

Santa Clara County Announces New Health Order in Response to Accelerating COVID-19 Cases

July 10, 2020

By [Charles L. Thompson, IV](#)

On July 2, 2020, the health officer for the County of Santa Clara, California, issued a new health order titled “Establishing Mandatory Risk Reduction Measures Applicable to All Activities and Sectors to Address the COVID-19 Pandemic.” The order goes into effect on July 13, 2020.



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On July 2, 2020, the health officer for the County of Santa Clara, California, issued a new health order titled “Establishing Mandatory Risk Reduction Measures Applicable to All Activities and Sectors to Address the COVID-19 Pandemic.” The order goes into effect on July 13, 2020. On July 7, 2020, the CDPH approved the county’s application for [variance](#) from the state’s [stay-at-home order](#), which means that many businesses, including hair and nail salons, hotels, and gyms may reopen on July 13, 2020, as long as they meet the

requirements of the new order. Until the new order becomes effective, the county's [current shelter-in-place order](#) controls.

At the same time that Santa Clara County issued the Health Officer Order, the county also published a [“Summary of New Health Officer Order”](#) and [“Requirements for All Businesses.”](#)

Recognizing the recent surge of COVID-19 cases in Santa Clara County, surrounding communities, and throughout California, the new order requires all businesses to follow a series of measures designed to limit the renewed spread of COVID-19. The order applies to all “personnel,” which includes employees, contractors and subcontractors, independent contractors, vendors, volunteers, and “other individuals who regularly provide services onsite at the request of the business.”

The new Health Officer Order and related guidance include directives to:

- maximize teleworking by continuing to permit personnel to work from home as much as possible, unless those individuals cannot perform their jobs remotely;
- relocate as many business activities outside as possible;
- develop and submit to the county by July 13, 2020, an updated “Social Distancing Protocol,” which is signed “under penalty of perjury,” for each facility or worksite where any personnel or members of the public may be present and distribute the protocol to “each person performing work at [the] business location and made available to customers upon request”;
- train workers on how to be safe at work and screen all workers for symptoms, which is required by the Social Distancing Protocol;
- post a “COVID-19 PREPARED Sign and Social Distancing Protocol Visitor Information Sheet, which can only be downloaded and printed upon completion of the webform ... at or near the entrance of the relevant facility or business worksite for which an individual Social Distancing Protocol is required”;
- comply with strict new density requirements, defined as allowing no more than “one personnel per 250 gross square feet of the facility” and no more than one customer or member of the public “per 150 square feet of space open to the public”;
- instruct personnel to immediately report to the business “if they test positive for COVID-19 and were present in the workplace within the 48 hours prior to [the] onset of symptoms or within 48 hours of [their test date]”;
- report to the Santa Clara County Public Health Department any positive COVID-19 cases within four hours of learning of such cases; and
- require all personnel and customers to wear face coverings, maintain six feet of distance from others at all times, and “[m]ake soap and water or hand sanitizer available for cleaning hands.”

The new Health Officer Order emphasizes that all individuals must comply with the CDPH's recent [“Guidance for the Use of Face Coverings.”](#) (For additional insights on the state guidance, please refer to a recent [episode](#) of the firm's California COVID-19 podcast series.) The order also reminds county residents that they must adhere to the stricter of state and local orders.

Apart from these general measures applicable to all businesses, the “Summary of New Health Officer Order” states that the county health officer will issue industry-specific, “mandatory directives” for certain businesses, including gyms, hair and nail salons, construction, hotels, food facilities, agriculture, outdoor pools, outdoor dining, childcare, and summer camps. These directives are aimed at reducing the risk of further COVID-19 spread in particularly vulnerable industries. Applicable businesses must follow these directives as well as existing guidance from local, state, and federal authorities. So far, the county health officer has issued guidance for [gyms](#), [hair and nail salons](#), [construction](#), [outdoor pools](#), [outdoor dining](#), and [food facilities](#).

The new order also clarifies that high-risk facilities and business must remain closed, including indoor dining establishments and bars, heated exercise studios, professional sports stadiums and arenas, amusement and theme parks, nightclubs, music and concert venues, and indoor playgrounds. This clarification dovetails with Governor Gavin Newsom’s [July 1, 2020, announcement](#), ordering the closure of indoor operations for restaurants, wineries, movie theaters, zoos and museums, cardrooms, and family entertainment centers, none of which Santa Clara County allowed to reopen.

Employers operating businesses in Santa Clara County or that have personnel traveling into the county for business may want to ensure that they are complying with the new order once it becomes effective.

Ogletree Deakins will continue to monitor and report on developments with respect to the COVID-19 pandemic, including developments affecting businesses in Santa Clara County and will post updates in the firm’s [Coronavirus \(COVID-19\) Resource Center](#) as additional information becomes available. Important information for employers also is available via the firm’s [webinar programs](#).

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