strategy Group Roster](#).

This Legal Alert provides an overview of a specific developing situation. It is not intended to be, and should not be construed as, legal advice for any particular fact situation.

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