

Tips for CNPA Members | COVID-19

Tuesday, March 17, 2020

Journalists shine the brightest during our most difficult times as a nation. Thank you for all that you are doing to communicate with your community, take care of your employees and keep your own family and friends safe. As a business we appreciate that you are all juggling many competing priorities. Please know the California News Publishers Association is here to support you.

While CNPA staff will be working remotely, we are available and will continue to make ourselves available.

Below are some items you might find helpful.

Essential and Non-Essential Businesses

The governor has issued multiple Executive Orders to respond to COVID-19 as well as seven counties in the Bay Area issuing Shelter In Place Orders, including [San Francisco](#), [Alameda](#), [Contra Costa](#), [San Mateo](#), [Santa Clara](#), [Marin](#), and [Santa Cruz](#). Additionally, Sacramento County Health Officials issued a [Directive](#) that falls just short of the Shelter in Place orders in the other counties, requiring similar measures. The [Governor's Executive Order last week](#), section one stated that all residents are to obey the orders and guidance of state and local health officials, giving all the Bay Area orders the full force and effect of law.

We at CNPA proactively reached out to the governor's staff to reinforce the importance of the news media, stressing that if a business quarantine or curfews is established, the news media is and should be considered an essential business.

The governor has requested that non-essential businesses close, such as bars and nightclubs, movie theaters, and restaurants to only provide takeout orders. The Bay Area orders also make the distinction between "essential" and "non-essential businesses." Additionally, the schools in Los Angeles, Sacramento, and Bay Area are closed for three weeks because of COVID-19, but they will still receive funding despite closures.

The governor's orders and the Bay Area orders ensure that "Essential Businesses" will remain open even with shelter in place orders. Essential Businesses include:

- Pharmacies
- Health care facilities,
- Newspapers and media outlets,
- Grocery stores, food banks,
- Businesses that provide, food, shelter, and other social services for those in need
- Banks and financial institutions,
- Businesses such as plumbers and electricians that are necessary to ensure safe and sanitary operation of residences
- Home care services for Seniors and others
- Businesses necessary for people to work from home

California Department of Public Health Self-Isolation Guidelines can be found [here](#).

Fact Checking for COVID-19

Poynter published guidelines and tips for avoiding misinformation on COVID-19, which is essential when the information on this topic is rapidly evolving. The full article can be [found here](#).

- Learn the Basics of the Disease
- Ignore Posts That Say the Disease is Planned
- Verify Images and Videos
- Double Check Case Numbers, Death Tolls, and Fatality Rates
- Beware of Attempts to Downplay or Inflate the Threat of the Disease
- Don't Share Prevention or Treatment Methods Without Consulting Official Sources
- Look for What is Still Unknown

Periodical Postal Permits and Public Notices

The United States Postal Service has advised the National Newspaper Association (NNA) that periodical permits will not be revoked if a newspaper has to suspend a print issue during coronavirus quarantines. According to the NNA, "Technically, a change in publication frequency requires a change in the permit. But during this emergency, USPS says a letter to the postmaster of the entry office advising USPS of the newspaper's revised publication plans will be sufficient. The letter should be updated as plans change."

If you have any questions about public notices or how your public notices will be affected,

please contact Jim Ewert at Jim@cnpa.com or (916) 288-6013.

Public Meetings

Below is a reminder of the Brown Act and Bagley-Keene Act that govern open meetings across the state. The governor issued an Executive Order last week suspending certain provisions of the Brown act. You can view our full [Legislative Bulletin here](#).

Specifically, the following teleconference requirements are suspended until the governor lifts the emergency:

- State and local bodies notice each teleconference location from which a member will be participating in a public meeting;
- Each teleconference location be accessible to the public;
- Members of the public may address the body at each teleconference conference location.
- State and local bodies post agendas at all teleconference locations;
- At least one member of the state body be physically present at the location specified in the notice of the meeting; and
- During teleconference meetings, at least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction.

The Executive Order requires state and local agencies that meet by teleconference under the order to:

(i) Give advance notice of each public meeting, according to the timeframe otherwise prescribed by the Bagley-Keene Act or the Brown Act, and use the means otherwise prescribed by the Bagley-Keene Act or the Brown Act, as applicable; and

(ii) Consistent with the notice requirement in paragraph (i), each state or local body must:

- Notice at least one publicly accessible location from which members of the public shall have the right to observe and offer public comment at the public meeting, consistent with the public's rights of access and public comment
- Including the requirement that such rights of access and public comment be made available in a manner consistent with the Americans with Disabilities Act).

The Order does not affect other key provisions of either act, including requirements to notify the public on each agenda of what is to be discussed at an open or closed session of the teleconferenced meetings, or the ability of the public to obtain agenda packets or other documents used by decision-makers for the meetings. Nor does the order change what the respective bodies are required to publicly report after they meet in closed session.

If you have any questions about the application of the Executive Order please contact CNPA Staff Attorney [Brittney Barsotti](#) (916-288-6006).

Safety of Delivered Newspapers

The World Health Organization addresses the safety of packages and commercial goods in the following Q & A. The second to last question in this link: <https://www.who.int/news-room/q-a-detail/q-a-coronaviruses> explains the low risk of commercial products as a vector for the virus. According to the WHO, the likelihood of an infected person contaminating commercial goods is low and the risk of catching the virus that causes COVID-19 from a package that has been moved, travelled, and exposed to different conditions and temperature is also low.

A Note from the Media Law Resource Center on COVID-19

MLRC is planning special programs to keep members connected and involved in this time of isolation. Next week, MLRC will begin a series of conference calls on coronavirus-related topics: FOIA / meeting access; newsgathering / journalist safety / employment issues; and insurance / force majeure.

The first call will be Monday, March 23 from 9 to 9:30 a.m. Pacific. Katie Townsend and Gabe Rottman of the Reporters Committee will address questions on media classification (essential or non-essential) during a state of emergency and how the crisis is impacting access to courts and government information.

MLRC also plans special committee calls so that members can connect directly with their colleagues. And it strongly suggests [signing up for the MLRC listserv](#) where there is already lively discussion of many of the issues above.

Be safe and let us know how we can help: medialaw@medialaw.org or 917-969-0295

Assistance for Employees affected by COVID-19

Gov. Gavin Newsom has announced assistance for workers and employers impacted by layoffs related to COVID-19. The Governor's Executive Order issued last week waives the one week waiting period before an application will be considered for Unemployment and Disability for those affected by COVID-19.

[Click here to view the Governor's Full Order](#)

Employer Resources on COVID-19

Last Friday, America's Newspapers hosted a webinar for publishers and owners on COVID-19. Nearly 400 industry executives participated in the March 13 webinar on employer challenges concerning the new coronavirus. [The full webinar can be found here.](#)

This webinar was presented by attorneys from Seyfarth Shaw LLC:

- Brent I. Clark, co-chair of Seyfarth Shaw's Workplace Safety & Environmental group.
- James L. Curtis, who assists clients dealing with all types of occupational safety and health issues.
- Ellen McLaughlin, who is engaged in a broad-based employment law practice.

Strategies for Employers to Use from CDC

The Centers for Disease Control and Prevention (CDC) has a list of recommended strategies for employers to use now. This is a list of helpful tips on how to communicate with employees and suggested policies. It reminds employers to ensure your sick leave policies are flexible and that employees are aware of the policies.

[Click here to view the CDC Interim Guidance for Businesses and Employers](#)

The United States Department of Labor also has prepared a guide for how to prepare for COVID-19 in the workplace.

[Click here to view the guide](#)

Legislative Recess

On Monday, March 16, the California Legislature announced that it would suspend its session until April 13. However, before doing so the Legislature passed emergency legislation of \$1 billion in funding for emergency health care services and funding for hotels to shelter the sick and unhoused Californians. The Legislature also passed funding to ensure schools will be fully funded despite closures. Finally, SR-19 passed for the Legislature to be able to meet remotely. We will send out a more detailed article about the resolution in a separate email.

If you have any questions please contact Staff Attorney Brittney Barsotti at Brittney@cnpa.com or (916)288-6006.