To: Honorable Mayor and Members of the City Council
From: Councilmember Ben Bartlett
Subject: Letter to Employers Regarding Protective Gear for Essential Workers

RECOMMENDATION:
Refer to the City Manager to write a letter urging business employers offering “essential services” to supply their employees with protective personal equipment and hygienic resources to defend against the contraction of COVID-19.

CURRENT SITUATION
On Monday, March 16, 2020, six Bay Area Counties, including Alameda County, issued a “shelter in place” legal order directing residents to self-isolate in their places of residence to the maximum extent feasible in an effort to slow the spread of COVID-19 to the greatest degree possible.

Under the “shelter in place” order, businesses and institutions are ordered to close with the exception of “Essential Businesses” and “essential services.” Since these Essential Workers are unable to self-isolate in their homes, it is critical that they have access to protective personal equipment and hygienic resources.

BACKGROUND:
A. Providing Essential Products and Services is an “Essential Activity”

Under Alameda County’s “shelter in place” order, individuals may leave their residences only to perform “Essential Activities,” which are as follows:

I. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (including, but not limited to, pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a healthcare professional, or obtaining supplies they need to work from home.

II. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences. Order of the County Health Officer to Shelter in Place

1 http://www.acgov.org/documents/Final-Order-to-Shelter-In-Place.pdf (p.1)
III. To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined in this Section, such as, by way of example and without limitation, walking, hiking, or running.

IV. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations.

V. To care for a family member or pet in another household.

B. Defining “Essential Business”

The Health Officer of the County of Alameda defines “Essential Businesses” as:

I. Healthcare Operations and Essential Infrastructure;

II. Grocery stores, certified farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;

III. Food cultivation, including farming, livestock, and fishing;

IV. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;

V. Newspapers, television, radio, and other media services;

VI. Gas stations and auto-supply, auto-repair, and related facilities;

VII. Banks and related financial institutions;

VIII. Hardware stores;

IX. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses;

X. Businesses providing mailing and shipping services, including post office boxes;

XI. Educational institutions—including public and private K-12 schools, colleges, and universities—for purposes of facilitating distance learning or performing essential functions, provided that social distancing of six-feet per person is maintained to the greatest extent possible;

XII. Laundromats, drycleaners, and laundry service providers;

XIII. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pick-up and take-away basis only. Schools and other entities that provide food services under this exemption shall not
permit the food to be eaten at the site where it is provided, or at any other gathering site;

XIV. Businesses that supply products needed for people to work from home;

XV. Businesses that supply other essential businesses with the support or supplies necessary to operate;

XVI. Businesses that ship or deliver groceries, food, goods or services directly to residences; Order of the County Health Officer to Shelter in Place Page 6 of 7

XVII. Airlines, taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;

XVIII. Home-based care for seniors, adults, or children;

XIX. Residential facilities and shelters for seniors, adults, and children;

XX. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities;

XXI. Childcare facilities providing services that enable employees exempted in this Order to work as permitted. To the extent possible, childcare facilities must operate under the following mandatory conditions:

1. Childcare must be carried out in stable groups of 12 or fewer ("stable" means that the same 12 or fewer children are in the same group each day).

2. Children shall not change from one group to another.

3. If more than one group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix with each other.

4. Childcare providers shall remain solely with one group of children.2

Additionally, "essential services" include first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, as well as others.3

C. Protective Gear Guidelines

According to the World Health Organization (WHO), personal protective equipment (PPE) includes gloves, medical masks, goggles or a face shield, and gowns, as well as for specific procedures, respirators (i.e., N95 or FFP2 standard or equivalent) and aprons.4 WHO recommends PPE to be used based on the risk of exposure (e.g., type of activity) and the transmission dynamics of the pathogen (e.g., contact, droplet, or aerosol) of COVID-19.5 The overuse of PPE will have a further impact on supply shortages, thus we must encourage business Employers to ensure PPE use is rationalized and appropriate.

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2 http://www.acgov.org/documents/Final-Order-to-Shelter-In-Place.pdf (p.5-6)
3 http://www.acgov.org/documents/Final-Order-to-Shelter-In-Place.pdf (p.4)
In addition, it is crucial for all employers to provide other forms of protection and hygienic resources, such as hand sanitizers, cleaning wipes and sprays, tissues, and no-touch disposal receptacles, that help prevent the spread of germs and are available for use for their employees, especially if PPE is not provided.

**REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS**
There are no existing plans, programs, policies, and laws regarding the distribution of protective gear for essential workers during natural disasters or pandemics.

**ACTIONS/ALTERNATIVES CONSIDERED**
Alternative measures include:
1. Allowing Essential Workers to continue work without proper protective gear;
2. Mandating that employers of Essential Workers provide proper protective gear to their employees for the duration of the “shelter in place” order;
3. Mandating that employers of Essential Workers provide their employees with other forms of protection and hygienic resources, such as hand sanitizers, cleaning wipes and sprays, tissues, and no-touch disposal receptacles, for duration of the “shelter in place” order;
4. Having the City provide proper protective gear and hygienic resources to their employees for the duration of the “shelter in place” order;
5. Mandating that Essential Workers provide proper protective gear and hygienic resources for themselves.

**OUTREACH OVERVIEW AND RESULTS**
None

**RATIONALE FOR RECOMMENDATION**
The “shelter in place” order was issued to enforce self-isolation in an effort to slow the spread of COVID-19. Essential Workers were exempted because their work is integral to sustaining our community. Providing groceries, medicine, and services ensures that individuals can continue to self-isolate. Without these bare necessities, it is reasonable to assume that the situation would worsen.

However, since many Essential Workers are unable to self-isolate under the “shelter in place” order, they are at higher risk of contracting COVID-19. This endangers not only their health, but the health and wellbeing of all those who come into contact with and/or rely on the work of these Essential Workers. It is thus the City of Berkeley’s duty to urge employers to give Essential Workers proper protective gear and hygienic resources so that they may continue their work while minimizing their risk of contracting COVID-19, and continue to support the effort to combat the spread of COVID-19.

**FISCAL IMPACTS OF RECOMMENDATION**
No fiscal impact for the City of Berkeley.
ENVIRONMENTAL SUSTAINABILITY
We do not expect this recommendation to have significant negative impacts on environmental sustainability.

OUTCOMES AND EVALUATION
If implemented, we expect this recommendation to help lower the risk of contracting COVID-19 amongst Essential Workers, thus improving public health.

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ATTACHMENTS
1. Draft Sample Letter for the City Manager's Use
Draft Sample Letter for the City Manager's Use

Employers of Essential Services -

Concerned about a potentially rapid spread of COVID-19, the health officers for the Bay Area's six largest counties as well as City of Berkeley Health Officer Dr. Lisa Hernandez have announced a legal order directing their respective residents to shelter at home for three weeks beginning March 17. While we only have two quarantined people with a known exposure in Berkeley, the regional spread increases our urgency.

The order limits activity, travel and business functions to only the most essential needs. The guidance comes after substantial input from the U.S. Centers for Disease Control and Prevention (CDC) and best practices from other health officials around the world.

Recommendations to Employers of Essential Services

To address the rapidly evolving COVID-19 situation, I encourage all employers of essential services to:

- **Provide protective personal equipment to employees if necessary.** While there is a national shortage of supplies, it is crucial to buy whatever resources are available and provide protective personal equipment to your employees if necessary. Protective personal equipment includes gloves, medical masks, goggles or a face shield, and gowns, as well as for specific procedures, respirators (i.e., N95 or FFP2 standard or equivalent) and aprons. Depending on what essential services you provide, please use your best judgment on what supplies you and your employees will need during this time to protect yourselves from the severe COVID-19 illness.

- **Provide hygienic resources to your employees.** It is crucial for all employers to provide other forms of protection and hygienic resources, such as hand sanitizers, cleaning wipes and sprays, tissues, and no-touch disposal receptacles, that help prevent the spread of germs and are available for use for their employees, especially if protective personal equipment is not provided. Regardless of the essential services you help provide, please ensure that these resources are accessible to all employees.

We know that this situation creates concern for all of us. In this time of uncertainty, I encourage our communities to practice self and community care and be patient for each other. Especially in a time of social distancing, it is as important as ever to support one another. Please take care of yourselves and each other.

Thank you all.

Dee Williams-Ridley

City Manager