

NON-SEQUITUR

PRESIDENT’S MESSAGE

Duane L. Nelson



Welcome to the Stanislaus County Bar Association. Lawyers of Stanislaus County have consistently demonstrated a quality of law practice, and an integrity of professionalism, that is unequalled throughout the State of California, and throughout the country. If you have a problem in Stanislaus County, you can always look for legal help to one of the local attorneys or law firms. The lawyers of this community provide legal services to individuals and businesses of this County, which stand out in a growing, shrinking and competitive world. I am proud to serve as President of the Stanislaus County Bar Association for the year 2020.

MESSAGE FROM THE EDITORS

After 5 months of COVID quarantines and closures, calling these unprecedented times would be the understatement of the century. We learned that even the wheels of justice have brakes. Now, as we attempt to navigate through the various protocols that have been adopted by courthouses throughout the State, one cannot help but fear what looms on the horizon. At some point, the flood gates shall open

**". . . EVEN THE WHEELS OF JUSTICE
HAVE BRAKES."**

and trial calendars will become inundated with all the litigants whose cans have been kicked down the proverbial road. Let's not forget all the new filings that will undoubtedly follow the settling of the dust. The words "force majeure" will ring from courtroom to courtroom. If only we could better prepare ourselves for the unknown that is to come. But who are we kidding? Only hindsight is 20/20. Or is it 2020? Next issue....protests, heat waves, and wildfires.

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SCBA CALENDAR OF EVENTS

[October '20]:

[November '20]: Bench-Bar Dinner (TBD)

[December '20]: Judicial Calendar / Holiday Luncheon (TBD)

For more dates and information, see the Calendar and Events pages on the SCBA website:

<https://scbaweb.com/calendar>



“AROUND THE OFFICES”



- ❖ Attorney Flor A. Tataje has started her own firm doing Bankruptcy Law and now has the following contact information:

Law Office of Flor A. Tataje
1031 McHenry Avenue, Suite 20
Modesto, California 95350
(209) 410-9410
Flor@tatajelaw.com

If you work for a different firm, if your office/firm has moved, share your new information with the legal community for free – contact SCBA!

The Non-Sequitur seeks to serve its loyal Bar Association members. If you have any announcements (i.e. job openings, office space vacancies, new hires, congratulations, condolences, etc.), please forward them to scba@scbaweb.com to be included in upcoming issues.

Job Openings



- Haven Women's Center of Stanislaus looking for attorneys (See flyer in this issue.)
- Hiring Associate with 1+ year experience. Transactional and litigation practice. Growth opportunity available. Contact John Gorman to apply. (209) 548-4000 or johnlgorman@sbcglobal.net

The Honorable Hurl W. Johnson (Ret.)

20 years with the Stanislaus County Superior Court

Mediation and Arbitration Services

Civil Cases: Contract & Commercial Disputes,
Employment,

Personal Injury, Insurance, Professional
Malpractice,

Probate and Family Law.

Pepperdine University School of Law trained
mediator

(209) 809-2014 or (209) 524-1100

Office Space

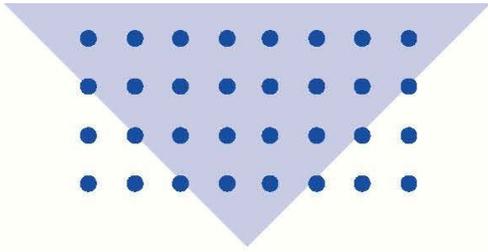
- 1203 14th Street
(3 full service office rooms available)
<https://www.loopnet.com/Listing/1203-14th-St-Modesto-CA/20380833/>
- 1224 K Street
(1,890 sf available)
<https://www.loopnet.com/Listing/1224-K-St-Modesto-CA/19283980/>
- 909 14th Street
(4,100 sf available)
<https://www.loopnet.com/Listing/909-14th-St-Modesto-CA/15282288/>
- 909 15th Street
(4,100 sf available)
<https://www.loopnet.com/Listing/909-14th-St-Modesto-CA/15282288/>



Advertising

For advertising opportunities, in the Non-Sequitur and/or the Bar Association's website, please visit:

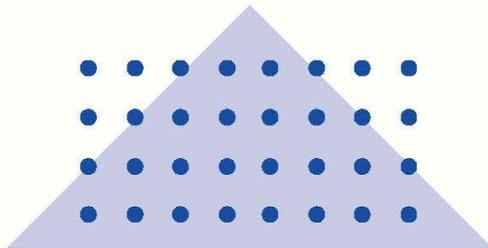
<https://scbaweb.com/advertise-at-scba>



WE'RE LOOKING FOR ATTORNEYS!

We are thrilled to announce that Haven is looking to partner up with Family Law Attorneys within Stanislaus County that can provide Limited-Scope Representation to victims of domestic violence, sexual assault, and human trafficking.

For more information about this paid opportunity, please contact
Victoria Carrera - Supportive Services Manager
VCARRERA@HAVENWCS.ORG
209-524-4331



CONGRATULATIONS TO THE 2020 SCHOLARSHIP RECIPIENTS!

SHANNON PAULSON - \$1000 MODESTO 500 LIONS CLUB/SCBA SCHOLARSHIP RECIPIENT

Shannon Paulson is a graduate of Gregori High School graduating in the top 5% of her class who will be attending University of California, Berkeley in the fall to study Environmental Economics and Policy with plans of studying environmental law. Shannon worked for the past four years as a student mentor for Teens Run Modesto (a 26 week marathon training program) and competed in Mock Trial. Shannon realized her passion for Environmental Policy while she was arguing a round of Empire Mock Trial where she argued a case about environmental contamination and its disproportionate damage to economically disadvantaged communities.

ABIGAIL VAN DIEPEN - \$1000 SCBA SCHOLARSHIP RECIPIENT

Abigail Van Diepen graduated from Thomas Downey High School in the top 5% of her class and will be attending UCLA in the fall. Abigail intends to get her degree in political science and to pursue a career as a social justice lawyer. Abigail feels a responsibility to advocate for those who are struggling in this world and has been a volunteer for Community Hospice, Leukemia Lymphoma Society, Modesto Covenant Church and Stanislaus Youth Soccer League. Additionally, Abigail is a four year member of the Science Bowl and served as a California Scholarship Federation President for one year.

KAITLYN RIDENOUR - \$1000 SCBA SCHOLARSHIP RECIPIENT

Kaitlyn Ridenour is a graduate of Enochs High Schools graduating with a cumulative GPA of 3.80. Kaitlyn was born into a law enforcement family which has inspired her future career goal of becoming a district attorney. Kaitlyn will be attending the University of California Santa Barbara in the fall majoring in Sociology and then plans to attend law school after graduating. For the past twelve years, Kaitlyn has been involved in Girl Scouts and with over 50 hours of volunteering, she was able to work alongside her troop to donate money to Kate's Rescue which is a local shelter.

SCBA Scholarship Fund

The Bar Association is collecting scholarship donations to fulfill our 2020 goal of two \$1,000 Scholarships to award to Stanislaus County High School seniors. Please send donations to "SCBA" at:

802 14th St, Suite O
Modesto CA 95354

THANK
YOU

Dear SCBA,

Thank you so much for selecting me to receive your \$1,000 scholarship this year. I am so grateful for your investment in my education and future.

Thanks,

Abigail Van Diepen

Stanislaus County Legal Professionals Association

We have resumed our meetings via Zoom!

Meetings are open to anyone and our goal is to provide continuing education for those in the legal field as well as scholarship opportunities for those studying to become support staff in the legal field. Our next Board Meeting will be on September 2 at noon and our next Membership meeting will be on September 9 at 6:00 p.m.

For more information you can contact SCLPA's President, Maureen Harrity at: mharrity@leemodelaw.com

Lawyer's Referral Service

- Are you willing to support your local Bar Association?
- Are you looking for new clients?
- Are you willing to provide some pro bono time?

**IF YOU ANSWER "YES" TO ANY OF THE ABOVE, PLEASE
CONSIDER SERVING ON THE LRS PANEL.**

As an SCBA member, you only pay a \$50 annual LRS panel fee!

Simple appointment process: LRS representative will schedule appointments with your office at your convenience with clients who have a matter in your area(s) of expertise. The client pays a \$50.00 admin. fee to us over the phone, for a 30-minute consult. More questions? Call us at (209) 571-5729.

<https://schaweb.com/lawyer-referral-service>

**ARATA SWINGLE
VAN EGMOND & HEITLINGER**

LAW OFFICES

Arata, Swingle, Van Egmond & Heitlinger
is pleased to announce that
GEORGE S. ARATA
is now offering mediation
and arbitration services



George S. Arata has been representing individuals and businesses in the Central Valley for over 43 years. Over the course of his distinguished career, George has earned a reputation as an experienced and tenacious trial attorney. He has taken over 75 cases to verdict through trial and has favorably resolved hundreds more. George has a long-standing history of handling personal injury matters on both sides of the gavel. He worked as an insurance defense attorney for more than 30 years and more recently has built up a strong practice representing injured parties. George Arata has been a member of the American Board of Trial Advocates since 2000. He has earned an AVOO rating and an AV Preeminent peer review rating from Martindale-Hubbell in addition to being selected as one of Northern California's Super Lawyers.

With expertise in all manner of civil litigation matters, George Arata will now be offering his services as a neutral in matters involving personal injury, business and commercial disputes, contract, professional malpractice and uninsured/underinsured motorist arbitrations. While George is based out of his Modesto law firm, Arata, Swingle, Van Egmond & Heitlinger, he will be accepting matters throughout the Central Valley and Northern California. George Arata is certified by the American Arbitration Association.

**If you would like to schedule a mediation or arbitration with George Arata, please call
(209) 522-2211.**

CONDOLENCES



Charles Kenneth Brunn

Dec 3, 1931 – Jul 10, 2020

Charles Brunn, a native San Franciscan, graduated from St. Ignatius College Preparatory in 1949, and received his Bachelor of Science and Juris Doctorate degrees from the University of San Francisco. He served in the United States Navy aboard the USS Pasig during the Korean War. He married Mary Ellen O'Brien in San Francisco, and they moved to Modesto in 1959, where Charles began a long and illustrious career as a trial attorney. He was an icon, friend, and mentor to attorneys throughout California. Charles founded the Law Offices of Brunn & Flynn, and his work on the "Queen's Case" was featured on the television show, "Forensic Files". Charles taught Business Law at Stanislaus State, served as the President of the Stanislaus County Bar Association, was a member of the American Board of Trial Advocates, and was rated "AV-Preeminent" by Martindale-Hubbell. Charles was a long-time member of the Modesto Serra Club and the downtown Rotary Club. He was a member of St. Joseph's Catholic Church in Modesto.

Frank Carson

Jun 29, 1954 – Aug 12, 2020

Frank Clifford Carson was born June 29, 1954, in Modesto. He attended Lincoln Law School in Sacramento and was admitted in 1988 to the State Bar. He worked for the Stanislaus County Public Defender's Office before opening a private practice in 1996. Colleagues have been quoted saying of Frank, "He really was a great interrogator and brilliant at closing arguments" . . . "He was persistent and took the hard cases, and he stuck with it" . . . "Frank was a very smart, very intelligent lawyer" . . . "He was a really good man. He cared about his clients. He fought for his clients."



Food Focus



At least for now, gone are the days that you can stroll on down to your favorite Downtown Modesto restaurant for lunch. On the *very small* bright side of this pandemic, many restaurants are turning to delivery which gives us a much wider variety of choices.

This issue's focus is on Fresh Fork Grill. Their motto, "Never Fried. Never Frozen. Never Fake." says it all. It's a delicious and healthy alternative for not only the noon hour, but any time of day. The owners, Martin and Carmina Magallanes, also own and operate a local gym that focuses on weight loss through a proven workout and diet program. Motivated to help people, Martin and Carmina created Fresh Fork to give our community a new option for eating healthy on the go.

Fresh Fork boasts a simple menu, with no guilt and a whole lot of flavor. Portions come in three sizes (i.e. Plate, Bowl, or Little Bowl). You choose a protein (i.e. grilled chicken, steak, salmon, or shrimp), pair it with white or brown rice, and select between mixed vegetables or broccoli on the side. You can mix meats or forego them altogether and opt, instead, to go with tofu or the vegetarian plate. You can also skip the carbs and turn it into a salad. Add the Fork'n Sauce on the side and you'll find a meal that you keep going back to. The best part is that you can go right back to work without that sleepy, call it a day, feeling.

Fresh Fork Grill is available on Grubhub. You can also visit their website www.freshforkgrill.com to order online and have it ready for pick up within minutes. They are located just off the Highway 99, Mitchell Road exit, in Ceres.

3018 Service Road, Ceres, Ca
(209) 566-8363

www.freshforkgrill.com

M.C.L.E.

H-M Deadline to report: 2/1/21

A-G Deadline to report: 2/1/22

N-Z Deadline to report: 2/1/23

STILL TIME TO FINGERPRINT

At its May 14, 2020 meeting, the Board of Trustees approved to extend the Fingerprinting Rule requirement deadline from June 30, 2020 to September 30, 2020, to mitigate the impact of the COVID-19 emergency on licensees and Live Scan providers.

Changes in Law

Did you know nearly 70 new and amended Rules of Professional Conduct took effect on November 1, 2018? Click below:

<http://www.calbar.ca.gov/About-Us/News/News-Releases/new-rules-of-professional-conduct-effective-november-1>

Did you know . . .

On July 16, the California Supreme Court announced it will permanently lower the passing score for the California Bar Exam to 1390 and released plans for an exam administered online October 5-6. Registration for the October exam is extended through July 24. The State Bar will also expedite creation of a provisional licensure program under supervision for 2020 law school graduates—effective at least until June 1, 2022, or until they can take and pass a California bar exam. [Read the Court's letter to the State Bar.](#)

Handling COVID-19 in the Workplace

By: James R. McDade, of Counsel, McCormick Barstow, LLP
08-07-2020

Dealing with COVID-19 in the workplace is very difficult because the science is not complete and the government guidelines and rules keep changing. There is also the practical implications of employees not being able to get tested and/or not being able to get timely test results. In addition, dealing with COVID-19 in the workplace involves many labor and employment laws, regulations, and policies. The following are suggestions for dealing with COVID-19 in the workplace. The following suggestions might not cover all the possible situations you may encounter. If there are possible concerns or implications to your business or your employees, or if you have any questions, please contact your legal counsel. Also note that some actions that an employer can take under the Americans with Disability Act (ADA) and Fair Employment and Housing Act (FEHA) related to asking employees about medical information, taking temperatures, etc., are only allowed due to there being a pandemic. Therefore, the information below is specific for handling COVID-19 situations only.

A. Suggested Steps If An Employee Reports Exposure To Or Symptoms Of COVID-19

1. If an employee reports that the employee has been exposed outside the workplace to someone who has a confirmed case of COVID-19, or reports that the employee is experiencing COVID-19 symptoms, have the employee not report to work. If an employee is at work and indicates that the employee is experiencing COVID-19 symptoms, send the employee home. Unless and until it is reasonably determined that the illness is not related to COVID-19, the employer should just assume that an employee who is experiencing COVID-19 symptoms has COVID-19, and act accordingly.
2. Review the local county Health & Human Services Agency (HHS) requirements for reporting COVID-19 exposures and infections. If reporting is required, instruct the employee to self-report. Otherwise, get the employee's permission (in writing) to reveal the employee's name and personal information to the county HHS. Be ready to share with HHS certain information about co-workers who came into "close contact" with the employee. Follow the local HHS rules and healthcare provider's orders for taking the employee off work. If your local HHS has no requirements for dealing with COVID-19 in the workplace, seek information from the US Centers for Disease Control (CDC), your workers' compensation carrier, work wellness center, and Cal-OSHA, and legal counsel for how to proceed.
3. Document (i) what symptoms the employee reports as having, if any, (ii) whether the employee is seeking a medical diagnosis (i.e., going to the doctor) or is otherwise waiting to be tested for COVID-19, and (iii) if the employee has been told by the county HHS or a healthcare provider to quarantine. This information is needed to determine if Emergency Paid Sick Leave (EPSL) under the Families First Coronavirus Response Act (FFCRA) is applicable. Remember, all medical information (such as symptoms and testing results) must be kept confidential and separate from the employee's regular personnel file.

4. If the employee contracted COVID-19 at work, record the illness on the proper Cal-OSHA injury log report if your business is required to maintain a log, and report the illness to Cal-OSHA. Visit the Cal-OSHA website for reporting requirements. Also report the illness to the workers' compensation carrier to determine if a claim needs to be made. Note that Governor Newsom signed Executive Order N-62-20 on May 6, 2020, creating a presumption that an employee has a workers' compensation claim if the employee tests positive for or is diagnosed by a physician with COVID-19 within 14 days of having worked at the employer's worksite.
5. Without revealing the name of the employee, notify all co-workers of possible COVID-19 exposure. Those who had close contact with the infected or potentially infected employee should also be quarantined as directed by HHS and/or a healthcare provider. The Department of Fair Employment and Housing (DFEH) suggests the following notice: "[Employer] has learned that an employee at [office location] tested positive for the COVID-19 virus. The employee received positive results of this test on [date]. This email is to notify you that you have potentially been exposed to COVID-19 and you should contact your local public health department for guidance and any possible actions to take based on individual circumstances." To help alleviate concerns of co-workers, let the co-workers know that the infected employees will remain off work until the criteria of the HHS is met. Place a sign on the front door notifying customers and vendors that there is a possible COVID-19 exposure in the workplace and that all precautions are being taken to protect employees and visitors from future exposure. List a phone number of someone they can talk to without having to go inside. This will help customers decide on their own if they want to enter the building or not.
6. Follow your Injury and Illness Prevention Plan (IIPP) procedures. Thoroughly disinfect the worksite, especially those areas used by the potentially infected employee, including all common areas, such as lunch rooms and rest rooms. Train employees on how to keep themselves and others safe.
7. Pay the employee EPSL if the employee meets the criteria for payment. If the local HHS instructs the employee to quarantine, then the employee might be eligible for EPSL, even if the employee has no symptoms. If the employee is taking care of an immediate family member or roommate at home who is either subject to a Federal, State or local quarantine or isolation order, or has been advised by a healthcare provider to self-quarantine, then the employee might be eligible for EPSL. If the employee is experiencing COVID-19 symptoms, the employee must ALSO be seeking medical diagnosis in order to qualify for EPSL. If the employee can work from home, then the employee will not qualify for EPSL payments. Get the EPSL certification statement from the employee as required by 29 CFR §826.100. Determine if any other company-provided paid leave or government wage replacement programs are available.
8. Follow the local HHS rules and healthcare provider's orders for returning the employee to work. Some counties require the employee to quarantine and remain off work until all of the following is accomplished:
 - i. At least 14 days have passed since exposure date;

- ii. No fever (temperature above 100.4 F) for 3 full days, without the use of fever reducing medicine, and;
- iii. Other symptoms have improved.

Note that the CDC guidelines (which can be found at CDC.gov) can be different than the county HHS rules, so follow the HHS rules. If there are no HHS rules, follow the CDC guidelines.

Some HHS rules and the CDC define “exposure” and “exposed” to mean (1) having greater than 15 minutes of face-to-face (less than 6 feet distance) contact, (2) living or sleeping in the same house, (3) sharing kitchen or bathroom facilities, (4) closed space contact, (5) being on an aircraft within two seats of a confirmed case of COVID-19, or (6) having unprotected direct contact with secretions or excretions (getting sneezed or coughed on; picking up used tissue, etc.).

Some HHS follow the CDC guidance that certain “low risk” and “medium risk” essential workers who have been exposed to COVID-19 and who are asymptomatic can remain on the job if they are monitored (see below on monitoring employees). The local HHS will help the employer evaluate the situation on a case-by-case basis.

If the employee can work from home, allow the employee to do so.

If the employee is allowed to continue to work at the place of business per HHS rules, then those co-workers who are at-risk or taking care of someone who is at-risk of serious complications from COVID-19 should be given the choice, if possible, to work from home or stay home during the 14 day incubation period in order to see if those exposed to COVID-19 develop symptoms. An at-risk co-worker may qualify for EPSL if a medical healthcare provider instructs the co-worker to stay home due to COVID-19 concerns. Otherwise, the co-worker should be allowed to use vacation.

B. Doctor’s Notes

Because the employee’s actual or potential infection from COVID-19 endangers the health of others, you can, under the ADA and FEHA, require an employee to provide a doctor’s note clearing the employee to work. The employer should pay the doctor’s fee or co-pay for obtaining a doctor’s clearance if the employer is requiring the clearance. If the county HHS so directs, a doctor’s note might not be needed.

C. COVID-19 Testing

Under the ADA and FEHA, employers can require the employee to take a COVID-19 test prior to entering the workplace due to the pandemic situation. See the Equal Employment Opportunity Commission (EEOC) publication “What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws”, and the DFEH publication “DFEH Employment Information on COVID-19” for more details on testing requirements. If the employee is tested too early after exposure, the test result may be a false negative. Any employer-required testing should be paid for by the employer. If the test is administered at work, then there is no question that the employee needs to be paid for being under the control of the employer, which includes the time

waiting to be tested, the time it takes to test, and the time it takes for the result to come back. Reporting time pay may also be applicable if the employee is sent home because the test is positive. If the employer requires the test off-site, such as a follow up to the employee reporting an illness, it is unknown if the employer has to pay the employee for the time it takes to arrange and take the test. The EEOC and DFEH both state that employers may not require employees to take COVID-19 antibody testing (which is different the regular COVID-19 viral testing) as a condition of returning to work. Proper medical procedures and proper confidentiality protocols must be followed. Also review the Cal-OSHA rules for keeping test results.

D. Work from Home

An employer can consider allowing employees to work from home. In fact, allowing an employee who is experiencing COVID-19 symptoms to work from home can be a reasonable accommodation required by the ADA/FEHA. The employer should provide guidance to employees on wage and hour matters, such as clocking in and out, not allowing for working off-the-clock, taking uninterrupted rest and meal breaks on time, and paying for expenses associated with working at home, including paying for travel time and vehicle expense for running errands, getting supplies, and using cell phones or land lines and internet service. The employer also has an obligation to provide a safe working environment wherever the employee is working, so the employer might have the obligation to conduct some type of inspection of the at-home workplace (including office furniture) under the employer's Injury and Illness Prevention Program (IIPP). While federal OSHA Instruction 02-25-2000 CPL 02-00-125 states that employers are not liable for and do not have to inspect "home offices," Cal-OSHA has not issued any clear instruction on the topic. "Home office" means a place where office work such as typing, reading, copying, phones calls, etc., is done. Home manufacturing is a different story. Contact your workers' compensation carrier and Cal-OSHA about home-worksite safety. In addition, the employer should make sure its workers' compensation insurance, liability insurance, and vehicle insurance will cover the employee who is working at home. If the employee is working from home, then any travel time associated with working starts and ends at the employee's home. The employer should also make it clear that working at home is a temporary arrangement intended to meet the COVID-19 crisis and is not a permanent solution and can be revoked at any time for any reason or no reason.

E. Safety of Employees

Even if you do not have to cease operations under any state or local stay-at-home orders, Cal-OSHA requires that employers provide a safe and healthy workplace. Otherwise, the employer could face a "serious and willful" violation under Labor Code 4553 which provides for a penalty equal to one-half of the workers' compensation award. Hence, the employer will want to show that it took all reasonable actions to protect the employee. The employer will also want customers to feel safe. You should evaluate each job to determine what safety measures should be put into place such as (a) disinfecting the workplace regularly and often; (b) telling employees that they should not come to work sick or if they were exposed to COVID-19; (c) training employees on proper hygiene and other preventive measures; (d) finding new ways to deal with customers, such as video conferencing; (e) allowing employees to work from home; (f) providing masks and gloves to employees (with proper training for use), (g) setting up plastic barriers between employees and

customers, etc. For information on protecting workers, visit <https://www.dir.ca.gov/dosh/coronavirus/Health-Care-General-Industry.html>. If you cannot take reasonable steps to protect your employees from catching the virus, especially those at high risk, then seriously consider temporarily closing your business.

F. Monitoring Employees

All employees, including those who have had COVID-19, should continue to monitor their health. Employees should be told that they are to notify their supervisor if they are not feeling well at work. Employees should also be trained on screening themselves for COVID-19 symptoms and told not to report to work if they have any symptoms. Pursuant to the EEOC and DFEH, employers can use a pre-shift COVID-19 screening questionnaire which asks employees if they are experiencing any COVID-19 symptoms, have been exposed to someone with COVID-19, or ordered to isolate or quarantine. Information about symptoms is medical information which the employer must keep confidential and separate from the employee's regular personnel file. Visit the CDC website for a current list of COVID-19 symptoms, which currently includes fever or chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, and diarrhea. Some cities and counties require employers to make daily inquiries of their employees for specific symptoms. Review your county HHS website for those requirements.

G. Taking Temperatures

Taking a temperature is a medical exam under the ADA and FEHA and a medical exam may only be performed under the proper circumstances. The EEOC has said that taking the temperature of employees is currently allowed due to the COVID-19 crisis. The DFEH also allows the taking of temperatures for COVID-19 purposes. (See "DFEH Employment Information on COVID-19" FAQ) Realize, however, that having or not having a temperature at any particular moment in time may or may not be proof positive that employee does or does not have COVID-19. If temperatures are taken, a proper system needs to be implemented that includes: (1) using someone trained on taking temperatures; (2) the person taking the temperatures should have PPE and practice proper procedures to avoid cross-contamination; (3) the temperatures should be taken in location before the employee contaminates other locations in the building; (4) the temperature taking location should be private so that medical information (which includes the temperature) is not revealed; (5) disinfecting protocols if someone does have a temperature; (6) protocols for dealing the employees with a temperature of 100.4° or more, including: discreetly allowing an employee to go home; informing the employee how to get tested for COVID-19; paying reporting time pay (see below); providing notices of benefits available to the employee; and following all mandated leave requirements; and (7) informing co-workers of potential exposure as discussed below without revealing the name of employee who potentially has COVID-19.

H. Reporting Time Pay

Remember that if you send an employee home from work, you have to pay the minimum "reporting time pay" as required by the applicable Wage Order.

I. Salaries for Salaried, Exempt Employees

Do not forget to continue to pay the full salary of exempt, salaried employees who are ready to come to work, but who are told not to work. Otherwise, you can lose the overtime exemption for the workweeks in which the salary was not paid. If the employee is sick and cannot work, or cannot work because the employee has to care for a child, review the rules for when a deduction from the monthly salary can be made for the time not worked. Normally, if the employee works any part of the workweek, the full salary must be paid. The law allows certain deductions from sick leave and vacation banks for absences of a partial day or week. See <https://www.dir.ca.gov/dlse/2019-Novel-Coronavirus.htm> for more information.

J. California Consumer Privacy Act (CCPA)

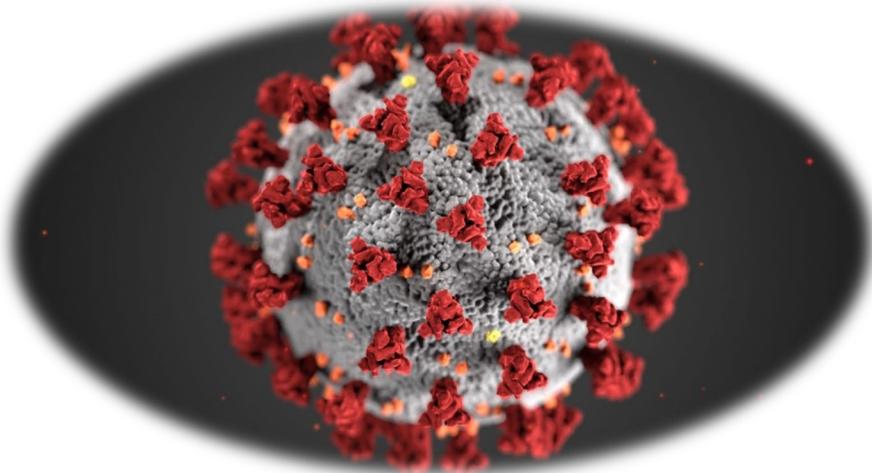
If your business is subject to the CCPA, then you may have to provide employees a CCPA-compliant notice prior to or at the same time as your collection of certain medical information about the employee. Seek legal counsel on this subject.

K. Other Resources

The following are some websites with additional information and resources that can help you stay informed and provide additional guidance on dealing with COVID-19:

- (a) <https://www.dol.gov/coronavirus>
- (b) <https://www.dir.ca.gov/dosh/coronavirus/Health-Care-General-Industry.html>.
- (c) <https://www.dir.ca.gov/dlse/2019-Novel-Coronavirus.htm>
- (d) <https://www.labor.ca.gov/coronavirus2019/>
- (e) <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Immunization/ncov2019.aspx#>
- (f) <https://www.cdc.gov/coronavirus>
- (g) <https://www.sba.gov/page/coronavirus-covid-19-small-business-guidance-loan-resources>

Other resources are available from the Society of Human Resources (SHRM) and the California Chamber of Commerce (HR California). Obtain legal advice from an attorney prior to taking drastic workplace measures or potential adverse action against an employee.



GREEK FOOD FESTI-GO!!

GREEK DELIGHTS
- BAKLAVA -
6 - \$12.00
DOZEN - \$20.00



DRIVE-UP
TAKE-OUT
SERVICE!

CELEBRATING 90 YEARS AS A PARISH! • ANNUNCIATION GREEK ORTHODOX CHURCH OF MODESTO •
CELEBRATING OUR
55th
FOOD FESTIVAL!!

SEPTEMBER 19 & 20, 2020

SATURDAY 12:00 PM - 7:00 PM & SUNDAY 11:00 AM - 6:00 PM

ANNUNCIATION GREEK ORTHODOX CHURCH • 313 TOKAY AVENUE, MODESTO
AUTHENTIC GREEK TAKE-OUT DINNER • HOMEMADE BAKLAVA!

PRE-SALE TICKETS - \$16 • AT THE WINDOW - \$18

FOR MORE INFORMATION, PLEASE CALL (209) 522-7694

TICKETS AVAILABLE ONLINE: WWW.GOANNUNCIATION.ORG



#modestogreekfest

Contact George Rodarakis for tickets (209) 554-5232 or grodarakis@rodsoulaw.com

Just Joking . . .



"The prosecutor says you have to roll over."

You told a lot of really great lawyer jokes at the party. My favorite was after everyone left and you said to me "But, seriously, I have this little problem I was wondering if you could help me with..."



Stanislaus County Superior Court COVID updates

<https://www.stanct.org/>

Legal Resources:

<https://scbaweb.com/resources>

REFER SCBA TO OTHERS

Top Ten Reasons To Join the SCBA

<https://scbaweb.com/top-ten-reasons-to-join>

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