CLIENT ALERTS & INSIGHTS

Benesch COVID-19 Resource Center: States Begin to Implement Re-Opening Plans

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Several states have begun to implement plans to "re-open" their economies. Many of these re-opening plans involve multiple phases during which various sets of businesses may resume operations. States may also require businesses to implement certain protective measures in order to open. The various plans indicate a patchwork of re-opening strategies that vary from state-to-state. Businesses operating in multiple states should keep in mind this lack of a uniform, national response when developing plans to resume business operations.

While some states have "stay-at-home" or "shelter-in-place" orders that are set to expire soon, the following states have announced affirmative plans to begin reopening certain segments of their economies and loosening restrictions on business activity with certain caveats. We expect that the states below will revise their reopening plans and additional states will implement reopening strategies, so we encourage readers to periodically check this page for updates.

To visit state webpages providing re-opening requirements or information regarding state governors' orders, please click the headings with each state's name below.

Alabama

On April 30, 2020, Alabama Governor Kay Ivey issued a "Safer at Home" order effective through May 15, 2020 that eases a number of restrictions from the state's previous "Stay at Home" order. The new Safer at Home order now only *encourages* individuals to stay home, while the previous Stay at Home order required individuals to stay home except to meet basic needs. The new Order also allows most businesses to re-open subject to sanitation and social distancing guidelines. Such guidelines include avoiding gatherings of 10 employees or more, maintaining 6 feet of separation between employees, facilitating remote work arrangements, and minimizing employee travel. Further, retail businesses are subject to a 50% occupancy rate. However, certain "higher-risk" businesses, including restaurants (with the exception of take-out, curbside, or delivery service), entertainment venues, athletic facilities, barber shops, and hair salons remain closed.

Arizona

On April 29, 2020, Arizona Governor Douglas Ducey amended the state's "Stay Home, Stay Health, Stay Connected Order" effective through May 15, 2020. The order announced plans to reopen the Arizona economy in phases while maintaining social distancing requirements. Under the amended order, individuals should limit time away from their place of residence except to conduct or participate in essential activities or functions, such as groceries, health and safety, home maintenance, and exercise; for permitted employment; or to utilize services or products provided by

essential businesses. Individuals are advised to maintain physical distancing of at least six feet, consistent with guidance from the CDC. Similarly, essential businesses that remain open must implement rules and procedures to maintain physical distancing of at least six feet and adopt sanitation measures. Effective May 4, non-essential retailers involved in the sale of goods may provide goods through delivery, window, walk-up, drive-through, or curbside service or by appointment, provided they maintain protocols and best practices to maintain distancing and sanitary operations. On May 8, such retailers may open and offer goods for sale in their stores, provided they continue to maintain social distancing and sanitation. The earlier order canceled or postponed gatherings of 10 or more people, which the amendment did not alter.

Alaska

On April 24, 2020, Alaska Governor Mike Dunleavy began the initial phase of a "Reopen Alaska Responsibly Plan" to re-open parts of the economy affected by coronavirus concerns. This initial phase allows personal services businesses and restaurants in most parts of Alaska to reopen, but with restrictions and limitations. Barber shops and hair salons can only admit customers by reservation. Restaurants can resume dine-in service but will have to keep distances between tables and cannot exceed 25% of their normal capacity. Retail businesses may also open but cannot exceed 25% of their normal capacity or 20 customers, whichever is smaller. Gyms, places of worship, and childcare centers also may open. In allowing limited openings, the state has issued protocols specified by type of business for universal face coverings, social distancing, and sanitation and cleaning.

Colorado

Colorado Governor Jared Polis said Colorado will transition to a "safer at home" approach after the state's stay-at-home order expired. Under this approach, Colorado residents are still encouraged to stay at home as much as possible. In the new phase starting April 27, 2020, retail businesses are allowed to open for curbside pickup and real estate showings can resume. Elective medical procedures can also resume.

On May 1, 2020, personal care businesses, like barber shops and hair salons, will be able to reopen with certain precautions. People will be permitted to return to non-essential office work on May 4, 2020. The state still expects businesses and people to maintain 60 to 65 percent physical distancing. The closure of bars and restaurants still continues indefinitely.

Florida

On April 29, 2020, Florida Governor Rob DeSantis announced plans to begin a phased re-opening of certain Florida businesses. During Phase One of Florida's "Safe. Smart. Step-by-Step." plan beginning May 4, 2020, elective surgeries may resume, restaurants can re-open to offer outdoor seating with six foot spacing and indoor seating at 25% of their maximum occupancy, and retail businesses can operate at 25% of their maximum occupancy. Bars, gyms, and personal services such as barbers may not yet reopen during Phase One.

Georgia

Georgia Governor Brian Kemp announced Georgia's plan allowing gyms, hair and nail salons, bowling alleys and tattoo parlors to reopen on April 24, 2020. Starting April 27, 2020, restaurants are allowed to resume limited dine-in service, and movie theaters and other entertainment venues will also be allowed to reopen with certain restrictions. Governor Kemp laid out certain protective requirements for businesses, including enhanced sanitation measures, social distancing among workers and customers, and screening workers for fevers exceeding 100.4 degrees Fahrenheit and other signs of illness upon which an employer must require such workers to not report to work. Bars, nightclubs, and music venues are still closed indefinitely.

Idaho

Idaho Governor Brad Little outlined a detailed, tentative "Idaho Rebounds" plan for reopening that would come in four phases. The first phase would begin with places of worship in early May 2020. In the next phase, the plan would reopen restaurants, gyms, and salons in the second half of May 2020. But some recreational venues - like nightclubs and movie theaters - are expected to remain closed until late June at the earliest.

Iowa

Iowa Governor Kim Reynolds announced loosened social distancing measures in 77 of Iowa's 99 counties, effective May 1, 2020. In these 77 Iowa counties, restaurants, retail businesses, gyms, and certain other businesses may reopen in a limited fashion. These businesses must limit their customers in indoor and outdoor spaces to 50% of their normal operating capacity. Also, these businesses must ensure social distancing and implement measures to ensure increased hygiene practices consistent with guidance issued by the Iowa Department of Health.

Kentucky

Kentucky Governor Andy Beshear announced Kentucky's "Healthy at Work" plan which provides for phased reopening of the state's economy. On May 11, 2020, manufacturing, construction, vehicle dealerships, and professional services businesses (at 50% of their normal capacity) may reopen. On May 20, 2020, retail businesses and houses of worship may reopen. On May 25, 2020, barbershops, hair salons, and other personal service businesses may resume operations. In each phase, each business must meet minimum health and safety requirements, including social distancing, employee health monitoring, sanitation measures, and continuation of telework where possible. Each business must also meet a list of requirements specific to its industry sector in order to reopen.

Minnesota

Though Minnesota's stay-at-home order will remain in effect into May, Minnesota Governor Tim Walz will allow employees in certain agriculture, industrial, manufacturing, and office settings to return to work starting April 27, 2020. This reopening measure should allow around 20,000 businesses to reopen and as many as 100,000 residents to return to work. Such businesses must create and implement a COVID-19 preparedness plan that outlines their protective measures to ensure social distancing and adequate sanitation.

Mississippi

Under Mississippi Governor Tate Reeves' "safer-at-home" order which took effect April 27, 2020, some closed businesses may re-open under certain mandates, including retail stores. These retail stores must operate at half-capacity or less upon re-opening. Retail stores also must follow CDC and Mississippi Health Department guidelines, such as sending sick employees home, having employees wear face coverings, screening for symptoms of illness, and socially distancing as much as possible. Healthcare facilities can continue performing elective medical and dental procedures and surgeries as allowed and approved by the state. While Governor Reeves lifted restrictions on certain businesses, others, including gyms, spas, pet groomers and other "businesses that cannot avoid sustained person-to-person contact," remained closed.

Missouri

Missouri Governor Mike Parson announced the state's "Show Me Strong Recovery" plan on April 27, 2020, which will begin a phased reopening on May 4, 2020. During the first phase, all businesses may reopen as long as they can maintain adequate social distancing, and some businesses will be required to take additional precautions. Indoor retail businesses can reopen only if they limit their customers to no more than 25% of normal maximum occupancy when the applicable facility is less than 10,000 square feet, or no more than 10% of normal maximum occupancy when the applicable facility is 10,000 square feet or more. Restaurants may resume dining-in services so long as they take certain measures including social distancing and limiting tables to no more than ten people. Local communities may adopt stricter requirements if they choose.

Montana

Montana Governor Steve Bullock has started to implement plans to reopen Montana in phases, beginning with places of worship on April 26, 2020, and retail stores on April 27, 2020. Retail businesses and other certain small businesses can become operational if they adhere to requirements for limiting capacity and maintaining social distancing. Restaurants and bars are expected to reopen in-establishment services in some form beginning May 4, 2020.

Ohio

In Ohio, Governor Mike DeWine issued a detailed plan on April 27, 2020 to begin reopening businesses across the state through the Responsible RestartOhio plan. On May 1, 2020, all healthcare providers may reopen and resume any elective health procedures that do not require an overnight stay or inpatient admission. On May 4, 2020, general office environments, manufacturing, construction, and distribution businesses may reopen. On May 12, 2020, retail businesses may reopen. All re-opened business must follow strict protocols, including social distancing by limiting capacity to 50% of maximum occupancy, cleaning and sanitation requirements, and daily assessment of symptoms of illness among employees. Recent guidance requires face coverings for employees (with certain exceptions) and recommends face coverings for customers at all times. We have written more detailed analysis of the Ohio plan here.

Oklahoma

Oklahoma Governor Kevin Stitt lifted restrictions on businesses starting with salons, barbers, and pet groomers on April 24, 2020, which can reopen for appointments only. Restaurant dining, movie theaters, gyms, places of worship, and sporting venues are expected to reopen statewide starting May 1, 2020. Each phase or reopening comes with certain restrictions regarding social distancing and sanitation protocols, and Oklahoma directs businesses to follow the protocols issued under the general CDC guidelines. Bars will remain closed indefinitely.

South Carolina

South Carolina Governor Henry McMaster was among the first to begin opening up his state, starting April 20, 2020. The reopening began with retail stores, which are under instructions to operate at 20 percent capacity or 5 people per 1,000 square feet, whichever results in less people. Businesses further must ensure social distancing among customers and implement sanitation guidelines of the CDC and state Department of Health and Environmental Control. Governor McMaster has not yet lifted the state's stay-at-home and work-at-home orders.

Tennessee

Tennessee Governor Bill Lee announced plans under a "safer-at-home" order for restaurants to reopen which started April 27, 2020. Retail stores are set to reopen on April 29, 2020. Newly reopened businesses will be under instructions to operate at 50-percent capacity. Tennessee recommends that businesses follow federal CDC guidelines for hygiene and sanitation standards and require employees to wear cloth face coverings.

Texas

On April 27, 2020, Texas Governor Greg Abbott said he would allow his stay-at-home order to lapse on April 30, 2020, and announced his plan to reopen the state's economy in phases. As part of reopening, all retail stores, restaurants, movie theaters, and malls can reopen on May 1, 2020, with limited capacity at 25% of their listed occupancy. Residents are encouraged to wear protective face coverings whenever they are in public places.

Utah

Utah Governor Gary Herbert announced "moderate risk" protocols to allow the reopening of certain businesses under strict guidelines effective May 1, 2020. Restaurants may resume in-person dining as long as restaurants maintain social distancing and monitor the health of employees. While Governor Herbert recommends that gyms remain closed, gyms may reopen if they follow strict social distancing and sanitation guidance. Personal services, such as barbers and hair salons, may reopen under strict requirements for hygiene protocols, including wearing of face coverings by employees and customers, and meticulous monitoring of symptoms of illness.

Vermont

Vermont Governor Phil Scott has made several announcements regarding the re-opening of Vermont's economy through several phases. On April 20, 2020, construction, home appraisal, and property management business were permitted to have employees return to work with no more than two people at any time and with social distancing, health monitoring, and sanitation measures in place. Phase Two of the plan, which began April 27, 2020, allowed certain businesses, including manufacturing, distribution, and construction businesses, to return to work with a maximum of 5 people per job and with social distancing and health monitoring in place. Phase Two also allowed outdoor retail operations to resume so long as no more than 10 people, including customers and employees, are present. Reopened employers must provide safety training and supply written standard operating procedures as prescribed by Vermont's Occupational Safety and Health Agency. On May 1, 2020, Governor Scott announced manufacturing, construction, and distribution businesses may operate with 10 or fewer employees effective May 4, 2020 if they continue to meet the stringent safety requirements.

Please note that each state's orders and re-opening plans include other requirements for businesses and other encouraged behavior for individuals. For further information and details related to the states' plans above, please contact a member of the Benesch Labor & Employment Practice Group. Benesch stands ready to assist with any questions about the evolving re-opening plans and the ability of businesses to resume operations.

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Please note that this information is current as of the date of this client bulletin, based on the available data. However, because COVID-19's status and updates related to the same are ongoing, we recommend real-time review of orders entered by state governors in the above states as well as additional states in the future. We also recommend that readers periodically check this page for updates to states' re-opening plans.

