

# Here We Go Again: California Employers Face Third Round of Stay-at-Home Orders

Article By:

Stephanie T. Yang

Trey Sims

---

On December 3, 2020, the state issued a [new regional stay-at-home order](#) which requires additional industries to close or scale back operations based on intensive care unit (ICU) capacity in the region. The order separates the state into five separate regions, as opposed to the county-by-county approach used in previous regulations. [The Bay Area region elected to preemptively issue orders](#) prior to reaching the state threshold for ICU capacity. The Southern California and San Joaquin Valley regions encompassing 11 counties fell below the state-mandated threshold of less than 15% capacity in ICU beds shortly after the enactment of the state order. More regions are on the cusp.

With industries having to close or reduce capacity, here are some considerations employers should keep in mind.

## **Supplemental Paid Leaves**

[Statewide supplemental paid sick leave](#) remains in effect until December 31, 2020. Employers should note that the requirements do not cover all situations that may arise from the current shutdown, including potential childcare and school shutdowns. However, many of the local ordinances providing supplemental paid sick leave do provide paid leave for childcare-related issues. As such, employers should ensure they know which state and local ordinances apply to their employees.

## **Right of Reemployment Requirements**

Unfortunately, many employers may need to lay off employees due to the newest shelter in place orders without knowing how or when they can bring employees back. However, local reemployment ordinances require the employer to comply with additional requirements, including recently enacted record retention requirements applicable to some layoffs. For example, [San Francisco's ordinance](#) requires employers to provide notice to the City within 30 days after laying off 10 or more employees within the City or County of San Francisco. Moreover, some of the ordinances require employers to provide laid-off employees with notice of their right of reemployment.

## **Remote Worker Obligations**

As some employees may be returning to remote work, employers should ensure they are familiar with [business reimbursement requirements](#) under California law. Employers who have brought employees back to the worksite since the start of the Covid-19 pandemic should review their remote work and telework policies, especially if there were issues during previous temporary remote work periods. Employers should also attempt to accommodate reasonable requests to work remotely to ensure they do not discriminate against employees directly affected by the virus or with a “family care hardship,” as called for in San Francisco’s Paid Sick Leave Ordinance.

Jackson Lewis P.C. © 2025

---

National Law Review, Volume X, Number 343

Source URL: <https://natlawreview.com/article/here-we-go-again-california-employers-face-third-round-stay-home-orders>