



California Wildfires: Employee Pay, Smoke Protection

As of August 19, more than 360 wildfires were simultaneously raging across California, destroying property and prompting evacuation of hundreds of thousands of residents. On August 18, Newsom declared a statewide emergency due to the wildfires that have worsened due to both the current heat wave and continuous high winds.

"We are deploying every resource available to keep communities safe as California battles fires across the state during these extreme conditions," said Governor Gavin Newsom in a press release.

In addition to the massive devastation wildfires cause, employers need to consider those employees who are impacted, as well as the threat of smoke exposure — especially for individuals working outdoors.

Cities and counties not under immediate wildfire threat may still have to deal with wildfire smoke's harmful effects. The California Division of Occupational Safety and Health (Cal/OSHA) emergency regulation, which was extended through January 20, 2021, requires that certain employers take quick action when wildfires are burning, including monitoring the Air Quality Index (AQI) at their worksites for fine particulate matter (PM 2.5) and, depending on the reading, reducing employ-

ees' exposure, or providing respirators, such as N95s, and requiring their use. Employers should continue to monitor AQI levels in their area closely as they are rising above Cal/OSHA's threshold level (higher than 150) in multiple parts of the state.

As employers are well aware, the COVID-19 pandemic has created a mass shortage of N95 respirators, and those available are prioritized for healthcare purposes. Cal/OSHA acknowledged the problem in a statement issued on August 20, 2020, in which Cal/OSHA said it's "working diligently to identify viable available temporary alternatives that would provide workers with an acceptable alternative to a compliant respirator such as an N-95 mask." In the meantime, employers must still act to protect outdoor workers in compliance with the wildfire smoke regulation, which may mean moving operations indoors or providing respirators, but, in the event those options are not available, employers may need to temporarily shut down operations.

Employers also must be mindful of properly paying employees during emergencies.

Exempt employees must be paid a full weekly salary for any week in which any work is performed, but no pay is owed if the business is closed for the entire week.

For nonexempt employees, special pay rules apply in emergency situations. You must pay nonexempt employees only for the hours they worked if your business closes for any of the following reasons:

- Operations can neither start nor continue due to threats to you or property, or when recommended by civil authority;
- Public utilities such as water, gas, electricity or sewer fail; or
- Work is interrupted by an "act of God" or other causes outside of your control.

If, however, you choose to close your business and it's not for one of the above reasons, you may owe reporting time pay. This means you would owe a nonexempt employee who shows up for work as scheduled — and is either not put to work or is given less than half of their scheduled hours — pay for one-half of the scheduled shift, but no less than two hours and no more than four hours.

Employers also may choose to provide some paid time off during emergencies, or to let employees use vacation or other personal time. If offering these options, remember to be consistent!

Jessica Mulholland, Managing Editor, CalChamber

Remote Work: Workers' Comp Liabilities

CalChamber Executive Vice President and General Counsel Erika Frank and workers' compensation expert Randy Pollak discuss current workers' compensation trends, and talk about what workers' compensation liabilities exist when employees work remotely.

Workers' Compensation Claim Trends

Governor Gavin Newsom's May 6 executive order that a COVID-19-related illness be presumed to have arisen in the workplace (if certain requirements are met) expired last month, and employers are currently in a "middle zone," Pollak, managing partner at Pacific Compensation Insurance Company, tells Frank.

At the moment, employers have not seen much litigation, but the story may still evolve with time, he says.

While the executive order was active, employers did not see much litigation, as many of the workers' compensation claims were relatively mild, with employees experiencing cold and flu-like symptoms, Pollak explains.

More serious claims were accepted and therefore there was no need for litigation, he says.

Liabilities for Remote Work

With so many companies shifting employees to work remotely, could an employer be liable if a worker is injured at home, Frank asks?

Yes, with some requirements, Pollak replies.

Although the pandemic has led to an increase in remote work, working remotely is not a new concept and there is good case law that has set parameters on employer liability, he says.

An employer may be liable for injuries happening at home if the injury happened within the course of employment/rising out of the employment, and the employer implicitly or explicitly requires the employee to work from home, Pollak explains.

Generally, the employee has to satisfy the requirement that the injury happened in the course of employment—a very easy standard, he says.

This liability has existed for a long time, Pollak points out, but some employers who have only recently started employing remote workers may not be fully aware of it.

When a Worker Alleges Injury

If a worker reports to their employer that they have been injured, the employer should not delay and should provide the employee with a claim form, Pollak says.

It does not matter if the employer thinks the injury is covered or not, if a worker alleges they have been injured, the employer is required to provide a claim form, he stresses.

The same also is true for COVID-19-related claims. A claim form must be issued to the employee, even if the

employee has not yet procured a positive COVID-19 test, he explains.

In some cases, employers must also report injuries to their insurance carriers, regardless of whether the employee fills out the claim form. Pollak suggests that employers consult with their carriers as to what exactly needs to be reported as there could be other issues at play.

Pollak advises that employers visit the California Division of Occupational Safety and Health (Cal/OSHA) website for detailed information on how to protect employees. The website moves beyond masks and social distancing tips, and goes into different kinds of safety protocols.

Employers, he says, should have a good faith mindset to protect their employees in this serious time, and should follow the law and correct procedure if someone is alleging a work injury.

"Aside from just the good will and the good aspect of taking care of your employees, it is a liability protection because once you follow the correct procedures, and doing the claim form and reporting it, then you have secured your ability to assert any defenses and avoid any kind of presumptions or anything like that that can occur with some kind of defect in your handling of that," Pollak explains.

Big Changes Coming

Changes are coming to Christmas Tree Lane this year. Please watch for news in the Mountain Democrat, Facebook and all EDC Chamber communications.

Covid-19 has challenged all of us and everything. We will soon provide you with detailed information, but for now, know that we have found a way to make Christmas Tree Lane happen in 2020 and beyond.

I will share the biggest change with you. We will be changing the adoption process to a lottery for tree adoption.

Applications will be open from Oct. 15 to Oct. 29 electronically and in hard copy. The lottery drawing will be held at the close of application. More details (all good) to follow soon.

Laurel Brent-Bumb, A.C.E.
Chief Executive Officer

El Dorado County Chamber of Commerce



Remote Participating in Board of Supervisors Meetings

Have you wondered how you can view and/or make comment at a Board of Supervisor's meeting now that they are not meeting in their Board Chambers?

You can view the agendas and meeting information here: <https://eldorado.legistar.com/Calendar.aspx>

There you will find a link that looks like this to observe the livestream of the meeting:

https://zoom.us/j/***** The last 11 digits are the Meeting ID.

To participate in the remote meeting, call (530) 621-7603 or (530) 621-7610. You will be asked for the meeting ID.

To make a comment through Zoom, press the "raise a hand" button. If joining by phone, press *9 to indicate a desire to make a comment. The clerk will call you by the last three digits of your phone number when it is your turn to speak. Speakers will be limited to three minutes. All participants in the meeting will be recorded.

To view board meetings via Facebook Live visit facebook.com/ElDoradoCountyNews. The board does not use this function and will not see any comments posted during the livestream.

Those who choose not to observe the board meeting but wish to make comment on a specific agenda item may submit comments via email by 4 p.m. the day prior to the meeting to the clerk at edc.cob@edcgov.us. Comments will be placed into the record and forwarded to the board. The clerk is available at (530) 621-5390 for more information.

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El Dorado County Election Administration Plan

Days of Operation- El Dorado County will be reducing the number of days Vote Centers are open for in person voting from 11 days to 4 Days. All 13 vote centers will be open beginning Saturday October 31, 2020 through Election Day.

Health and Safety- El Dorado County will be implementing specific measures during in person voting at vote centers designed to keep vote center workers and voters safe in accordance with State and County public health standards. Those measures include:

- All vote center workers will be required to wear protective face coverings and voters will be strongly encouraged to wear them. Social
- Distancing protocols will be implemented inside and outside vote centers.
- Vote center workers will be socially distanced at all time and protective barriers will be in place between vote center workers and voters.
- Voting stations will be spaced six feet apart.
- A vote center worker will be dedicated to sanitizing frequently touched surfaces and equipment throughout the day.
- Voters that cannot or will not wear protective face coverings will have a separate flow in the vote center keeping them distanced from voters that do wear them and have a curbside voting option.
- Vote centers will be limited to only voters

that desire to vote in person or require language or disability assistance from vote center workers. Vote by Mail drop off will be outside the vote center.

- Drive up/curbside voting will be available at all vote centers for voters with disabilities and those that do not wear protective face coverings.
- Limit the number of voters allowed inside the vote center at a given time based on size of the center and ability to maintain social distance.
- All vote centers will have the following personal protective items available to voters that need them:
 - Face Masks
 - Disposable Gloves
 - Hand Sanitizer
 - Face Shield

How voters can ensure they vote and return their ballot safely

El Dorado County Elections supports our voter's choice on how they would like to vote. Since the implementation of the Voters Choice Act for the March 2020 Presidential Primary, all registered voters receive a ballot in the mail. For the November Presidential General Election, the mailed ballots will enter the mail stream on October 5, 2020 and should arrive in home mailboxes by October 12.

There are several alternatives for voters to mark and return their ballot safely. To minimize potential exposure to Covid-19 voters can mark the ballot they receive in the mail in the privacy of their own home any time before or on Election Day. When complete they can return their ballot in the postage-paid envelope provided with the ballot using any of the following methods that avoids contact with others.

US Postal Service - Insert the marked ballot in the postage paid return envelope, SIGN the envelope and deposit it in any US Postal Service mailbox. The ballot will be delivered directly to the El Dorado County Elections Department.

Drop Boxes - Insert the marked ballot in the return envelope, SIGN the envelope and deposit it in any of the 13 ballot drop boxes located throughout the county. Six of those boxes have permanent drive up access and all envelopes deposited in drop boxes are retrieved by an El Dorado County Election Officials regularly.

Vote Center Drop Off - Insert the marked ballot in the return envelope, SIGN the envelope and deposit it in the receptacle for vote by mail ballots outside each vote center. A list of Vote Center locations and hours is included as Appendix A.

For the November 2020 Presidential General Election, El Dorado County will make the Remote Access Vote by Mail (RAVBM) system available to any voter upon request.

**Presidential General Election
El Dorado County Vote Center Locations
October 31 – November 3, 2020**

Important – The hours listed below for each vote center apply to Oct. 31 – Nov. 2 ONLY. All vote centers will be open from 7 a.m. to 8 p.m. on Election Day, November 3, 2020.

Location	Address	Hours
Cameron Park:		
Cameron Park CSD	2502 Country Club Dr	8:30 a.m. – 4:30 p.m.
El Dorado Hills:		
California Welcome Center	2085 Vine St., Ste. 105	8:30 a.m. – 4:30 p.m.
Fire Station 85 **	1050 Wilson Blvd	8:30 a.m. – 4:30 p.m.
El Dorado Hills Library	7455 Silva Valley Pkwy	8:30 a.m. – 4:30 p.m.
Greenwood:		
California Conservation Corp.	4411 State Hwy. 193	8:30 a.m. – 4:30 p.m.
Placerville:		
El Dorado County Bldg. C	2850 Fairlane Ct	8:00 a.m. – 4:00 p.m.
Town Hall	549 Main St (Oct 31) (Nov 1 & 2)	8:00 a.m. – 4:00 p.m.
Lions Club	4701 Missouri Flat Rd	8:30 a.m. – 4:30 p.m.
Pollock Pines:		
Community Center**	2675 Sanders Dr.	8:30 a.m. – 4:30 p.m.
Shingle Springs:		
El Dorado County Child Support	3883 Ponderosa Rd	8:30 a.m. – 4:30 p.m.
Somerset:		
Pioneer Park Community Center	6740 Fairplay Rd	8:30 a.m. – 4:30 p.m.
South Lake Tahoe:		
California Conservation Corp.**	1949 Apache Ln	8:30 a.m. – 4:30 p.m.
Lake Tahoe Community College	1 College Dr	8:30 a.m. – 4:30 p.m.

** Facilities with ** require face covering

**Drop Box Locations and Hours
October 6 – November 3, 2020**

IMPORTANT – Hours listed for each drop box location are the business hours for the facility at the time of printing. All drop boxes will be locked at 8 p.m. November 3, 2020

Location	Address	Hours
Cameron Park:		
Cameron Park Library	2500 Country Club Dr.	24 Hr Drive Up
Gold Country Ace Hardware	4121 Cameron Park Dr.	7:30 a.m. – 7 p.m.
Camino:		
Wine Country Market	3590 Carson Rd.	5 a.m. – 11 p.m.
Cool:		
Holiday Market	5030 Ellinghouse Dr	6 a.m. – 10 p.m.
El Dorado:		
Logtown Country Market	6142 Crystal Blvd.	7 a.m. – 8 p.m.
El Dorado Hills:		
Park and Ride	4640 Post St.	24 Hr Drive Up
EDH Library	7455 Silva Valley Pkwy	24 Hr Drive Up
Georgetown:		
Mar Val Food Store	6049 Front St.	24 Hr Drive Up
Placerville:		
EDC Elections	2850 Fairlane Ct.	24 Hr Drive Up
Somerset:		
Pioneer Park Community Ctr	6740 Fairplay Rd.	24 Hr Drive Up
South Lake Tahoe:		
SLT Library	1000 Rufus Allen Blvd.	24 Hr Drive Up
Holiday Market	2977 US Hwy 50	7 a.m. – 9 p.m.
Grocery Outlet	2358 Lake Tahoe Blvd.	7 a.m. – 10 p.m.

To see the complete plan, visit <https://www.edcgov.us/Government/Elections/Documents/August%202020%20Supplement%20to%20EAP.pdf>

New DIR COVID-19 Guidance Issued

CalChamber Executive Vice President and General Counsel Erika Frank was joined by employment law experts Bianca Saad and Matthew Roberts to discuss the California Department of Industrial Relations (DIR) guidance, "Safe Reopening FAQs for Workers and Employers," which addresses a number of workplace-related issues as employers and employees continue to navigate through the COVID-19 pandemic.

The "Safe Reopening FAQs for Workers and Employers" guidance provides great information and addresses many of the questions that employers have been asking on the CalChamber Labor Law Helpline, Frank says. Agency guidance is continually updated as the circumstances around the COVID-19 crisis change, so employers should check the agency's website for updates.

Information presented is accurate as of August 21, 2020.

Face Coverings

Roberts explains that the new DIR guidance addresses questions surrounding face coverings, and specifies that employers must provide face coverings to workers at no cost, even if workers wear those masks outside of work hours.

A specific type of face covering is not prescribed—all that is required is that any face covering covers the mouth and nose effectively, Roberts says.

Medical Checks, Reporting Time Pay

When it comes to medical and temperature checks,

the DIR guidance states that if medical checks are done at the worksite before or at the beginning of a shift, employees must be compensated for that time as it constitutes "hours worked," Saad explains.

"The idea being that obviously this is done at the request and therefore under the control of the employer, so that is going to fall under the 'hours worked' category that does require compensation," Saad says.

If during a medical check an employee is found to have symptoms of COVID-19 and is sent home having worked less than half of their regularly scheduled shift, the employee must be paid for half of their scheduled day's work, at no less than two hours and no more than four hours at their regular rate of pay, Saad tells Frank.

Returning to the Workplace

Some of the COVID-19 questions CalChamber HR experts are asked most frequently pertain to bringing remote workers back to the workplace, Frank says.

Roberts explains that employers can generally bring back remote workers as long as the employer is complying with state and local health and safety protocols.

Still, Roberts points out, employers should consider the health and safety implications of bringing back their workforce.

"If we're bringing too many people back, can we really maintain the social distancing, can we really

keep everything clean?" he asks.

Employees who are living with someone who is at risk for COVID-19 complications may be particularly worried about returning to the workplace since some public health orders advise that people who are in an at-risk category shelter in place.

Roberts recommends that employers be willing to be flexible with these employees and come up with solutions that work for both the employer and employee, such as agreeing to a flexible work schedule.

Waivers of Liability

Frank points out that in some places, people are being asked to sign COVID-19 liability waivers. She asks Saad: can employers require that workers sign a waiver of liability in the event they contract COVID-19 in the workplace or to cover other labor violations, such as missing meal and rest periods?

"...the short answer is 'no,'" Saad says.

Employees have certain basic rights, she says, and in California workers are entitled to workers' compensation for injuries or illnesses contracted during employment and to a safe and healthy workplace. Importantly, these rights cannot be waived.

If an employer does make employees sign such a waiver, the waiver would be invalid, Saad emphasizes.

CALENDAR OF EVENTS

Community Observatory

Folsom Lake College-El Dorado Center, Campus Dr. Free. (530) 642-5621 or communityobservatory.com

Farmers Markets

Tuesday 8 a.m. to 1 p.m. – South Lake Tahoe – American Legion Hall Parking Lot

Wednesday 8 a.m. to noon – Cameron Park – Burke's Junction

Saturday 8 a.m. to noon – Placerville – Ivy House Parking Lot

Sunday 8 a.m. to 1 p.m. – El Dorado Hills – Town Center Boulevard

For more info call (530) 622-1900 or visit www.eldoradofarmersmarket.com

SOL Community Farmers' Market

Sunday, 9 a.m. – 1 p.m. Featuring Local, Organic Farms, quality Artisans, excellent Food, Iced Drinks and Wine. 681 Main Street, Placerville.

Music in the Courtyard at Smith Flat House

Wednesdays, 6 p.m. - 7 p.m. 2021 Smith Flat Road, Placerville. For more info call (530) 621-1003 or email sfh.eventcenter@gmail.com, www.smithflathouse.com/events/music-in-the-courtyard

Carol Tuttle & the Jazz Trio at Smith Flat House

Sunday, 6 p.m. - 7 p.m. 2021 Smith Flat Road Placerville. For more info call (530) 621-1003 or email sfh.eventcenter@gmail.com, www.smithflathouse.com/events/carol-tuttle-and-the-jazz-trio

Sierra Inspirations 7th Annual Invitational Art Show

Fri – Sun, 11 a.m. – 4 p.m. Featuring the works of local and regional participants. Contact Doris Gorin at 530 333 2787 for more info or go to www.artonthedivide.com

Fair Market at El Dorado County Fairgrounds & Event Center

Fridays, 4 p.m. – 7:30 p.m. Certified produce, handcrafts and re-purposed items. (530) 621-5860 for more info. eldoradocountyfair.org

Pizza and Wine at Saluti Cellars

Fridays, 5 p.m. – 6 p.m., Smart outdoor dining, 7' foot+ spacing between tables. Please call for reservations (530)626-0800. Go to www.facebook.com/SalutiCellarsWinery/events

Sep 3 & 17 Outdoor Discovery Days

9 a.m. – 1:30 p.m. Join us for a day of discovery at Wakamatsu Farm. To sign up visit: <https://app.donorview.com/g1bMe> or contact Briegan Aguilar – Briegan@arconservancy.org

Sep 5 Fall and Winter Vegetables - Online class - Part 2

9 a.m. – 10:30 a.m., Learn how to grow a successful winter vegetable garden in this popular class with Master Gardener Zack Dowell. Register at <https://ucanr.zoom.us/j/8888888888>

Sep 5 - 6 Summer Pairing with Chef Damon Barham

11 a.m. – 3:30 p.m. Miraflores Winery, 530.647.8505 or www.mirafloreswinery.com/event/

Sep 6 Celebrate Labor Day – Wine, Food & Music

10 a.m. – 6 p.m. \$10 Parking per car. The Dinner Station Food Truck will be here! Check out their menu at www.dinnerstationtruck.com. We will also have Background Music by Darth Mozart Starting at noon! www.sierravistawinery.com/event/labor-day-wine-food-music/

Sep 12 Vineyard Workout

9 a.m. – 10 a.m. Our Wine & Wellness program provides the opportunity to move the body, rest the mind, recharge and enjoy some wine surrounded by the beauty that only Boeger Winery has to offer. Get your spot reserved at <https://www.cellarpass.com/events/vineyard-workout-6448>.

Sep 12 Summer Pairing with Chef Carolyn Kumpke

11 a.m. – 3:30 p.m. Miraflores Winery, 530.647.8505 or www.mirafloreswinery.com/event/

Sep 12-13 Patriarche Release & Paella Harvest Lunch

11 a.m. – 4 p.m. Kick off the new harvest with a paella lunch fea-

turing the 2018 Patriarche. Picnic tables and lawn seating available. 530.344.0227, winery@hollyshill.com or www.hollyshill.com/events-newsletter/

Sep 12 Madrona Harvest Dinner

6 p.m. – 7 p.m. Reservations are \$30/table plus \$30/person (\$25/club). To make reservations for this event, you must call the winery at 530-644-5948 or email winery@madronavineyards.com. Go to madronavineyards.com for more info.

Sep 13 Woga! Wine & Yoga in the Orchard

9:30 a.m. – 11:30 a.m. \$25/person. Each class concludes with a glass of wine! To book a private class, email tara@boegerwinery.com Go to www.cellarpass.com/events/woga-wine-yoga-in-the-orchard-6043 for more info.

Sep 19 Summer Pairing with Chef Aimal Formoli

11 a.m. – 3:30 p.m. Miraflores Winery 530.647.8505. www.mirafloreswinery.com/event/

Sep 19 Wine, Food & Comedy Night Featuring Justin James

4:30 p.m. – 6:30 p.m. Come join us for an evening of Fun, Laughter and Wine! \$20 pp Wine Club. \$25 pp General Public. As always we will be serving wine by the glass or bottle. For details about this event or to make reservations, please call our tasting room 530-622-7221. www.sierravistawinery.com/event/

Sep 23 Hear My Voice – Imagination Theater

6 p.m. & 8 p.m. One Night Only - Hear My Voice - Celebrate the Centennial of Suffrage. \$20 per person. www.imaginationtheater.net/event/

Sep 26 Summer Pairing with Chef Carl Williams

11 a.m. – 3:30 p.m. Miraflores Winery 530.647.8505 or www.mirafloreswinery.com/event/

For more information on these and other events, visit www.visiteldorado.com Event date, time, cost or locations are subject to change. Prior to attending an event please confirm the information.