EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-84-20

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 necessitates physical distancing measures and households to stay at home in order to minimize further spread of the disease; and

WHEREAS the COVID-19 pandemic has exacerbated the already critical housing crisis faced by Californians such that finding new housing during this time both poses health risk and is extremely burdensome, especially for migratory agricultural workers and their families; and

WHEREAS previous suspensions of certain limitations applicable to retired annuitants have bolstered state and local efforts to mitigate the effects of the COVID-19 pandemic, and additional flexibility in this space will further enhance state and local agencies' response to the pandemic; and

WHEREAS the COVID-19 pandemic, as well as physical distancing and other public health measures undertaken in response to it, continue to affect individuals, businesses, and governmental agencies alike, with associated impacts on adherence to certain statutory and regulatory deadlines and requirements; and

WHEREAS on November 30, 2020, the emergency temporary standard concerning COVID-19 prevention in places of employment (ETS) and codified in California Code of Regulations, Title 8, section 3205-3205.4 took effect; and

WHEREAS the ETS directed employers to exclude from the workplace for 14 days those employees who have been exposed to COVID-19, reflecting the then-current guidance of the Centers for Disease Control and Prevention (CDC) and the California Department of Public Health (CDPH) on quarantining after being exposed to COVID-19; and

WHEREAS on December 14, 2020, CDPH published Updated COVID-19 Quarantine Guidance that sets forth new directives, based upon CDC guidelines, for when employees exposed to COVID-19 who are asymptomatic may discontinue quarantine; and

WHEREAS public health recommendations and the requirements of the ETS should be consistent in order to protect public health; 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 continue to 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) Health and Safety Code section 50710.1, subdivision (c), paragraph (8), and any related implementing regulations, are suspended to the limited extent that they:

    a. Prevent a migrant farm labor center assisted by the Department of Housing and Community Development from operating for more than 275 days in a calendar year in order to protect the health and safety of existing tenants during the COVID-19 pandemic; or

    b. Prevent existing tenants of such a center who need to continue occupying the center for health and safety reasons related to the COVID-19 pandemic from occupying the center for more than 275 days in a calendar year.

2) If health and safety reasons related to the COVID-19 pandemic warrant extending an occupancy period as permitted under paragraph 1 of this Order, the following requirements shall also be suspended:

    a. The petition and notice requirements in Health and Safety Code section 50710.1, subdivision (c), paragraph (3).

    b. The requirement in Health and Safety Code section 50710.1, subdivision (c), paragraph (4) to request an extended occupancy period, and for the Department to notify the entity operating the migrant farm labor center and residents of its final decision no later than seven days prior to the center's scheduled opening or closing date.

    c. The notice requirement in Health and Safety Code section 50710.1, subdivision (c), paragraph (7).

3) The eligibility requirement of Health and Safety Code section 50710.3, subdivision (a), and any related implementing regulations, for a migratory agricultural worker to have resided outside a 50-mile radius of the migrant farm labor center for at least three months out of the preceding six-month period shall be suspended for workers who do not satisfy the eligibility requirements because they needed to continue occupying a migrant farm labor center for health and safety reasons related to the COVID-19 pandemic.

4) The reinstatement and work hour limitations in Government Code section 21221, subdivision (h) (including, in particular, the limitation that a retiree may only be appointed to a vacant position once) are suspended as applied to retired persons whom the relevant state or

local public agency determines to be engaged in (or whom the relevant state or local public agency seeks to engage in) mitigating the effects of the COVID-19 pandemic.

5) In order to quickly provide relief from interest and penalties for businesses impacted by the proclaimed emergency of COVID-19, the provisions of the Revenue and Taxation Code that apply to the taxes and fees administered by the Department of Tax and Fee Administration requiring a request for an extension or the filing of a statement under penalty of perjury may be suspended by the Department for a period of up to three months after the due date of the return or payment for individuals or businesses filing a return for less than $1,000,000 in taxes or fees. This is effective after the date of this Order and shall remain effective through the reporting of taxes or fees due or the payment of taxes or fees that are due on or by April 30, 2021.

6) The deadline specified in Government Code section 1774(c) (related to the Senate's confirmation of an individual appointed or reappointed by the Governor to an office) is extended until April 1, 2021 for an individual appointed or reappointed to an office specified in Welfare and Institutions Code section 1718, subdivision (a).

7) The exclusion periods required in California Code of Regulations, Title 8, section 3205(c)(10) and the periods for which a worker shall not return to work specified in section 3205(c)(11) shall be suspended to the extent that they exceed the longer of:

    a. Any applicable quarantine or isolation period recommended by the CDPH, including in the December 14, 2020 Updated COVID-19 Quarantine Guidelines; or

    b. Any applicable quarantine or isolation period recommended or ordered by a local health officer who has jurisdiction over the workplace.

8) The suspension in paragraph 7 shall not apply where an employer prevents a worker who returns to work earlier than permitted under the ETS as enacted on November 30, 2020 from satisfying any of the conditions specified by the CDPH or a local health officer that are applicable to the periods specified in Paragraph 7, subparagraphs (a) or (b) above.

9) If the Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA)'s enforcement of the exclusion periods required in California Code of Regulations, Title 8, section 3205(c)(10) or the periods for which a worker shall not return to work specified in section 3205(c)(11) changes, Cal/OSHA shall promptly provide public notice of the change, including through posting notice on its web page regarding the ETS, https://www.dir.ca.gov/dosh/coronavirus/ETS.html.

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 14th day of December 2020.

GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State