EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-63-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS the COVID-19 pandemic, as well as physical distancing and other public health measures undertaken in response to it, have affected governmental agencies, workers, private businesses, and California residents, with associated impacts on adherence to certain statutory and regulatory deadlines, as well as to workers' efforts to vindicate their labor and employment rights; and

WHEREAS the COVID-19 pandemic, as well as physical distancing and other public health measures undertaken in response to it, have also had widespread impacts on state and local governments' ability to perform certain functions via in-person interactions, and such functions should be performed via other means to the extent consistent with public safety and other critical public interests; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1) The time in which to complete the evaluation required under Education Code section 17311(b)(3) (concerning Public School Project Inspectors) is extended to September 1, 2020, as to any inspector who has previously passed an initial evaluation under that subdivision and whose reevaluation would otherwise be due on or before May 6, 2020.

2) Notwithstanding the three-year period set forth in Government Code section 4459.8(a), any certification under Government Code section 4459.5 (concerning Certified Access Specialists) that would otherwise have expired between March 19, 2020 and May 31, 2020 is extended for 60 days from the date of this Order. Such certifications may be subject to further renewal as otherwise provided by law.

3) The timeframes set forth in Health and Safety Code sections 13144.2, and 13144.3, are suspended for 60 days. As a result, the deadline for submitting applications under Health and Safety Code section 13144.2 is extended to June 30, 2020, and current listings under Health and Safety Code section 13144.3 are extended to August 29, 2020. No penalty shall be imposed for failure to pay a renewal fee under Health and Safety Code section 13144.2, if that fee is received by June 30, 2020.

4) The timeframes set forth in Health and Safety Code sections 13127 and 13128 are suspended for 60 days. As a result, the deadline for renewing registrations under Health and Safety Code section 13127 is extended to June 30, 2020, and current registrations under Health and Safety Code section 13128 are extended to August 29, 2020. No penalty shall be imposed for failure to pay a registration fee under Health and Safety Code section 13127, subdivision (c)(1), if that fee is received by June 30, 2020.

5) The timeframes set forth in California Code of Regulations, Title 19, sections 938, 939, and 944 are suspended for 60 days. As a result, both current certifications and the deadlines for renewing those certifications under California Code of Regulations, Title 19, sections 938 and 939 are extended to August 29, 2020. In addition, the deadline for filing a notice of renewal under California Code of Regulations, Title 19, sections 944 is extended to June 30, 2020, and no late fee shall be charged if a notice of renewal is received by that date.

6) The term of office specified in Government Code section 8204 is extended for a period of 60 days for any notary public whose commission has expired since March 1, 2020 or whose commission is set to expire over the next 60 days, on the conditions that:

    a) The notary public shall annotate on each notarial act completed during the extension the following: "The notary commission extended pursuant to Executive Order N-63-20."; and

    b) The notary public shall maintain a valid surety bond pursuant to Government Code section 8212 during the extension.

7) The requirement in Civil Code section 1185(b)(3)(A) that an identification card or driver's license issued by the California Department of Motor Vehicles is current or has been issued within the last 5 years in order to serve as satisfactory evidence of identity for an officer or notary public to acknowledge an instrument is, for a period of 60 days, suspended with respect to any identification card or driver's license issued by the California Department of Motor Vehicles showing an expiration date of March 1, 2020 or later.

8) The deadlines specified in the following statutes and regulations shall be extended for a period of 60 days:

a) Labor Code sections 142.2 and 147, related to reports by the Division of Occupational Safety and Health (Cal/OSHA) and the Occupational Safety & Health Standards Board (OSHSB) on proposed standards or variances;

b) Labor Code section 99, related to the Labor Commissioner's filing of claims and liens of employees, and Civil Code section 8414 to the extent it governs the deadlines for filing and recording such claims and liens;

c) Labor Code sections 4616(b)(1) and California Code of Regulations, Title 8, sections 9767.2(a) and (b) and 9767.8(d), related to the period in which the administrative director must act upon Medical Provider Network applications or requests for modifications or reapprovals;

d) California Code of Regulations, Title 8, section 17304, related to the period in which the Return-To-Work Supplement Program must receive an application for a Return-to-Work Supplement;

e) California Code of Regulations, title 8, section 17309, related to filing a Return-to Work Supplement appeal and any reply or responsive papers;

f) Labor Code section 123.5 and California Code of Regulations, Title 8, sections 9713, 9714, and 9714.5, related to the period in which Workers' Compensation Administrative Law Judges must file decisions;

g) Labor Code 5313, related to the period in which the Workers' Compensation Appeals Board must act on any decision submitted by a Workers' Compensation Administrative Law Judge;

h) Government Code section 3505.4(a) and California Code of Regulations, Title 8, section 32802(a)(1), related to the period in which a party must request that the parties' differences be submitted to a factfinding panel under Meyers-Milias-Brown Act post-impasse resolution procedures;

i) Government Code section 3548.1, related to the period in which a party must request that the parties' differences be submitted to a factfinding panel under Educational Employment Relations Act post-impasse resolution procedures; and

j) Government Code section 3591, related to the period in which a party must request that the parties' differences be submitted to a factfinding panel under Educational Employment Relations Act post-impasse resolution procedures.

9) The deadlines specified in or that apply to the following statutes and regulations shall be extended for a period of 60 days to the limited extent that the time to issue a citation or file a complaint, claim, or appeal would otherwise elapse in the 60-day period following this Order:

    a) All Labor Code sections and related regulations setting the time for the Labor Commissioner to issue any citation under the Labor Code, including a civil wage and penalty assessment pursuant to Labor Code section 1741;

    b) All Labor Code sections and related regulations setting deadlines for any employer or other person to appeal or petition for review of any citation issued by the Labor Commissioner;

    c) Labor Code sections 98, 98.7, 1700.44, and 2673.1, related to workers' rights to file complaints and initiate proceedings with the Labor Commissioner;

    d) Labor Code section 6317, related to the issuance of Cal/OSHA citations; and

    e) Labor Code sections 6319, 6600, 6600.5, 6601, and 6601.5, related to the appeal of citations, notices, or orders of Cal/OSHA.

10) Any statute or regulation that requires a public employer to post notice on "employee bulletin boards" is suspended, provided that the public employer provides such notice to its employees through electronic means, such as through electronic mail to its employees, posting on an employer-operated website frequented by its employees, or any other electronic means customarily used by the public employer to communicate with its employees.

11) Any statute or regulation that permits a party or witness to participate in a hearing in person, a member of the public to be physically present at the place where a presiding officer conducts a hearing, or a party to object to a presiding officer conducting all or part of a hearing by telephone, television, or other electronic means, is suspended, provided that all of the following requirements are satisfied:

    a) Each participant in the hearing has an opportunity to participate in and to hear the entire proceeding while it is taking place and to observe exhibits;

    b) A member of the public who is otherwise entitled to observe the hearing may observe the hearing using electronic means; and

    c) The presiding officer satisfies all requirements of the Americans with Disabilities Act and Unruh Civil Rights Act.

12) The timeframe in California Code of Regulations, Title 11, section 1950(c)(1)(C), is extended from 180 days to one year for the purpose of authorizing the Executive Director of the Commission on Peace Officer

Standards and Training (POST) to issue discretionary exemptions to individual law enforcement agencies seeking to temporarily reemploy peace officers who retired or separated in good standing from the requesting agency. The term of any such temporary peace officer reemployment shall expire no later than one year from the date of this Order, unless further extended by Executive Order.

13) On a case-by-case basis, POST's Executive Director is authorized to grant individual technical and scheduling waivers or exceptions to address disruptions caused by the COVID-19 pandemic. The Executive Director shall notify the POST Commission of any such waiver or exception and shall rescind the waiver or exception once it is no longer necessary.

14) To protect the health, safety, and welfare of students and instructors in Basic Academy training courses, POST temporarily may allow lecture-based Basic Academy instruction to be delivered online in a format POST deems appropriate. For any instruction conducted online, POST shall require that students be closely monitored by instructors to ensure students gain a thorough understanding of the materials. POST shall continue to require in-person instruction for testing and practical skills training. Any prohibitions set forth in POST policies, procedures, or the California Code of Regulations (including but not limited to California Code of Regulations, Title 11, section 1052) that limit the ability to conduct online Basic Academy training for lecture-based courses are temporarily waived.

15) Law enforcement agencies are encouraged to adopt telephonic, remote, or other procedures for registration and reporting under the Sex Offender Registration Act that are consistent with State and local public health guidance regarding physical distancing, and to post or publicize such procedures through means calculated to reach any person subject to the Act.

    a) To the extent that a law enforcement agency institutes telephonic, remote, or other procedures to enable physical distancing, all provisions of the Sex Offender Registration Act (Penal Code sections 290 to 290.024, inclusive) and implementing procedures that require persons subject to the Act to appear in person, and all provisions of the Act and implementing procedures that require such persons to provide a signature, fingerprints, and photograph, are suspended for 60 days.

    b) To ensure that lack of technology does not prevent any individual from complying with registration and reporting requirements, law enforcement agencies are encouraged to provide alternative means of registration and reporting, including permitting the physical presence of registrants consistent with State and local public health guidance regarding physical distancing.

The requirement to register and all other registration and reporting requirements of the Sex Offender Registration Act remain in place.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 7th day of May 2020.

GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State