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COVID-19 Advisory



Impact of COVID-19 on Revised Orders

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Revised Orders Require Posting of Social Distancing Protocols and Other Actions Affecting Sites

On March 31, 2020, six Bay Area counties issued revised Shelter In Place Orders (Orders) intended to “clarify[y], strengthen[], and extend[]” the prior directions issued by those counties. The Orders continue many of the requirements of the prior orders, but further restrict movement of individuals and business operations in the counties. The Orders are in effect from April 1 to May 4. As of the time of this publication, we are aware that other counties have begun to adopt similar orders, so all districts throughout the State should be aware of these requirements. The text of the orders can be found on DWK’s COVID-19 Resources Page at <https://www.dwkesq.com/covid-19-resources-page/>; however, below is a summary of the relevant changes from the prior orders:

Additional Restrictions on Construction

Where earlier orders allowed district construction projects to continue as work on “Essential Infrastructure” without action by the district, the revised Orders now limit public works construction to those projects “specifically designated as an Essential Governmental Function by the lead governmental agency.” Additional guidance from DWK on this change can be found at https://www.dwkesq.com/wp-content/uploads/2020/04/2020_BPC-SchoolCollegeConstructionProjects.pdf.

Implementation & Posting of Social Distancing Protocols

For the first time, the Orders require all “Essential Businesses,” which include all districts, to prepare, post, and implement a “Social Distancing Protocol” for each of their facilities frequented by the public or employees. The requirement would also apply to any construction contractor working on district grounds. This requirement does not apply to facilities which are now completely closed to the public and employees; however, some school sites continue to offer food distribution, childcare support, and have allowed public use of playgrounds and fields.

Where required, the Protocol must be posted at the entrance of each district facility no later than April 2. It also must be provided to each employee working at the facility. To eliminate any questions, we recommend providing the Protocol to all employees who normally work at a facility, even if they are currently working remotely.

At a minimum, the Protocol must explain how the district is:

- Limiting the number of people who enter the facility to ensure individuals can maintain a minimum six-foot distance at all times.
- Where lines may form at a facility, marking six-foot increments at a minimum, establishing where individuals should stand.
- 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 members of the public.
- Regularly disinfecting other high-touch surfaces.

- Posting a sign at the entrance of the facility informing all employees and members of the public that they should: avoid entering the facility if they have a cough or fever; maintain a minimum six-foot distance from one another; sneeze and cough into one's elbow; not shake hands or engage in any unnecessary physical contact.

The Orders require that this Protocol be in substantially the same form as an appendix attached to the Orders. You can find a fillable version of this form at <https://www.sccgov.org/sites/phd/DiseaseInformation/novel-coronavirus/Documents/Appendix-A-Social-Distancing-Protocol.pdf>.

Closures of Recreational Areas

The Orders require closure of any “recreational areas with high-touch equipment or that encourage gathering including, but not limited to, playgrounds” as well as “shared facilities for recreational activities . . ., including, but not limited to, . . . tennis . . . and basketball courts.” Further, they require that areas be closed by physical barriers, as appropriate, as well as the posting of signage indicating that the areas are closed. In light of this requirement, districts should post notice of closure at all playgrounds or other recreational areas on school campuses and lock or otherwise block access to such facilities, where practical.

Further Limitations on Provision of Childcare

The Orders clarify that while facilities may continue to provide childcare services, childcare services may only be provided to enable owners, employees, volunteers, and contractors for businesses or entities otherwise allowed to continue to operate by the Orders. This includes parents/guardians performing Essential Businesses, Essential Governmental Functions, or Minimum Basic Operations. The Orders stress that only the children of such individuals may attend childcare facilities. For those eligible, childcare services must continue to be provided within the requirements of the Orders (*i.e.*, in stable groups of 12 or fewer, without changes between groups of children or providers, and with groups in separate rooms).

Implementation & Documentation of Protective Measures

The Orders also state that each “governmental entity and its contractors must employ all necessary emergency protective measures to prevent, mitigate, respond to and recover from the COVID-19 pandemic, and all Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements to the greatest extent feasible.” Many districts have already implemented these steps and are operating in compliance with “Social Distancing Requirements (*i.e.*, six-foot distance between individuals, frequently washing hands, covering coughs and sneezes, avoiding all social interaction when sick). However, **all districts should ensure they have taken steps to comply with these requirements and have documented the measures implemented**, which would include adoption of the Social Distancing Protocol noted above. The Orders do not appear to require Board approval of these steps/documentation.

As the Order also imposes this requirement on “contractors” performing work for districts, we recommend that districts require all contractors, construction or otherwise, currently working at district sites implement these measures. Districts do not need to approve the measures taken by contractors, but should request documentation from each contractor demonstrating how they are complying with this portion of the Orders.

DWK will continue to provide guidance as information becomes available. For more information regarding the impact of COVID-19 on your district's operations, please visit our COVID-19 Resources page at <https://www.dwkesq.com/covid-19-resources-page/>.