On May 21, 2021, consistent with Governor Newsom’s intention to fully reopen California by June 15, the California Department of Public Health ("CDPH") released “Beyond the Blueprint for Industry and Business Sectors” ("Beyond the Blueprint"), outlining the state’s latest reopening guidelines and restrictions. Importantly, as reflected in the CDPH’s announcement, most employers (as discussed below) must still follow the more restrictive Cal/OSHA COVID-19 Prevention Emergency Temporary Standards (ETS) ("ETS Standards") (which we wrote about here), and therefore as a practical matter, most employers will be unable to lift masking and social distancing requirements for vaccinated employees absent revised regulations from Cal/OSHA.

Effective June 15 (or after the issuance of revised ETS standards, if applicable), all sectors listed in the current Blueprint Activities and Business Tiers Chart may return to usual pre-pandemic operations with the following public health recommendations:
• No capacity restrictions.
• No physical distancing restrictions for fully vaccinated attendees, customers, and guests.
• Follow the current CDPH Guidance for Face Coverings.
• Follow the CDC recommendations and CDPH Travel Advisory for travel.

For “Indoor Mega Events” (those with crowds of greater than 5,000 attendees in indoor venues), verification of fully vaccinated status or pre-entry negative test result is required for all attendees. Indoor Mega Event venues must prominently display information on all communications, including the reservation and ticketing systems, which ensures attendees are aware of testing and vaccination requirements (including acceptable modes of verification). Attendees must also follow the CDPH Guidance for Face Coverings.

For “Outdoor Mega Events” (those with crowds of greater than 10,000 attendees in outdoor venues), verification of fully vaccinated status or a pre-entry negative test result is strongly recommended. Attendees who do not verify vaccination status should be instructed to wear face coverings. Attendees must also follow the CDPH Guidance for Face Coverings, and venues are required to make masks available for all attendees. Outdoor Mega Event venues must prominently display information on all communications, including the reservation and ticketing systems, which ensures guests are aware that the state of California strongly recommends that they be fully vaccinated, obtain a negative COVID-19 test prior to attending the event, or wear a face covering.

These guidelines governing Indoor and Outdoor Mega Events will be in place from June 15, 2021 through October 1, 2021. The state will reassess conditions by September 1, 2021 to determine whether updated requirements or recommendations are needed beyond October 1, 2021.

What this means for employers

As noted above, covered employers remain subject to current ETS Standards. The ETS Standards apply to all employers except for those with (1) workplaces with only one employee who does not have contact with others; (2) employees working from home; and (3) employees covered by the aerosol transmissible diseases (ATD) regulation. Accordingly, while, by itself, the Beyond the Blueprint guidance and mandates would significantly loosen restrictions, most employers must await revised regulations from Cal/OSHA prior to lifting masking and social distancing requirements for vaccinated employees.

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