

# COVID-19 UPDATE



## CENTRAL VALLEY EXPERIENCES SURGE IN CONFIRMED CORONAVIRUS CASES OVER PAST WEEK

Central Valley counties, including Fresno, Tulare, Kings, Kern, San Joaquin, Madera, Merced, and Stanislaus, were several of the 30 total counties who experienced increases in confirmed COVID-19 cases over the past 7 days. Kings County experienced a 245.5% surge in cases. With the onset of this increase in COVID-19 cases, we encourage our members to ensure they are continuing to practice safety precautions utilizing the CDC's guidelines. The guidance specific for agricultural businesses and workers can be found here: <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-agricultural-workers.html>

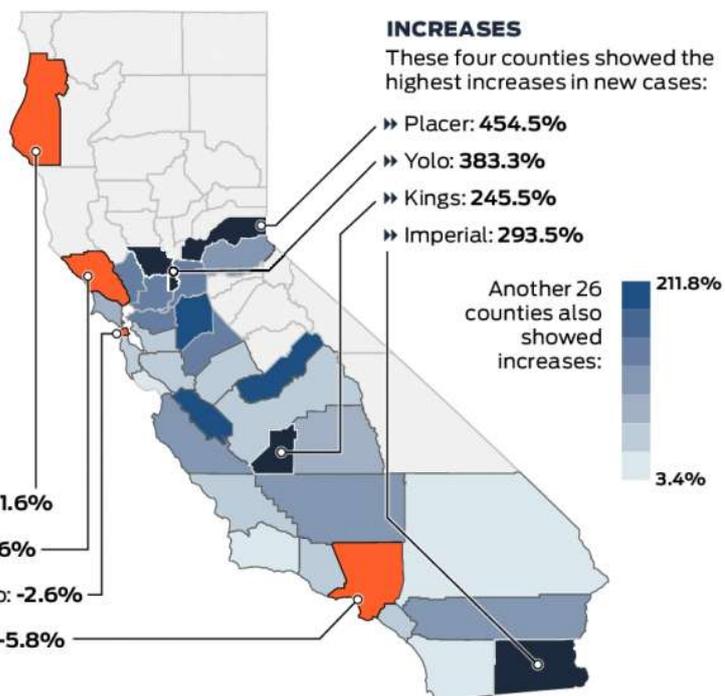
### Change in new COVID-19 cases since reopening

The change is the difference in the average number of new cases for the seven days prior to moving into advanced Stage 2 (May 18 for the six Bay Area counties that didn't advance, along with Imperial County) and all days since, through Sunday.

#### DECLINES

Four counties showed decreases in the average number of new cases:

- ▶▶ Humboldt: -31.6%
- ▶▶ Sonoma: -13.6%
- ▶▶ San Francisco: -2.6%
- ▶▶ Los Angeles: -5.8%



Note: Counties in gray had fewer than 100 new cases reported.

# **CDC AGRICULTURAL EMPLOYER CHECKLIST FOR CREATING A COVID-19 ASSESSMENT & CONTROL PLAN**

To prevent and slow the spread of COVID-19, agricultural employers can use this checklist to create a COVID-19 assessment and control plan for applying specific preparation, prevention, and management measures. This checklist has been developed based on the Agriculture Workers and Employers Interim Guidance from CDC and the U.S. Department of Labor.

This checklist has five sections:

- Section 1: Assessment
- Section 2: Control Plan based on the Hierarchy of Controls
  - » Screening and Monitoring Workers
  - » Managing Sick Workers
  - » Addressing Return to Work after Worker Exposure to COVID-19
  - » Engineering Controls
  - » Cleaning, Disinfection, and Sanitation
  - » Administrative Controls
  - » Personal Protective Equipment (PPE)
- Section 3: Special Considerations for Shared Housing
- Section 4: Special Considerations for Shared Transportation
- Section 5: Special Considerations for Children

This checklist can be used to reassess, update, and modify your assessment and control plan on a regular basis or as conditions change. You can find a copy of the full checklist [here](#).

## **PENDING LEGISLATION COULD CREATE NEW LEAVE OF ABSENCE BURDENS**

Even in the face of the coronavirus pandemic and a historic economic shock, the Legislature is considering legislation to increase the cost on employers of maintaining workers on the payroll. Currently, there are four bills pending that, if enacted, would expand or create a new leave of absence on employers with at least a single employee:

- AB 3216 (Kalra) - 12 weeks of leave under CFRA per year, four months of pregnancy disability leave, 80 hours of emergency leave/year, and at least three days of paid sick leave/year.
- AB 2999 (Low) - 10 days of bereavement leave per year.
- SB 1383 (Jackson) - unlimited time off from work for a school closure or day care closure.
- AB 2992 (Weber) - protected time off for an employee who is a victim of a crime or a family member who is a victim of a crime.

Supporters claim that the leaves of absence are generally "unpaid" (except for sick leave and the new emergency leave) and therefore should not be a burden on employers. Of course, just because a leave is unpaid, does not mean there is not a cost. Usually left out of the discussion is the method of enforcement, which is one of the biggest cost factors. Also, these proposed leaves cannot be viewed in isolation, but must be considered as a part of the existing leaves California already offers.

An unpaid leave of absence has a significant burden and cost on an employer. Each leave is "protected," meaning an employer must return the employee to the same position the employee had before going out on leave. Under AB 3216, this means holding a position open for three months or more. While an employer can temporarily fill the position with a new employee, that replacement frequently comes at a premium (temp agency fees, etc.). A replacement employee knows he or she is short term, and therefore, requires a premium wage, is less dedicated to the position, and often leaves for a better opportunity at a moment's notice. Also, many jobs require extensive amount of time and money to train a new employee, adding another cost. Some employers shift the work to other existing employees, which often leads to overtime pay. Further, most of the leaves of absence require employers to maintain health benefits while the employee is out. Each of the leaves of absence also comes with a threat of costly litigation if there is any dispute regarding the leave.

# UNITED FRESH HOSTING "UNITED FRESH LIVE" THIS WEEK

The United Fresh Produce Association is currently hosting their annual United Fresh conference in a virtual format. The online conference began yesterday (June 15) and will continue through Friday, June 19. Registration for this online event is free! Their produce safety line up is listed below:

- Audits: Why Do We Bother? (Wednesday)
- Smarter Food Safety, Big Data, and Predictive Analytics (Thursday)
- Adding COVID-19 to the Produce Safety Job Description (Friday)
- COVID-19: Lessons Learned from other Industries (Wednesday)
- Developing Effective Produce Safety Leaders (Thursday)
- Food Safety Reception (Monday)

To register for this event, please use the following link:

<https://www.unitedfreshlive.org/uf20/Public/Enter.aspx>

## CALIFORNIA LEGISLATURE PASSES STATE BUDGET

Yesterday, the Legislature passed a state budget attempting to account for a projected \$54 billion deficit caused by the COVID-19 pandemic. The vote is largely a formality, however, as a few key elements are missing, including:

- Total revenue the state will bring in as the tax deadline was pushed to July 15;
- How much further aid, if any, the federal government will provide the state; and
- Agreement with Governor Gavin Newsom.

Pursuant to 2010 initiative approved by the voters, lawmakers are required to pass a budget by June 15 to continue or risk losing their salary. There is no requirement of an agreement between the Legislature and the Governor.

The budget passed today reflects an agreement the Senate and Assembly reached earlier this month, which rejects many of the Governor's proposed cuts. The Senate and Assembly will now negotiate with the Governor to reach consensus on several significant points of disagreement:

- The Governor has proposed \$14 billion in cuts from schools, health care and safety net programs unless the federal government sends funds by July 1. The Legislature's budget flips the presumption, and instead assumes federal funding will arrive, and if it doesn't arrive by October 1, limits cuts to \$7 billion by drawing on reserves.
- The Legislature's budget rejects several proposed cuts to programs by the Governor, including cuts to affordable housing programs and the California State Universities and University of California systems.
- The Legislature's budget rejects the Governor's proposed 10% pay cut to all state employees and rather defers this to the union negotiation process.

Lawmakers have acknowledged they will need to make changes to budget passed today as negotiations with the Governor continue and the state's economic situation becomes clearer. It is expected an additional budget bill or bills will be agreed upon between now and July 1, the beginning of the state's fiscal year. This will be followed by one or more additional budget bills in July and August, after the delayed July 15 tax deadline has passed, and lawmakers have much clearer picture of the state's fiscal outlook.