



San Diego County Sheriff

Training Bulletin

William D. Gore, Sheriff

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## **Essential Critical Infrastructure Workers – Virtual Faith Based Services**

On March 19, 2020, Governor Newsom issued Executive Order N-33-20 directing all individuals in California to "stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors, as outlined at <https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19>" and as designated by the State Public Health Officer.<sup>1</sup>

On March 22, 2020, the State Public Health Officer provided a list of "Essential Critical Infrastructure Workers." The document states, "[i]n accordance with [the N-33-20] order, the State Public Health Officer has designated the following list of 'Essential Critical Infrastructure Workers' to help state, local, tribal, and industry partners as they work to protect communities, while ensuring continuity of functions critical to public health and safety, as well as economic and national security."<sup>2</sup>

The covid19.ca.gov website states, "[t]he California State Public Health Officer and Director of the California Department of Public Health is ordering all individuals living in the State of California to stay home or at their place of residence, except as needed to maintain continuity of operation of the federal critical infrastructure sectors. Read the Executive Order (pdf). See the list of Essential Critical Infrastructure Workers (pdf)."<sup>3</sup> Additionally, under the "Businesses and taxes" portion of the FAQ the website states, "[w]hat businesses and organizations are exempt? Businesses and organizations that provide critical infrastructure for the state are exempted, including health care and public health, public safety, food and agriculture and media. See the full list of exempt sectors (pdf)."<sup>4</sup>

Thus, based on the language used in the N-33-20 order, the Essential Critical Infrastructure Workers list, and the covid19.ca.gov website, a business must fall under one of the specific CISA categories or be specifically identified on the State Public Health Officer's Essential Critical Infrastructure list in order to be identified as an essential business.

The Essential Critical Infrastructure Workers list classifies "[f]aith based services that are provided through streaming or other technology" as "other community-based government operations and essential functions."

The Essential Critical Infrastructure Workers list does not include in-person church service as an essential business. Instead, the list specifically allows faith based services that are provided via technology. **Thus, a church may not have an *in-person* church service because it is not an essential business or activity, however, the church may offer remote access to services via technology.**

Workers who are required to set up and provide the virtual faith-based service may physically go to the place of worship in order to conduct the virtual service. This includes those involved in putting on and recording the service. However, congregants are not allowed to physically go to the place of worship.

<sup>1</sup> <https://covid19.ca.gov/img/Executive-Order-N-33-20.pdf>

<sup>2</sup> <https://covid19.ca.gov/img/EssentialCriticalInfrastructureWorkers.pdf>

<sup>3</sup> <https://covid19.ca.gov/stay-home-except-for-essential-needs/#top>

<sup>4</sup> <https://covid19.ca.gov/stay-home-except-for-essential-needs/#business>

Additionally, all workers must follow the requirements identified in the local San Diego County public health order, including social distancing.<sup>5</sup>

Violations of the local public health order and the Governor's order are enforceable under Government Code Section 8665. Government Code Section 8665 provides that any person who violates any of the provisions of California Emergency Services Act or who refuses or willfully neglects to obey any lawful order or regulation promulgated or issued as provided in the Act, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not to exceed one thousand dollars (\$1,000) or by imprisonment for not to exceed six months or by both such fine and imprisonment.

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<sup>5</sup> <https://www.sandiegocounty.gov/content/dam/sdc/hhsa/programs/phs/Epidemiology/HealthOfficerOrderCOVID19.pdf>