

# Response to COVID-19: State Reopening Plans<sup>1</sup>

Update of May 4, 2020

In response to the COVID-19 pandemic, non-essential businesses across the United States faced executive orders by state Governors instructing them to close or significantly limit all in-person operations. States are now considering how best to reopen their economies, balancing the desire to permit businesses to operate with the need to continue to slow the spread of COVID-19. The federal government has unveiled its Guidelines for Opening Up America Again, a three-phased approach intended to help state and local officials determine when and how to reopen their economies while continuing to protect Americans from the spread of COVID-19. A phased approach is one in which restrictions are modified in phases, gradually moving towards resuming business as usual with no particular COVID-19 related restrictions. Such approaches often rely on gating criteria to establish when it is time to move to the next phase, for example whether COVID-19 related symptoms and confirmed cases have decreased, whether hospitals are capable of treating their patients without relying on crisis care, and whether sufficient testing is available. Individual states have also begun issuing and enacting their own proposed guidelines and plans, many of which follow the federal government's three-phased approach. Below is a summary of the federal guidelines followed by a snapshot of the state-issued plans and fulsome summaries of the key aspects of those plans.<sup>2</sup>

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<sup>2</sup> Please also see Cleary's [Response to COVID-19: State Executive Orders](#) memo for information regarding state executive orders closing non-essential businesses.



### **Federal Guidelines for Opening Up American Again**

The [Opening Up American Again](#) guidelines divide a plan for a return to operations into three phases. They also note that states may need to tailor the guidelines for local circumstances.

**Gating Criteria.** Before states begin the phased reopening, the federal guidelines propose they satisfy the following criteria:

- Symptoms
  - Downward trajectory of influenza-like illnesses reported within a 14-day period AND
  - Downward trajectory of cases with symptoms resembling COVID-19 reported within a 14-day period.
- Cases
  - Downward trajectory of documented COVID-19 cases within a 14-day period OR
  - Downward trajectory of positive COVID-19 tests as a percent of total tests within a 14-day period (flat or increasing volume of tests).
- Hospitals
  - Treat all patients without crisis care AND
  - Robust testing program in place for at-risk healthcare workers, including emerging antibody testing.

**Phase One.** In “Phase One”, the federal guidelines encourage all vulnerable individuals to continue to shelter in place, and members of a household with vulnerable residents should be aware of the heightened risk to vulnerable individuals within their residence. The federal guidelines also suggest that:

- Businesses:
  - Continue to encourage telework, whenever possible and feasible with business operations.
  - If possible, return to work in phases.
  - Close common areas where personnel are likely to congregate and interact, or enforce strict social distancing protocols.
  - Minimize non-essential travel and adhere to CDC guidelines regarding isolation following travel.
  - Strongly consider special accommodations for personnel who are members of a vulnerable population.
- Large venues (e.g., sit-down dining, movie theaters, sporting venues) can operate under strict physical distancing protocols.
- Elective surgeries can resume, as clinically appropriate, on an outpatient basis at facilities that adhere to Centers for Medicare and Medicaid Services (“CMS”) guidelines.
- Gyms can open if they adhere to strict physical distancing and sanitation protocols.
- Bars should remain closed.

**Phase Two.** The federal guidelines suggest that states move to “Phase Two” upon the satisfaction of the gating criteria, above, for a second time and in the absence of any evidence indicating a rebound of COVID-19. During this phase, the federal guidelines encourage continued shelter in place for vulnerable individuals. The federal guidelines loosen the recommended restrictions for businesses in “Phase Two” as follows:

- Removes the proposal to return to work in phases.
  - Recommends moderate, rather than strict, social distancing protocols for close common areas where personnel are likely to congregate and interact.

- Removes the recommendation to minimize non-essential travel and to adhere to CDC guidelines regarding isolation following travel.
- Recommends moderate, rather than strict, physical distancing protocols for large venues.
- In-patient elective surgeries may resume.
- Bars may reopen with diminished standing-room occupancy, where applicable and appropriate.

**Phase Three.** The federal guidelines suggest that states that both have no evidence of a rebound in COVID-19 infections and satisfy the gating criteria, above, for a third time move to “Phase Three” and resume the unrestricted staffing of worksites. The guidelines recommend that large venues be allowed to operate under limited physical distancing protocols. In addition, the guidelines propose gyms may relax sanitation protocols to their standard protocols, and bars may increase standing room capacity.

**Recommendations for Employers.** In all three phases, the federal guidelines recommend that employers develop and implement appropriate policies, in accordance with applicable regulations and guidance, as well as industry best practices, regarding:

- Social distancing and protective equipment.
- Temperature checks.
- Sanitation.
- Use and disinfection of common and high-traffic areas.
- Business travel.

The guidelines also suggest that businesses monitor their workforce for indicative symptoms and do not allow individuals exhibiting COVID-19 symptoms to physically return to work until cleared by a medical provider. The guidelines further suggest that businesses develop and implement policies and procedures for workforce contact tracing following a positive employee COVID-19 test.

**State Reopening Plans**

Below is a snapshot of the state issued followed by summaries of the key aspects of those plans.

	State	Phased Approach	Gating Criteria Before Each Phase	Includes Federal Gating Criteria	Industry Specific Guidelines
1.	Alaska	✓			Non-Essential Public Facing Businesses, Generally Retail Businesses Restaurants Dine-In Services Personal Care Services Non-Essential Non-Public Facing Businesses Childcare and Day Camps Fishing Charters Gym and Fitness Centers Lodging and Overnight Camping

	State	Phased Approach	Gating Criteria Before Each Phase	Includes Federal Gating Criteria	Industry Specific Guidelines
					Intrastate Travel and Outdoor Day Activity Social, Religious and Other Gatherings
2.	Arizona				Retail
3.	California	✓	✓		General Businesses Construction Agriculture Grocery Stores Logistics
4.	Colorado	✓			N/A
5.	Connecticut	✓	✓		N/A
6.	Florida	✓	✓		N/A
7.	Idaho	✓	✓	✓	General Businesses Daycares Youth Activities Places of Worship
8.	Iowa				Restaurants Fitness Centers Malls Libraries Race Tracks Other Retail
9.	Kentucky	✓	✓		Meatpacking Facilities
10.	Maine	✓	✓	✓	General Business Drive-In Theaters Healthcare Golf Outdoor Marinas Cosmetology Dog Grooming Auto Dealership Car Wash
11.	Maryland	✓	✓		N/A
12.	Minnesota				Industrial and manufacturing businesses Businesses in office-based settings
13.	Mississippi				N/A
14.	Montana	✓			General businesses Restaurant/bar/brewery/distillery/casino Outdoor recreation Personal care/service
15.	Nevada	✓	✓	✓	N/A
16.	New Hampshire				N/A
17.	New York	✓	✓		N/A

	State	Phased Approach	Gating Criteria Before Each Phase	Includes Federal Gating Criteria	Industry Specific Guidelines
18.	North Carolina	✓	✓		N/A
19.	North Dakota				Restaurants and Bars Fitness Centers Personal Services Movie Theaters
20.	Ohio				Manufacturing, Distribution & Construction Consumer, Retail & Services General Office Environments
21.	Oklahoma	✓	✓		N/A
22.	Oregon				N/A
23.	Pennsylvania	✓	✓		N/A
24.	Rhode Island	✓			N/A
25.	South Dakota				N/A
26.	Tennessee				Retail Exercise Facilities Restaurants
27.	Texas	✓			Retail Restaurants Movie theaters Museums and Libraries Outdoor Sports Participants Churches /Places of Worship Single-Person Offices
28.	Vermont	✓			N/A
29.	West Virginia	✓			Small Businesses with fewer than 10 employees Restaurants Religious entities and funeral homes
30.	Wisconsin	✓	✓	✓	N/A

### 1. Alaska

Alaska has announced the requirements for Phase I of reopening, but has not yet provided the requirements for additional reopening.

**Phase One.** On April 22, 2020, Governor Dunleavy announced [Health Mandate 016](#), which outlines Phase 1 of his Reopen Alaska Responsibly Plan which went into effect at 8:00 am on Friday, April 24, 2020.

[Health Mandate 016](#) permits businesses to resume so long as they follow state guidance pertaining to social distancing and capacity (e.g., reservations only, cloth face coverings, capacity limits), hygiene (e.g., providing hand washing capability or sanitizer), staffing (e.g., training for employees re COVID-19 mitigation, pre-shift

screening for symptoms), and cleaning and disinfecting (e.g., must follow CDC protocols). Alaska provides tailored reopening requirements to the following categories of businesses and activities:

- [Non-Essential Public Facing Businesses, Generally](#)
- [Retail Businesses](#)
- [Restaurants Dine-In Services](#)
- [Personal Care Services](#)
- [Non-Essential Non-Public Facing Businesses](#)
- [Childcare and Day Camps](#)
- [Fishing Charters](#)
- [Gym and Fitness Centers](#)
- [Lodging and Overnight Camping](#)
- [Intrastate Travel and Outdoor Day Activity](#)
- [Social, Religious and Other Gatherings](#)

## 2. Arizona

On April 29, 2020, Governor Doug Ducey announced his step-by-step approach to continue reenergizing Arizona's economy entitled [Return Stronger](#).

Beginning May 1, 2020, hospitals and outpatient surgical centers are resuming elective surgeries, with assurances that these facilities have adequate supplies and PPE. To date, over 1,090 facilities and counting are eligible to resume elective surgeries.

Beginning May 4, 2020, retail businesses will be allowed to sell goods through delivery service, window service, walk-up service, drive-through service, drive-up service or curbside delivery provided they establish and implement sanitation and physical distancing measures.

Beginning May 8, 2020, retail businesses can resume expanded in-person operations provided they implement social distancing and sanitation measures established by the United States Department of Labor or the [Arizona Department of Health Services](#).

One of the goals of Return Stronger, is to resume dine-in operations in May, with guidance being developed in coordination with public health officials and industry leaders to be provided in the days ahead.

Further details on the plan have not yet been published.

## 3. California

On April 28, 2020, Governor Gavin Newsom announced [California's Roadmap to Pandemic Resilience](#) setting forth a four stage plan to reopen the state.

**Gating Criteria.** The plan notes that there are six indicators that will determine when to modify the current Stay-at-Home Order:

- Ability to test, contact trace, isolate, and support the exposed.
- Ability to protect those at high risk for COVID-19.
- Surge capacity for hospital and health systems.

- Therapeutic development to meet the demand.
- Ability of businesses, schools, and childcare facilities to support physical distancing.
- Determination of when to reinstitute measures like Stay-At-Home.

The plan also specifies specific criteria and actions needed to go from Stage One to Stage Two.

- The key indicator considerations to move to Stage Two are:
  - Hospitalization and ICU trends stable.
  - Hospital surge capacity to meet demand.
  - Sufficient PPE supply to meet demand.
  - Sufficient testing capacity to meet demand.
  - Contact tracing capacity statewide.
- The following actions are also needed in order to progress to Stage Two:
  - Government Actions
    - Policies that allow people to stay home when they're sick.
    - Guidance provided on how to reduce risk.
  - Business Actions
    - Wage replacement so workers can stay home when sick.
    - Implement adaptations to lower-risk workplaces NOW.
    - Employees continue to work from home when possible.
  - Individual Actions
    - Safety precautions – physical distancing, face coverings, etc.
    - Avoid all non-essential travel.
    - Support and care for people who are at high risk.

**Stage One: Safety and Preparedness.** Stage One will involve making the essential workforce environment as safe as possible, and involve the following measures:

- Continue to build out testing, contact tracing, PPE, and hospital surge capacity.
- Continue to make essential workplaces as safe as possible.
  - Physical and work flow adaption.
  - Essential workforce safety net.
  - Make PPE more widely available.
  - Individual behavior changes.
- Prepare sector-by-sector safety guidelines for expanded workforce.

**Stage Two: Lower Risk Workplaces.** Stage Two will involve creating opportunities for lower risk sectors to adapt and re-open and allow modified school programs and childcare to re-open.

- Gradually opening some lower risk workplaces with adaptations:
  - Retail (e.g. curbside pickup).
  - Manufacturing.
  - Offices (when telework not possible).
  - Opening more public spaces.
- Expanded Workforce Safety Net:
  - Wage replacement so workers can stay home when sick
- Schools and Childcare Facilities with Adaptations:

- Summer programs and next school year potentially starting sooner (July/August).
- Childcare facilities to provide more care.
- Address learning gaps.
- Ensure students and staff are protected.
- Allow broader workforce to return to work.

**Stage Three: Higher Risk Work Places.** Stage Three will involve creating opportunities for higher risk sectors to adapt and re-open.

- Open higher risk environments with adaptations and limits on size of gatherings:
  - Personal care (hair and nail salons, gyms).
  - Entertainment venues (movie theaters, sports without live audiences).
  - In-person religious services (churches, weddings).

**Stage Four: End of Stay-At-Home Order.** Stage Four will involve returning to an expanded workforce in the highest risk workplaces.

- These workplaces can reopen once all indicators for modifying the Stay-at-Home order are satisfied and treatments for COVID-19 have been developed:
  - Concerts.
  - Convention Centers.
  - Live audience sports.

#### **Industry Specific Guidelines.**

- [General Businesses](#)
- [Construction](#)
- [Agriculture](#)
- [Grocery Stores](#)
- [Logistics](#)

#### **4. Connecticut**

On April 30, 2020, Governor Lamont [announced](#) the state's plans for a phased reopening

**Gating Criteria for Initial Reopening.** Seven criteria must be satisfaction before the reopening plan can commence. Those criteria are:

- 14-day decline of hospitalizations.
- Increased testing available.
- Sufficient contact tracing capacity.
- Protect high-risk populations.
- Adequate healthcare capacity.
- Adequate supply of PPE.
- Appropriate physical distancing regulations.

**Reopen Level One.** Once the initial reopening criteria is met, Connecticut will allow certain types of businesses to reopen. The targeted date for Reopen Level One is May 20, 2020, but that date is subject to change. The businesses that will be allowed to reopen include:

- Restaurants (outdoor only - no bar areas).
- Remaining retail.
- Offices (continue work from home where possible).
- Personal services (hair & nail only, and likely only via appointment).
- Museums, zoos (outdoor only).
- Additional outdoor recreation (e.g., camping, mountain biking).
- University research programs.

**Reopen Levels Two through Four.** The plans for Reopen Level Two, Reopen Level Three, and Reopen Level Four have not yet been announced.

## 5. Colorado

On April 26, 2020, Governor Jared Polis announced [Executive Order 2020-044: Safer at Home](#) which provides for the reopening of postsecondary institutions and certain business operations. Safer at Home provides for a phased reopening businesses:

- May 1, 2020: Retail and personal services can open (if implementing best practices)
- May 4, 2020: Non-critical offices can reopen (if implementing best practices and lower in density)

Safer at Home requires all business to implement certain [best practices](#) including:

- Worksites
  - Deputize workplace coordinator(s) charged with addressing COVID-19 issues.
  - Maintain 6-foot distancing when possible, and discourage shared spaces.
  - Frequently sanitize all high-touch areas. ([Additional Guidance](#))
  - Post signage for employees and customers on good hygiene.
  - Ensure proper ventilation. ([OSHA guidance](#))
  - Avoid gatherings (meetings, waiting rooms, etc.) of more than 10 people.
  - Implement symptom monitoring protocols (including workplace temperature monitoring and symptom screening questions) where possible. ([Additional Guidance](#))
  - Eliminate or regularly sanitize any items in common spaces (i.e., break rooms) that are shared between individuals (i.e., condiments, coffee makers, vending machines). ([Additional Guidance](#))
  - Provide appropriate protective gear like gloves, masks, and face coverings and encourage appropriate use. ([Additional Guidance](#))
- Employees
  - Require employees showing any symptoms or signs of sickness, or who has been in contact with known positive cases to stay home.
  - Connect employees to company or state benefits providers.
  - Provide flexible or remote scheduling for employees who need to continue to observe Stay-at-Home, who may have child or elder care obligations, or who live with a person who still needs to observe Stay-at-Home due to underlying condition, age, or other factors.
  - Encourage and enable remote work whenever possible.
  - Minimize all in-person meetings.
  - Provide hand washing facilities/stations and hand sanitizer.
  - Encourage breaks to wash hands or use hand sanitizer.
  - Phase shifts and breaks to reduce employee density.

- Wear appropriate protective gear like gloves, masks, and face coverings and encourage appropriate use. ([Additional Guidance](#))
- To protect customers
  - Create special hours for people at higher risk of severe illness from COVID-19.
  - Encourage and facilitate 6-foot distancing inside of the business for all patrons.
  - Encourage use of protection like gloves, masks, and face coverings.
  - Provide hand sanitizer at entrance.
  - Install shields or barriers where possible between customers and employees.
  - Use contactless payment solutions, no touch trash cans, etc. whenever possible.

## 6. Florida

On April 30, 2020, Governor Ron DeSantis announced his plan for Florida's reopening entitled [Safe. Smart. Step-by-Step](#) which has six guiding principles: (1) public health & safety; (2) protection of the vulnerable; (3) health care system readiness; (4) economic recovery; (5) protection of civil liberties and maintaining individual rights; (6) public confidence; and (7) partnership with local communities.

**Gating Criteria.** Before moving to the next reopening phase, Florida will consider the following benchmarks:

- Cough-Associated Admissions.
- Influenza-Like Illness Visits.
- Florida COVID-19 Cases and Hospitalizations.
- New Case Positivity Rates.
- Hospital Bed Availability.
- COVID-19 Fatalities.
- Long-term care Facilities.
- Testing Sites.
- Contact Tracing.

**Phase One.** Phase One will include the following measures:

- Schools remain distance learning.
- Visits to senior living facilities are prohibited.
- Elective surgeries can resume.
- Restaurants may offer outdoor seating with 6 feet of space between tables and indoor seating at 25% of indoor capacity.
- Retail can operate at 25% of indoor capacity.
- Bars, gyms, and personal services such as hair dressers remain closed.
- Vulnerable individuals should avoid close contact with people outside the home.
- All individuals, when in public, should maximize physical distance from others.
- Avoid socializing in groups of more than 10 people in circumstances that do not readily allow for physical distancing.
- Face masks are recommended for face-to-face interactions where you can't social distance.

Florida has not yet published information on the subsequent phases of its re-opening plan.

## 7. **Idaho**

On April 23, 2020, Governor Little announced his plan to help Idaho rebound from the economic impacts of COVID-19 entitled [Idaho Rebounds: Our Path to Prosperity](#). Idaho contemplates a phased approach during which all individuals should continue to engage in physical distancing, wear face coverings in public, stay home if sick, practice good hygiene and disinfect surfaces and objects regularly.

**Gating Criteria.** All of the following criteria must be met before Idaho advances to the next stage of reopening.

- Syndromic:
  - Downward trend or low numbers of COVID 19-like illness patients visits as tracked by Emergency Departments within a 14-day period AND
  - Downward trend or very low numbers of patients with COVID-19-like illness admitted from Emergency Departments within a 14-day period.
- Epidemiologic
  - Downward trend or low levels of documents COVID-19 cases reported within a 14-day period OR
  - Downward trend of positive COVID-19 PCR tests as a percent of total tests within a 14-day period (including flat or increasing volume of tests).
- Healthcare
  - Treat all patients without needing to use crisis standards of care AND
  - Available ventilators, intensive care unit beds, and personal protective equipment (PPE) to safely care for additional COVID-19 patients in hospitals AND
  - Robust COVID-19 testing program in place for at-risk healthcare workers.

**Stage One—May 1-15.** Stage One includes [general business protocols](#) and more specific protocols for [daycares](#), [youth activities](#), and [places of worship](#).

- Individuals
  - All vulnerable Idahoans should continue to self-quarantine.
  - Gatherings, both public and private, should be avoided.
  - Minimize non-essential travel and adhere to CDC guidelines regarding isolation.
  - Continue 14-day self-quarantine for people entering Idaho.
- Employer
  - Continue to encourage telework.
  - Non-essential businesses should implement plans for re-opening.
- Specific Type of Employer
  - Bars and nightclubs, indoor gyms and recreation facilities, hair salons, large venues (e.g. theaters and sporting venues) remain closed.
  - Restaurant dining rooms remain closed.
  - Places of worship can reopen if they adhere to strict physical distancing.
  - Daycares and organized youth activities and camps can reopen.

**Stage Two—May 16-29.**

- Individuals
  - All vulnerable Idahoans should continue to self-quarantine.
  - Gatherings, both public and private, of less than 10 people, can occur.
  - Minimize non-essential travel and adhere to CDC guidelines regarding isolation.

- Continue 14-day self-quarantine for people entering Idaho.
- Employer
  - Continue to encourage telework.
  - All open businesses continue to follow protocol for opening.
- Specific Type of Employer
  - Bars and nightclubs, and large venues remain closed.
  - Hair salons, indoor gyms and recreation facilities and restaurant dining rooms can reopen if ability to meet business protocols.

**Stage Three—May 30-June 12.**

- Individuals
  - Vulnerable Idahoans can resume public interactions.
  - Gatherings, both public and private, of 10-50 people, where appropriate physical distancing and precautionary measures are observed can occur.
  - Non-essential travel can resume to locations that allow it.
  - Discontinue the 14-day self-quarantine for people entering Idaho.
- Employer
  - Continue to encourage telework.
  - All open businesses continue to follow protocol for opening.
- Specific Type of Employer
  - Bars and nightclubs and large venues remain closed.

**Stage Four—June 13-June 26.**

- Individuals
  - Vulnerable Idahoans can resume public interactions.
  - Gatherings, both public and private, of more than 50 people, where appropriate physical distancing and precautionary measures are observed can occur.
  - Non-essential travel can resume to locations that allow it.
- Employer
  - Resume unrestricted staffing of worksites .
  - Special accommodations for employees who are considered vulnerable should be made.
  - All open businesses continue to follow protocol for opening.
- Specific Type of Employer
  - Bars and nightclubs may operate with diminished standing-room occupancy, where applicable and appropriate.
  - Large venues can operate under limited physical distancing protocol.

**8. Iowa**

The Iowa Department of Public Health published its [Public Health COVID-19 Reopening Guidance](#) on April 27, 2020. Iowa's guidance does not contemplate pre-planned phases for reopening, but rather a reopening process progressively announced by continuous proclamations, the first of which was issued April 27, 2020. The guidance includes the following rules that reopening businesses must follow in addition to adhering to federal OSHA guidelines:

- Follow CDC guidance related to cleaning and disinfection for community facilities, including frequent cleaning and disinfecting of all high touch surfaces.
- Encourage and provide supplies to allow for frequent hand washing and hand sanitizing for employees and the public.
- Provide reminders to employees and members of the public to stay at least 6 feet away from others when in the facility and mark 6foot intervals when possible.
- Post signage at the door indicating no one should enter the establishment if they currently have symptoms or have been around anyone with a confirmed COVID-19 diagnosis in the last 14 days.
- If an employee or a member of the public becomes ill while at the facility, ask them to share that information with management, leave the facility and then call their health care provider.
- Members of the public and employees should consider the use of cloth face coverings (when practical) if staying at least 6 feet away from others is not possible.
- Anyone who is high risk for more severe COVID-19 illness should continue to stay home.
- Businesses should continue to follow IDPH’s business guidance related to preventing, detecting and reporting outbreaks.
- Businesses should use messaging to remind employees of steps they should be taking to protect their own health while at work.

**Industry Specific Guidelines.**

- [Restaurants](#)
- [Fitness Centers](#)
- [Malls](#)
- [Libraries](#)
- [Race Tracks](#)
- [Other Retail](#)

On April 27, 2020, the Governor of Iowa released a three-part [proclamation](#) announcing that the following businesses could resume operations at 50% of normal operating capacity:

- Restaurants.
- Business centers.
- Retail stores.
- Enclosed malls (except play areas and common seating areas, including food courts).
- Social, community, recreational and leisure and sporting events (limited to 10 people).
- Spiritual and religious gatherings (no limitations).

**9. Kentucky**

On April 21, 2020, Governor Andy Beshear announced the broad-strokes of the provisions of Kentucky’s phased reopening plan, [Healthy at Work](#).

**Gating Criteria.** The plan specifies seven benchmarks that must be met before Kentucky will begin Phase Two of its reopening plan:

- 14 days of decreasing cases.
- Increased testing capacity and contact tracing.
- Personal protective equipment (PPE) availability.
- Ability to protect at-risk populations.
- Ability to social distance and follow the CDC’s guidelines on large gatherings.

- Preparedness for possible future spike.
- Status of vaccine and treatment.

**Phase One: State-Readiness Evaluation.** During Phase One, the Governor will determine whether Kentucky has met certain public health benchmarks, which are based on the federal guidelines. The state will also release additional information and guidance for Phase Two. The Governor will begin the phased reopening of health care services.

**Phase Two: Business-Readiness Evaluation.** In Phase Two, the Governor will allow a gradual reopening of select business sectors, subject to certain health and safety measures. Businesses that are closed due to COVID-19, industry groups, and trade associations are encouraged to submit reopening proposals discussing possible strategies and challenges their business or sector will face in safely reopening.

**Targeted Openings.** In addition to the reopening phases above, Governor Beshear [announced](#) targeted reopening dates as follows:

- May 11, 2020 – Manufacturing, construction, vehicle and vessel dealerships, professional services (at 50% of pre-outbreak capacity), horse racing (without spectators), and pet grooming and boarding.
- May 20, 2020 – Retail.
- May 25, 2020 – Social gatherings of no more than 10 people, barbers, salons, cosmetology businesses and similar services.

#### **Industry Specific Guidelines.**

- [Meatpacking Facilities](#)

### **10. Maine**

On April 29, 2020, Governor Mills announced Maine’s plan to restart the economy entitled [Together, We Are Maine: Restarting Maine’s Economy](#) which contemplates four gradual stages of reopening. Under the Governor’s plan, the stages are based on calendar months, to allow for time to assess the effectiveness of the health and safety precautions put into place and give businesses a predictable timeframe to plan for opening. The guiding principles of this approach include (1) protecting public health; (2) maintaining health care readiness; (3) building reliable and accessible testing; and (4) prioritizing public-private collaboration.

**Gating Criteria.** The Maine CDC will be tracking three primary metrics in its evaluating of whether or not to progress through the stages:

- Symptoms: A downward trajectory of influenza-like illnesses and COVID-like syndromic cases.
- Cases: A downward trajectory of documented cases and newly hospitalized patients.
- Health System Preparedness: The capacity of Maine’s hospital systems to treat all patients without crisis care and the ability of state to engage in a robust testing program.

**Stage One—May.** Stage 1 contemplates a continued prohibition on gatherings of more than 10 people as well as the continued quarantine of all people entering Maine for a period of 14 days. All businesses that have been open may remain open.

The following businesses may open per Maine’s [Checklist Standards](#):

- Entertainment
  - Drive-in theaters.

- Health Care
  - Health care from Maine licensed providers, with a recommendation that they prioritize care for patients with time-sensitive conditions.
  - Assure the safety of patients, staff, and communities; manage the use of essential resources such as personal protective equipment and testing supplies.
  - Pace reopening services to the level of community COVID-19 activity, maintaining capacity in our hospitals for potential outbreaks.
- Outdoor Recreation
  - Golf courses and disc golf courses, with restrictions.
  - Guided outdoor activities (hunting, fishing).
  - Guided boating (5 or fewer customers).
  - Marinas.
  - Some 30 State Parks and Historic sites, but coastal sites will remain closed.
  - State owned public lands trails.
- Personal Services
  - Barber shops and Hair salons.
  - Dog Grooming.
- Religious
  - Limited drive-in, stay-in-your-vehicle church services.
- Retail/Commercial
  - Auto Dealership Sales.
  - Car Washes.

**Stage Two—June.** Stage 2 contemplates a continued prohibition on gatherings of more than 50 people and the 14-day quarantine on people entering Maine. All businesses that have been open may remain open. At-risk people should stay home when possible. Employees in legal and professional fields may return to offices, including State employees, as needed.

- Hospitality
  - Restaurants.
  - Lodging.
- Outdoor Recreation
  - Campgrounds/RV parks.
  - Day camps.
  - Coastal State Parks, with some services.
- Personal Services
  - Fitness and exercise gyms.
  - Nail technicians.
- Retail
  - All retail businesses.

**Stage Three—July-August.** Stage 3 maintains the prohibition on gatherings of more than 50 people and the 14-day quarantine on people entering Maine. All businesses that have been open may remain open. At-risk people should stay home when possible. Employees in legal and professional fields may return to offices, including State employees, as needed.

- Hospitality
  - Bars.
  - Lodging, such as hotels, campgrounds, summer camps, or RV parks.
- Outdoor Recreation
  - Charter boats, excursions – fewer than 50 people.
  - State Park Campgrounds.
  - Summer Camps.
- Personal Services
  - Spas.
  - Tattoo and piercing parlors.
  - Massage Facilities.
  - Cosmetologists and estheticians.
  - Electrolysis services.
  - Laser hair removal services, and similar personal care and treatment facilities and services.

**Stage Four—TBD.** All businesses are open and operating with appropriate safety modifications.

**Industry Specific Guidance.**

- [General Business](#)
- [Drive-In Theaters](#)
- [Healthcare](#)
- [Golf](#)
- [Outdoor  
Marinas](#)
- [Cosmetology](#)
- [Dog Grooming](#)
- [Auto Dealership](#)
- [Car Wash](#)

**11. Maryland**

The [Maryland Strong Roadmap to Recovery](#) establishes three phases of reopening that will be implemented on a local level upon the determination that the locality has satisfied the requisite gating criteria. Maryland may further divide the three phases into sub-phases and change the plan as warranted by public health and economic conditions.

In each phase of reopening, individuals currently teleworking shall continue to telework for the duration of the State of Emergency. Physical distancing and mask requirements shall also continue throughout the duration of the State of Emergency.

The plan contemplates some flexibility for local governments to adjust the reopening plan in light of regional differences. County health officers may also order local businesses and gathering places to restrict service or close if deemed to be operating in a manner dangerous to the public health, regardless of whether said business falls within a category generally opened statewide.

**Gating Criteria.** In each locality, the state will determine whether the following gating criteria have been met and will then permit county health officers to expand the permitted activities and businesses in that locality.

- Primary Metric: The current hospitalization rate (including the current ICU bed usage rate) for COVID patients.
- Secondary Metric: The number of daily COVID deaths.

If either metric sees a surge or spike, it will be an indication that the locality is not succeeding in “flattening the curve.” If hospitalizations remain steady and ICU resources continue to be available, it will be an indication that localities can move to the next Phase of the recovery plan.

**Phase One: Low Risk.** The Governor will announce the initiation of Phase One upon the determination that Maryland has:

- Sufficiently satisfied the gating criteria, above.
- Procured sufficient PPE for frontline healthcare workers.
- Generated hospital surge capacity.
- Generated adequate testing capacity.
- Created a robust contact tracing program.

Which activities may resume will not be announced in full at the initiation of Phase One, but will be rolled out over the duration of Phase One. Examples of changes that could be implemented in this stage include the allowance of the following:

- Reopening of small shops and certain small businesses.
- Curbside pickup and drop-off for businesses.
- Elective medical and dental procedures at ambulatory, outpatient, and medical offices.
- Recreational boating, fishing, golf, tennis, hiking, and hunting.
- Car washes.
- Limited outdoor gym and fitness classes.
- Outdoor work with appropriate distancing measures.
- Some personal services.

These allowance may be slowed or reversed upon:

- An unexpected increase in hospitalizations or a sustained increase over a period of 5 or more days in cases requiring intensive care.
- Indications that Marylanders are disregarding physical distancing guidelines.
- Significant outbreaks of community transmission (not clusters or outbreaks in particular nursing homes or vulnerable communities) where contact tracing cannot establish the route of the spread.

**Phase Two: Medium Risk.** In determining whether to enter Phase Two in a locality, the state will again consider the gating criteria above.

Examples of changes that could be implemented in this stage include the allowance of the following:

- Larger social gatherings.
- Reopening restaurants and bars with restrictions.
- Reopening indoor gyms and fitness classes.
- Reopening childcare centers.
- Returning some transit schedules to normal.

- Elective and outpatient procedures at hospitals.

**Phase Three: High Risk.** Entry into Phase Three requires either:

- A widely available and FDA-approved vaccine, OR
- Safe and effective therapeutics that can rescue patients with significant disease or prevent serious illness in those most at risk to reach a full return to normal conditions.

Examples of changes that could be implemented in this stage including the allowance of the following:

- Larger social gatherings.
- High-capacity bars and restaurants.
- Reopening of entertainment venues.

In addition, Commerce Industry Recovery Advisory Groups will submit “Safe Reopen Plans” for each sector of the economy designated as high risk for the spread of COVID-19, each of which will be vetted by the state to determine if the plans meet both public health and commerce needs.

## **12. Minnesota**

On April 23, 2020, Governor Tim Walz announced [Executive Order 20-40](#), permitting Non-Critical Exempt Businesses to return to work under certain conditions. The Order defines Non-Critical Exempt Businesses to include only industrial and manufacturing businesses and businesses in office-based settings. All workers in such businesses who can work from home must continue to do so.

The Order permits workers at Non-Critical Exempt Businesses who cannot work from home to return to the workplace upon the business’ completion of certain requirements including:

- Establishing and Implementing a COVID-19 [Preparedness Plan](#). Each plan must adequately address the following areas:
  - Require work from home whenever possible.
  - Ensure that sick workers stay home.
  - Social distancing.
  - Employee hygiene and source control.
  - Cleaning and disinfection protocols.
  - Implementation of Minnesota OSHA Standards and MDH and CDC Guidelines.
- Certification and signature of the Preparedness Plan by senior management.
- Dissemination and posting of the Preparedness Plan in the workplace.
- Training for workers on the contents of the Preparedness Plan.
- Workers and management must ensure compliance with the Preparedness Plan.

Employers must have their Preparedness Plan available to regulatory authorities and public safety officers upon request.

## **13. Mississippi**

On April 24, 2020, Governor Tate Reeves signed [Executive Order 1477: Safer at Home](#) permitting all businesses and non-profit entities operating within the State of Mississippi to open/re-open subject to the following limitations to minimize person to person interactions and associates risk of transmission of COVID-19:

- All businesses and non-profits are encouraged to utilize, to the maximum extent possible, work from home or other telework procedures.
- Businesses and non-profits shall take all reasonable measures to ensure compliance with the Mississippi State Department of Health's and CDC's regulations.
- Retail businesses shall adopt reasonable measures to prevent the spread of COVID-19, including but not limited to, limiting the number of customers in their stores at one time to no greater than 50% of store capacity in order to ensure compliance with social distancing protocols, and frequent cleaning of high-contact surfaces.
- All common areas where employees or customers are likely to congregate and interact shall be closed or strict social distancing protocols should be enforced.
- Non-essential business travel should be minimized.
- Special accommodations should be made for employees that are members of a vulnerable population to reduce their potential exposure to COVID-19.
- Restaurants and bars will remain open but are limited to drive-thru, curbside and/or delivery services.
- Except as permitted by [Executive Order 1473](#) for the limited operations of beaches, state park lakes, state lakes and reservoirs, all places of amusement and recreation, whether indoors or outdoors shall remained closed to the public.
- Fitness and exercise gyms, dance studios, clubs, tattoo parlors, spas, salons, barber shops, and all other personal care and personal grooming facilities shall remain closed to the public but may continue Minimum Operations.

#### **14. Montana**

Montana has announced the requirements for Phase I of its reopening plan, but has not yet provided details pertaining to later phases the plan.

**Phase One.** On April 22, 2020, Montana announced a [directive](#) for the phased opening of Montana which establishes guidance applicable to reopening phases and provides direction for Phase One, including lifting the Stay at Home Directive and reopening non-essential businesses.

- **Individuals:** All vulnerable individuals should continue to follow the stay at home guidance. All individuals, apart from members of a household, should when in public maintain at least 6 feet from others, avoid gathering in groups of more than 10 people, and minimize non-essential travel.
- **Employers:** Non-essential businesses are permitted to reopen. Employers should:
  - Continue to encourage telework whenever possible and feasible with business operations.
    - When telework is not feasible, employers are encouraged to accommodate alternative work schedules such as shift work and staggered scheduling in order to adhere to social distancing guidelines.
  - Close common areas where personnel are likely to congregate and interact, or enforce strict social distancing protocols.
  - Minimize nonessential business travel.
  - Make special accommodations for members of a vulnerable population or those with vulnerable household members.

- The Phase One [reopening guidelines](#) also provide industry specific guidance for the following businesses:
  - General businesses.
  - Restaurant/bar/brewery/distillery/casino.
  - Outdoor recreation.
  - Personal care/service.
- Specific Types of Employers/Activities: Certain employers or activities are subject to additional limitations:
  - Places of Worship: Places of worship can become operational with reduced capacity and where strict physical distancing protocols can be maintained between non-household members.
  - Retail Businesses: Retail businesses can become operational with reduced capacity and where strict physical distancing protocols can be maintained.
  - Restaurants/Bars: Effective May 4, restaurants, bars, breweries, distilleries, and casinos can become operational under strict physical distancing and reduced capacity protocols in accordance with State guidelines.
  - Other places of assembly including gyms, pools, and hot tubs remain closed.
  - Senior living or assisted living must continue to prohibit visitors.
  - Child care facilities can remain operational but should follow local and state guidelines regarding operational levels and occupancy.

## **15. Nevada**

On April 30, 2020, Governor Steve Sisolok [announced](#) Nevada's reopening plan entitled [Nevada United: Roadmap to Recovery](#).

The plan outlines the following foundational statewide social distancing measures:

- For communities and individuals:
  - If you must go out, wear a face covering.
  - Stay home as much as possible and avoid unnecessary social interactions.
  - Stay within county of residence or employment as much as possible.
  - Create more physical space between yourself and others.
  - Keep at least six feet between yourself and others, whenever possible.
  - Work from home, if possible.
  - Avoid all nonessential travel.
  - Avoid all nonessential social interactions.
- No gatherings of 10 or more people.
- Vulnerable populations (including older residents and those with underlying immunocompromising conditions) should remain home until the outbreak has subsided.
- Travel advisories remain in place
- Employers/Businesses:
  - Encourage telework whenever possible and feasible with business operations.
  - If possible, return to work in phases.

- Close common areas where personnel are likely to congregate and interact, or enforce strict social distancing protocols.
- Minimize non-essential travel and adhere to CDC guidelines regarding isolation following travel.
- Strongly consider special accommodations for personnel who are members of a vulnerable population.

**Gating Criteria.** For Nevada to successfully and gradually transition from the current response to the different stages, the statewide criteria listed below must be met:

- Downward Trending Data
  - Decline in percentage of people testing positive.
  - Decrease in the trend of COVID-19 hospitalizations.
- Strengthen Healthcare Infrastructure
- Testing Expansion
- Case Contact Tracing
- Protect Vulnerable Populations

**Phase One: Battle Born Beginning.** The goals of Phase One are to begin transition from community mitigation to case-based interventions, continue strengthening public health suppression efforts, and focus on easing restrictions on some businesses and public life, with modifications. The anticipated evaluation period is based upon metrics for an estimated 2-3 weeks.

- May open outdoor spaces, small businesses, and select retail, under strict social distancing measures, hygiene, and occupancy controls.
- No social events or public gatherings over 10.
- Relax “Stay at Home” to encourage “Safer at Home.”
- Vulnerable populations should remain home until the outbreak has subsided.
- Communicate the repercussions of a recurrence of disease growth.
- Strongly encourage improvised face coverings use by all.

**Phase Two: Silver State Stabilization.** The goals of Phase Two are to control COVID-19 transmission through fully expanded and robust public health efforts statewide and to continue to carefully lift restrictions on businesses and public life. The duration of Phase Two will depend on progress toward these goals and sustained ability to meet the criteria. A minimum of 2-3 weeks is needed to assess and evaluate data and trends throughout the phase.

- Broader opening of Commerce/Retail, services, and public life under extremely strict social distancing measures, hygiene, and occupancy controls. "Safer at Home" recommendations remain in place.
- Vulnerable populations should remain home until the outbreak has subsided.
- Strongly encourage improvised face covering use by all.

**Phase Three: On the Road to Home Means Nevada.** The goal of Phase Three is to continue easing restrictions further in preparation for return to normalcy. States can transition to Phase Four once “a robust surveillance sentinel system is in place, coupled with widespread point-of-care testing and a robust ability to implement tracing, isolation, and quarantines—and this is supported by the availability of therapeutics that can help mitigate

the risk of spread or reduce serious outcomes in those with infections—or alternatively a vaccine has been developed and tested for safety and efficacy.”

- Ease measures on some public and mass gatherings and non-essential travel with highly modified operations.
- Vulnerable populations should remain home until the outbreak has subsided.

**Phase Four: Home Means Nevada – Our New Normal.** The goal of Phase Four is to return to normalcy in daily lives, including education, work, and social and public life.

- Most/all businesses operating, with enhanced hygiene and vigilance.

### **16. New Hampshire**

On April 28, 2020, New Hampshire announced the formation of the [Governor’s Economic Re-Opening Task Force](#) which will look to create a phased reopening approach in line with the Federal guidelines.

New Hampshire additionally announced [Universal Guidelines for All New Hampshire Employers and Employees](#). The Guidelines apply to both essential businesses as well as those that are reopening and require that employers and employees take the following measures:

- Employees who are sick or not feeling well must stay home, and they should notify their supervisor by phone.
- Employers should develop a process for screening all employees reporting for work for COVID-19 related symptoms.
  - Identify a location and assign a person who will screen each employee every day before they enter the work-place. Such plans should be clearly communicated with employees. The person performing the screening should wear a cloth face covering/mask. All employees (see guidance below) should also wear a cloth face covering while at work and in potential close contact with others.
  - The screener should ask the following questions:
    - Have you been in close contact with a confirmed case of COVID-19?
    - Have you had a fever or felt feverish in the last 72 hours?
    - Are you experiencing any respiratory symptoms including a runny nose, sore throat, cough, or shortness of breath?
    - Are you experiencing any new muscle aches or chills?
    - Have you experienced any new change in your sense of taste or smell?
  - Document the temperature of all employees daily before their shift:
    - Employers should take the temperatures of their employees on-site with a non-touch thermometer each day upon the employees arrival at work.
    - If this is not possible, temperatures can be taken before arriving as long as it can sufficiently be authenticated by the employee. Normal temperature should not exceed 100.0 degrees Fahrenheit.
- Handling of employees who exhibit COVID-19 symptoms:
  - Instruct the employee to leave the premises immediately and to seek medical advice. Per EEOC and other pertinent guidelines, employers must maintain the confidentiality of employee health information.
  - Prevent stigma and discrimination in the workplace. Do not make determinations of health risk or health status based on race or country of origin.
- Frequent hand hygiene should be strongly promoted and alcohol-based hand sanitizer should be made readily available:

- Monitor employee hand washing or use of hand sanitizer and encourage frequent hand hygiene. If possible, employers should make available individual bottles of hand sanitizer to each employee and place hand sanitizer in frequently visited locations for both employees and customers.
- Implement workplace cleaning and disinfection practices:
  - These practices should follow CDC guidelines with regular sanitation of high-moderate touch surfaces at least every two hours. Develop policies for worker protection and provide training to all staff prior to assigning cleaning tasks.
- Mitigate exposure:
  - Reduce the risk to employers and employees in the workplace by supporting the use of cloth face coverings in areas where social distancing is difficult to maintain, implementing social distancing guidelines, and modified employee schedules, where possible, to reduce the number of physical interactions.
  - Meetings, for example, should be conducted by phone or computer conferencing applications when able; in-person meetings should be limited and employees should maintain a safe distance of at least 6 feet from others at all times.
  - Employers should also take steps to limit self-servicer options. For example, customer samples, communal packaging, food/beverages (e.g. candy dishes, common creamers at coffee stations).
  - Promote etiquette for coughing, sneezing and handwashing.
  - Provide employees and the public with tissues, no-touch trash cans, soap and water, and hand sanitizer with at least 60% alcohol.
  - Discourage workers from using other workers' phones, desks, offices, or other work tools and equipment, when possible. If an employee becomes sick during the day, they should be sent home immediately.
  - Surfaces in their workspace should be cleaned and disinfected.
- Allow Employees to work from home as much as practical:
  - Work from home policies assist in limiting exposure and maintaining social distancing. This is encouraged as much as possible while still allowing a business to open.
- Plan for potential COVID-19 cases:
  - Implement plans to continue your essential business functions in case you experience higher than usual absenteeism.
  - Employers should work with state and local officials when needed to monitor and investigate cases of COVID-19. In all cases, they should work in a manner to ensure privacy rights.
- Covered employers and employees should be reminded of the provisions of the federal Families First Coronavirus Response Act:
  - This law allows for paid sick leave or expanded family and medical leave for specified reasons, such as for self-quarantining or seeking a medical diagnosis for COVID-19 symptoms
- Update the Employee Illness Policy:
  - Review policies to make sure that policies and practices are consistent with public health recommendations and are consistent with existing state and federal workplace laws.
  - Employers should amend or update their internal policies to include symptoms of COVID-19 or create a COVID-19 specific policy. Maintain flexible, non-punitive policies that permit employees to stay home if ill or to care for a sick family member. These policies should incorporate any sector specific recommendations by the state of New Hampshire. All staff should sign the policy, and the policy should be posted for confirmation.
- Communicate frequently with both employees and customers about steps being taken to prevent spread of COVID-19 in the workplace:
  - Employers should communicate expectations to employees with recommendations on steps everybody can take steps to prevent spread of COVID-19.

- Post extensive signage on health policies, including the following documents in the workplace to help educate building occupants on COVID-19 best practices.
- Communicate with customers about steps being taken to protect them from COVID-19 exposure in the workplace.

### **17. New York**

On April 26, 2020, Governor Cuomo [outlined a phased plan](#) to re-open New York. The plan will be implemented in phases and will be based on regional analysis and determinations. Based on CDC recommendations, once a region experiences a 14-day decline in the hospitalization rate they may begin a phased re-opening. The State is closely monitoring the hospitalization rate, the infection rate, and the number of positive antibody tests, as well as the overall public health impact, and will make adjustments to the plan and other decisions based on these indicators. The full reopening plan has not yet been released.

**Phase One.** Phase one will include resuming construction and manufacturing functions with low risk.

**Phase Two.** Phase two will open certain industries based on priority and risk level. Businesses considered “more essential” with inherent low risks of infection in the workplace and to customers will be prioritized, followed by other businesses considered “less essential” or those that present a higher risk of infection spread. As the infection rate declines, the pace of reopening businesses will be increased.

### **18. North Carolina**

On April 23, 2020, Governor Roy Cooper [announced](#) North Carolina’s plan, entitled [North Carolina: Staying Ahead of the Curve](#), to lift restrictions in three phases once the data show that key metrics are headed in the right direction.

**Gating Criteria.** In order to begin lifting restrictions, North Carolina needs to see progress in these key metrics:

- Sustained leveling or decreased trajectory in COVID-Like Illness (CLI) surveillance over 14 days.
- Lab-confirmed cases over 14 days.
- Positive tests as a percentage of total tests over 14 days.
- Hospitalizations over 14 days.

**Phase One.**

- [Stay At Home Order](#) remains in place, people can leave home for commercial activity.
- Those retailers and services will need to implement social distancing, cleaning and other protocols.
- Gatherings limited to no more than 10 people.
- Parks can open subject to gathering limits.
- Face coverings recommended in public.
- Restrictions remain in place for nursing homes and other congregate living settings.
- Encourage continued teleworking.

**Phase Two.** Phase Two will occur at least two to three weeks after Phase One and contemplates:

- Lifting the [Stay at Home Order](#) with strong encouragement for vulnerable populations to continue staying at home.
- Allowing limited opening of restaurants, bars and other businesses that can follow strict safety protocols (reduced capacity).
- Allow gathering at houses of worship and entertainment venues at reduced capacity.
- Increasing in number of people allowed at gatherings.

- Opening public playgrounds.
- Continuing rigorous restrictions on nursing homes and congregant living settings.

**Phase Three.** Phase Three will occur at least four to six weeks after Phase Two and contemplates:

- Lessening restrictions for vulnerable populations with encouragement to continue practicing physical distancing.
- Allowing increased capacity at restaurants, bars, other businesses, houses of worship and entertainment venues.
- Further increasing the number of people allowed at gatherings.
- Continuing rigorous restrictions on nursing homes and congregant care setting.

## **19. North Dakota**

On April 28, 2020, Governor Doug Burgum [released](#) his plan to restart North Dakota's Economy entitled [ND Smart Restart](#) which includes operating standards for all industries, as well as specific guidance for several high-contact business sectors that were closed or had access limited by Executive Order 2020-06.3 which expired on April 30, 2020.

On April 29, 2020, Governor Burgum signed [Executive Order 2020-06.4](#) providing additional guidance for businesses under ND Smart Restart. Beginning May 1, 2020, personal services, tattoo and body piercing salons, massage therapy services, health club and athletic facilities, restaurants, bars, breweries, distilleries, food trucks, cafes, and movie theaters may reopen in accordance with certain requirements. Businesses that remained open through the pandemic or businesses that voluntarily closed were encouraged to adopt the ND Smart Restart standards. Recreational and sports arenas, and music and entertainment venues remain closed.

**Gating Criteria.** North Dakota has [indicated](#) that there eight conditions to ND Smart Restart:

- Robust, widespread rapid testing capability.
- Robust contact tracing and infrastructure.
- Targeted effective quarantine and isolation.
- Protections for the state's most vulnerable.
- Sufficient health care capacity, hospital/ICU beds.
- Adequate PPE availability for healthcare system and public.
- New standard operating procedures for reopening.
- Plans for dealing with a resurgence or additional waves of COVID-19.

The ND Smart Restart Plan provides for certain [standards](#) for all industries:

- Compliance
  - Adhere to CDC Guidelines for Businesses and Employers
  - Adhere to ND Department of Health Recommendations and Resources for the Public
- Movement and Activity
  - Gathering Size: Limit the number of people occupying the facility to ensure all maintain a minimum six-foot distance from one another
  - Physical Distancing: Mark six-foot increments where lines form.
  - Workplace Activity: Post signage (state provided) at all entrances of the facility.
- Employee and Customer Safety and Trust
  - Personal Protective Equipment (PPE): Encourage use of cloth face coverings to employees and contracted workers whose duties require close contact (within six feet for ten minutes or more) with other employees and/or the public.
  - Hygiene and Cleaning

- Provide for contactless payment systems or, if not feasible, provide for disinfecting all payment portals, pens and styluses after each use.
- Provide hand sanitizer, soap and water or effective disinfectant at or near the entrance of the facility and in other appropriate areas for use by the public and employees, and in locations where there is high frequency employee interaction with members of the public (e.g. cashiers). Restrooms normally open to the public shall remain open to the public.
- Regularly disinfect other high-touch surfaces according to industry standard operating procedures in conjunction with Personal Protective Equipment (PPE) use for staff.
- Special Measures
  - Develop policies and procedures for prompt identification and isolation of sick staff and customers.
  - Encourage customers to download the Care19 App to increase success levels with contact tracing.

North Dakota provides specific guidance for the following industries:

- [Restaurants and Bars](#)
- [Fitness Centers](#)
- [Personal Services](#)
- [Movie Theaters](#)

## **20. Ohio**

On April 27, 2020, Governor Mike DeWine announced a reopening plan entitled [Responsible Restart Ohio](#) to (1) protect the health of employees, customers, and their families, (2) support community efforts to control the spread of the virus, and (3) lead in responsibly getting Ohio back to work.

The plan requires all businesses to implement the following protocols:

- Require face coverings for employees and recommend them for clients/customers.
- Conduct daily health assessments by employers and employees (self-evaluation) to determine if “fit for duty.”
- Maintain good hygiene at all times – hand washing, sanitizing and social distancing.
- Clean and sanitize workplaces throughout workday and at the close of business or between shifts.
- Limit capacity to meet social distancing guidelines.
  - Establish maximum capacity at 50% of fire code.
  - Use appointment setting where possible to limit congestion.

The plan also requires all businesses to take the following actions when a COVID-19 infection is identified:

- Immediately report employee or customer infections to the local health district.
- Work with local health department to identify potentially exposed individuals to help facilitate appropriate communication/contact tracing.
- Shutdown shop/floor for deep sanitation if possible.
- Professionally clean and sanitize site/location.
- Reopen in consultation with the local health department.

The plan also provides sector specific operating requirements for:

- [Manufacturing, Distribution & Construction](#)

- [Consumer, Retail & Services](#)
- [General Office Environments](#)

## 21. Oklahoma

Oklahoma has adopted a reopening plan entitled [Open Up and Recover Safely \(OURS\)](#). OURS also includes recommendations for employers and individuals at each stage of reopening.

**Gating Criteria.** Before proceeding to a new phase, the Secretary of Health and Mental Health will confirm that:

- Oklahoma COVID-19 hospitalizations and incidents are at a manageable level for 14 days.
- Hospitals are treating all patients without alternate care sites.
- There is sufficient testing material in the state and ability to conduct contact tracing.
- The state can quickly and independently supply sufficient Personal Protective Equipment (PPE) and critical medical equipment, including ICU equipment, to handle a surge.

### Phase One.

- Additional Gating Criteria: In addition to the gating criteria above, Oklahoma will fulfill the following before moving to Phase One:
  - Ensure the ability to quickly set up safe and efficient testing for symptomatic individuals.
  - Provide guidance intended to protect the health and safety of workers in critical industries.
  - Monitor conditions to limit and mitigate any rebounds or outbreaks.
- Employers: In Phase One, employers should:
  - Create plans to allow employees to return to work in phases.
  - Close common areas or enforce social distancing protocols.
  - Minimize non-essential travel and adhere to CDC guidelines and Executive Orders regarding isolation following travel.
  - Honor requests of personnel who are members of a vulnerable population for special accommodations.
- Business Reopenings:
  - On April 24, 2020, subject to certain restrictions, the following businesses may reopen:
    - Personal care businesses, for appointments only.
    - Outdoor recreation.
  - On May 1, 2020, subject to certain restrictions, the following businesses may reopen:
    - Dining, entertainment, movie theatres, and sporting venues.
    - Gyms.
    - Tattoo Parlors, for appointments only.

**Phase Two.** OURS directs the state to move to Phase Two upon the second satisfaction of the gating criteria, with a goal of doing so on May 15, 2020.

- Businesses:
  - In Phase Two, OURS removes the following limitations:
    - Staggered return to work phases for employees.
    - Minimize non-essential travel and adhere to CDC guidelines and Executive Orders regarding isolation following travel.
  - In addition, the following may resume:

- Bars, with diminished standing-room occupancy and under certain protocols.
- Funerals and weddings, under social distancing protocols.

**Phase Three.** OURS directs the state to move to Phase Three upon the second satisfaction of the gating criteria, with a goal of doing so on June 1, 2020. In Phase Three, employers can resume unrestricted staffing of worksites. Bars, as well as funerals and weddings, must continue to operate in line with the protocols established by Oklahoma.

## **22. Oregon**

On April 14, 2020, Governor Kate Brown [announced](#) her plan to restart public life and business while maintaining healthy Oregon communities entitled [Reopening Oregon](#). Oregon has not yet finalized its plan.

**Gating Criteria.** The plan describes five public health criteria for reopening Oregon:

- Declining growth rate of active cases.
- Sufficient personal protective equipment.
- Hospital surge capacity.
- Robust testing, tracing and isolation strategy.
- Strategies that work for hardest hit and vulnerable populations, including nursing homes and people experiencing homelessness.

## **23. Pennsylvania**

Pennsylvania released a plan, entitled [Process to Reopen Pennsylvania](#), listing measures the State has taken to mitigate the spread of COVID-19 and outlining a three-phase plan for reopening the State starting May 8, 2020. The plan reinforces and builds upon the [Order of the Secretary of the Pennsylvania Department of Health Directing Building Safety Measures](#) and the [Order of the Secretary of the Pennsylvania Department of Health Directing Public Health Safety Measures of Businesses Permitted to Maintain In-Person Operations](#). The plan also alludes to a guidance for business, local governments, workers and customers that is currently in the process of development.

**Gating Criteria.** Before a region may proceed to a new phase, the Secretary of Health, the Pennsylvania Emergency Management Agency Director, and the Secretary of the Department of Community and Economic Development will make formal recommendations to the Governor, considering the following criteria:

- A target goal of fewer than 50 new confirmed cases per 100,000 population in the 14 previous days.
- Enough testing available for individuals with symptoms and target populations such as those at high risk, health care personnel, and first responders.
- Robust case investigation and contact tracing infrastructure is in place to facilitate early identification of cluster outbreaks and to issue proper isolation and quarantine orders.
- Identification of area's high-risk settings including correctional institutions, personal care homes, skilled nursing facilities, and other congregate care settings, and assurance that facilities have adequate safeguards in place such as staff training, employee screening, visitor procedures and screening, and adequate supplies of PPE to support continued operations.

Pennsylvania will also use a modeling dashboard under development and evaluation by Carnegie Mellon University to take a regional and sector-based approach to reopenings, the easing of restrictions, and response.

**Phase Red.** Phase Red describes the current status of restrictions, including:

- The limitation of business activity to essential businesses only.
- Stay-at-home orders.
- Prohibitions of large gatherings.
- Restrictions on travel except for Life-Sustaining Purposes only.
- Limitations on restaurant and bar service (carry-out and delivery only).

**Phase Yellow.** Phase Yellow will involve the gradual lifting of certain, Phase Red restrictions as follows:

- Telework must continue where feasible.
- Businesses with in-person operations must adhere to the orders on business and building safety.
- Prohibitions of large gatherings over 25.
- In-person retail is allowed though curbside and delivery services are preferred.

In this phase, all businesses must follow CDC and DOH guidance for social distancing and cleaning and monitor public health indicators so as to adjust orders and restrictions as necessary. Additionally, recreational facilities (e.g., gyms, spas) as well as entertainment venues (e.g., casinos, theaters) will remain closed during this phase.

**Phase Green.** Phase Green will encompass the lifting of aggressive mitigation orders and restrictions on business. However, all businesses and individuals must follow CDC and Pennsylvania Department of Health Guidelines and monitor public health indicators so as to adjust orders and restrictions as necessary.

**The Order of the Secretary of the Pennsylvania Department of Health Directing Building Safety Measures** outlines regulations and procedures for ensuring safety in light of the COVID-19 threat for building owners and operators. For commercial, industrial or business-related buildings at least 50,000 square feet, building owners/operators must:

- Clean and disinfect high-touch areas routinely in accordance with CDC guidelines, in spaces that are accessible to customers, tenants, or other individuals.
- Maintain pre-existing cleaning protocols established in the facility for all other areas of the building.
- Ensure that the facility has a sufficient number of employees to perform the necessary cleaning protocols effectively and in a manner that ensures the safety of occupants and employees.
- Ensure that the facility has a sufficient number of security employees to control access, maintain order, and enforce social distancing of at least 6 feet.

**The Order of the Secretary of the Pennsylvania Department of Health Directing Public Health Safety Measures of Businesses Permitted to Maintain In-Person Operations** lays out guidelines for owners and operators of Life-Sustaining Businesses that remain open and will serve as the basis for reopening businesses as the process to reopen Pennsylvania progresses. Under these guidelines:

- Businesses that are authorized to maintain in-person operations (other than health care providers), must:
  - Clean and disinfect high-touch areas routinely in accordance with CDC guidelines, in spaces that are accessible to customers, tenants, or other individuals.
  - Maintain pre-existing cleaning protocols established in the facility for all other areas of the building.

- Establish protocols for execution upon discovery that the business has been exposed to a person with a probable or confirmed case of COVID-19, including:
  - Close off areas visited by the person who is a probable or confirmed case of COVID-19. Open outside doors and windows and use ventilation fans to increase air circulation in the area. Wait a minimum of 24 hours, or as long as practical, before beginning cleaning and disinfection. Cleaning staff should clean and disinfect all areas such as offices, bathrooms, common areas including but not limited to employee break rooms, conference or training rooms and dining facilities, shared electronic equipment like tablets, touch screens, keyboards, remote controls, and ATM machines used by the ill person, focusing especially on frequently touched areas.
  - Identify employees that were in close contact (within about 6 feet for about 10 minutes) with a person with a probable or confirmed case of COVID-19 from the period 48 hours before symptom onset to the time at which the patient isolated.
    - a. If the employee remains asymptomatic, the person should adhere to the practices set out by the CDC in its April 8, 2020 [Interim Guidance for Implementing Safety Practice for Critical Infrastructure Workers Who May Have Had Exposure to a Person with Suspected or Confirmed COVID-19](#).
    - b. If the employee becomes sick during the work day, the person should be sent home immediately. Surfaces in the employee's workspace should be cleaned and disinfected. Information on other employees who had contact with the ill employee during the time the employee had symptoms and 48 hours prior to symptoms should be compiled. Others at the workplace with close contact within 6 feet of the employee during this time would be considered exposed.
    - c. Promptly notify employees who were close contacts of any known exposure to COVID-19 at the business premises, consistent with applicable confidentiality laws.
    - d. Ensure that the business has a sufficient number of employees to perform the above protocols effectively and timely.
  - Implement temperature screening before an employee enters the business, prior to the start of each shift or, for employees who do not work shifts, before the employee starts work, and send employees home that have an elevated temperature or fever of 100.4 degrees Fahrenheit or higher. Ensure employees practice social distancing while waiting to have temperatures screened.
  - Employees who have symptoms (i.e., fever, cough, or shortness of breath) should notify their supervisor and stay home.
  - Sick employees should follow CDC-recommended steps. Employees should not return to work until the CDC criteria to discontinue home isolation are met, in consultation with healthcare providers and state and local health departments. Employers are encouraged to implement liberal paid time off for employees who do not return to work as set forth above.
- Stagger work start and stop times for employees when practicable to prevent gatherings of large groups entering or leaving the premises at the same time.
- Limit persons in employee common areas (such as locker or break rooms, dining facilities, training or conference rooms) at any one time to the number of employees that can maintain a social distance of 6 feet.

- Conduct meetings and trainings virtually (i.e., by phone or through the internet). If a meeting must be held in person, limit the meeting to the fewest number of employees possible, not to exceed 10 employees at one time, and maintain a social distance of 6 feet.
  - Provide employees access to regular handwashing with soap, hand sanitizer, and disinfectant wipes and ensure that common areas (including but not limited to break rooms, locker rooms, dining facilities, rest rooms, conference or training rooms) are cleaned on a regular basis, including between any shifts.
  - Provide masks for employees to wear during their time at the business, and make it a mandatory requirement to wear masks while on the work site, except to the extent an employee is using break time to eat or drink, in accordance with the guidance from the Department of Health and the CDC. Employers may approve masks obtained or made by employees in accordance with Department of Health guidance.
  - Ensure that the facility has a sufficient number of employees to perform all measures listed effectively and in a manner that ensures the safety of the public and employees; ensure that the facility has a sufficient number of personnel to control access, maintain order, and enforce social distancing of at least 6 feet.
  - Prohibit non-essential visitors from entering the premises of the business.
  - Ensure that all employees are made aware of these required procedures by communicating them, either orally or in writing, in their native or preferred language, as well as in English or by a methodology that allows them to understand.
- Businesses that serve the public within a building or defined area (other than health care providers) must:
    - Conduct business with the public by appointment where possible and otherwise limit occupancy to 50% of maximum occupancy, maintain social distancing of 6 feet at check-out and counter lines and place signage throughout each site to encourage customers and employees to maintain social distancing.
    - Alter business hours to provide for sufficient cleaning and restocking time, if possible.
    - Install shields or other barriers at registers and check-out areas to physically separate cashiers and customers or take other measures to ensure social distancing of customers from check-out personnel, or close lines to maintain a social distance between of 6 feet between lines.
    - Encourage use of online ordering by providing delivery or pick-up options.
    - Designate a specific time for high-risk and elderly persons to use the business at least once every week if there is a continuing in-person customer-facing component.
    - Require all customers to wear masks while on premises, and deny entry to individuals not wearing masks, unless the business is providing medication, medical supplies, or food, in which case the business must provide alternative methods of pick-up or delivery of such goods; however, individuals who cannot wear a mask due to a medical condition (including children under the age of 2 years per CDC guidance) may enter the premises and are not required to provide documentation of such medical condition.
    - In businesses with multiple check-out lines, only use every other register, or fewer. After every hour, rotate customers and employees to the previously closed registers. Clean the previously open registers and the surrounding area, including credit card machines, following each rotation.
    - Schedule handwashing breaks for employees at least every hour.
    - Where carts and handbaskets are available for customers' use, assign an employee to wipe down carts and handbaskets before they become available to each customer entering the premises.

## **24. Rhode Island**

On April 27, 2020, Governor Gina Raimondo unveiled a phased framework for safely reopening the economy entitled [Reopening RI: Charting the Course](#).

**Gating Criteria.** Rhode Island has six key indicators for deciding whether to reopen Rhode Island and will reopen when they can answer “yes” to the following questions:

- Has the rate of spread continued to decrease?
- Do we have the capacity to quickly identify community spread on an ongoing basis before a major outbreak occurs?
- Do we have the necessary supports in place for vulnerable populations and for anyone in quarantine?
- Does our healthcare system have the capacity and the PPE to handle future surges?
- Do businesses, schools, childcare sites, faith organizations, and recreational spaces have plans for long-term social distancing?
- Are we prepared to re-impose measures, or reclose certain sectors of the economy, if it becomes necessary?

### **Phase One: Testing the Water.**

- The stay at home order is lifted, but social gatherings are limited to 10 people.
- Older adults (65+) and those with underlying health conditions can go to work and go out for food or medicine. But in accordance with federal public health guidance, vulnerable individuals are strongly encouraged to otherwise stay home.
- Masks, vigilant hand-washing and increased cleaning must remain in place. And everyone who can work from home should still work from home.
- All activities must account for strong social distancing guidelines of remaining 6-feet apart.
- Some parks begin to reopen with strong social distancing guidelines.
- Elective medical procedures resume under new safety protocols.
- Primary care and community health providers remain open. Other allied health professions reopen with updated safety protocols (i.e. physical therapists, behavioral therapists, etc.). Pilot reopening of dentists’ offices under strict new regulations.
- Limited childcare options are available with strong social distancing guidelines.
- School buildings remain closed, and distance learning continues.
- Retail locations allow in-store pickup of pre-orders. There is potential for allowing browsing under new restrictions.
- Offices should emphasize remote work but can allow limited numbers of employees on site in accordance with new guidelines.
- Restaurants remain open for pickup, delivery, and drive-through (with offerings modestly expanded). Pilots of seated dining begin, including outdoor dining.
- Pilot openings of hair salons and barbers begin with significant restrictions to protect public health and safety.
- Manufacturers and construction sites continue operations under existing and evolving guidance.

### **Phase Two: Navigating Our Way.**

- Expanded childcare options will be available under strict public health guidelines.
- More restaurants, retail and close-contact businesses like hair and nail salons may open.
- Additional recreational options will likely return including more parks and beaches, but restrictions remain.
- Social gathering limits increase to 15 people.

- Older adults (65+) and those with underlying health conditions can go to work and go out for food or medicine. But in accordance with federal public health guidance, vulnerable individuals are still strongly encouraged to otherwise stay home.
- Masks, vigilant hand-washing and increased cleaning must remain in place.
- Offices will ease capacity restrictions allowing more people to come in, but many people will still work from home.
- All activities must account for strong social distancing guidelines of remaining 6-feet apart.

**Phase Three: Picking Up Speed.**

- We can look forward to schools opening with restrictions and seeing more of our families and friends.
- Offices, restaurants, retail and other businesses will lift some of the tightest restrictions to allow more people in at one time but will need to operate under long-term safety guidelines. Social gatherings are limited to 50 people.
- Older adults (65+) and those with underlying health conditions are no longer strongly encouraged to stay home. These individuals are reminded to exercise significant caution in public.
- Masks, vigilant hand-washing and increased cleaning must remain in place. Working from home is still encouraged where possible but more people will return to the workplace.
- All activities must account for strong social distancing guidelines of remaining 6-feet apart.

**25. South Dakota**

On April 28, 2020, Governor Kristi Noem [announced](#) her plan to help South Dakotans get “[Back to Normal](#)” following the COVID-19 pandemic along with [Executive Order 2020-20](#) which put the plan into effect.

**Gating Criteria.** South Dakota’s plan identifies the following criteria:

- Symptoms
  - Downward trajectory of influenza-like illnesses (ILI) reported within the last 14-day period.
  - Plan in place so all persons with COVID-19 symptoms can receive a test upon recommendation from their provider.
- Cases
  - Downward trajectory of documented cases within a 14-day period in areas with sustained community spread.
  - No clusters that pose a risk to public.
- Hospitals
  - Treat all patients without crisis care.
  - Testing program in place for at risk healthcare workers, including emerging antibody testing.
  - Adequate supply of independently procured personal protective equipment is available for all workforce and patients.
- State
  - SD DOH has the capacity to rapidly investigate COVID-19 cases and initiate containment (isolation and quarantine).
  - SD EOC maintains a rapid response team to support high-risk businesses with a confirmed COVID-19 case.

South Dakota’s plan provides for guidance for all employers including:

- Encourage [good hygiene and sanitation](#) practices, especially in high-traffic areas.
- Encourage employees to stay home when sick.
- If previously operating via telework, begin transitioning employees back to the workplace.
- Where appropriate, [screen employees](#) for symptoms prior to entering the workplace.

## 26. Tennessee

On April 28, 2020, Governor Bill Lee issued [Executive Order 30](#) allowing Tennesseans to Return to Work Safely While Encouraging Continued Adherence to Health Guidelines which permits certain businesses, with the exception of businesses that perform close-contact personal services and entertainment, recreational, and gathering venues, to reopen. Tennessee announced its plan to reopen entitled [Tennessee Pledge: Reopening Tennessee Responsibly](#) which provides certain [safeguarding protocols](#) for all businesses in Tennessee based on the recommendations of CDC and OSHA:

- Employers
  - Allow employees to work from home as much as possible.
  - Screen all employees reporting to work for COVID-19 symptoms.
  - Temperature screening employees.
  - Direct any employee who exhibits COVID-10 symptoms.
  - Implement workplace cleaning and disinfection practices.
  - Mitigate exposure in the workplace by implementing social distancing guidelines and modify scheduling.
  - Plan for potential COVID-19 cases, and work with local health department officials when needed.
  - Covered employers and employees should be aware of the provisions of the federal Families First Coronavirus Response Act.
  - Update the Employee Illness policy to include the symptoms of COVID-19.
  - Limit self-service options.
  - Post extensive signage on health policies.
- Employees
  - Stay home when feeling ill.
  - Increase hygiene practice.
  - Wear a cloth face covering (not an N-95 or medical mask, which should be reserved for healthcare workers).
  - Practice recommended social distancing to the greatest extent possible.
  - Abide by guidelines established by employer, which may include the use of gloves, social distancing practices in the workplace and increased sanitation.

Tennessee provides industry-specific guidelines for:

- [Restaurants.](#)
- [Exercise Facilities.](#)
- [Retail.](#)

## 27. Texas

On April 27, 2020, Texas issued [Executive Order GA-18](#), announcing the first phase of reopening efforts, but has not yet provided conditions for additional phases of reopening.

**Phase One.** Effective May 1, all retail stores, restaurants, movie theaters, museums, libraries, and shopping malls are permitted to reopen though they must limit service to 25% of their listed occupancy. Play areas, food-courts and interactive services at shopping malls must remain closed. In counties with five or fewer lab-confirmed cases of COVID-19, businesses may increase occupancy limits to 50%.

The announcement was accompanied by a report with business-specific guidance entitled [Texans Helping Texans: The Governor's Report to Open Texas](#). The Report outlines minimum recommended health protocols for all businesses including:

- Training employees on appropriate cleaning and disinfection, hand hygiene, and respiratory etiquette.
- Screening employees before entering the business premises.
- Sending home employees who exhibit COVID-19 symptoms.
- Prohibiting employees with COVID-19 symptoms from returning to the business premises until 3 days have passed since recovery (resolution of fever without fever-reducing medications), respiratory symptoms show signs of improvement, and 7 days have passed since the onset of symptoms. In the alternative, employees can return to the business premises if they obtain a medical professional's note clearing them for return based on an alternative diagnosis.
- Prohibiting employees who have known close contact with an individual that has a lab-confirmed COVID-19 diagnosis from returning to work without a 14 day self-quarantine period from the last date of exposure.
- Arranging for employees to wash or sanitize their hands upon entering the business.
- Arranging for employees to maintain 6 feet of distance from other individuals. Where distancing is impracticable, providing face coverings and encouraging rigorous hand hygiene, cough etiquette, cleanliness and sanitation.
- Individually pack meals that are prepared for employees.
- Arranging for employees to wear face coverings.

The Report encourages the following health protocols for business facilities:

- Regularly disinfect high-touch surfaces, such as doorknobs, tables, chairs, and restrooms.
- Disinfect any items that come into contact with customers.
- Make hand sanitizer, disinfecting wipes, soap and water, or similar disinfectant readily available to employees and customers.  
place readily visible signage at the business to remind everyone of best hygiene practices.

The Report provides industry-specific guidelines in addition to the above health protocols for all businesses as follows:

- [Retail](#) (page 23).
- [Restaurants](#) (page 27).
- [Movie theaters](#) (page 31).
- [Museums and Libraries](#) (page 35).
- [Outdoor Sports Participants](#) (page 38).
- [Churches /Places of Worship](#) (page 39).
- [Single-Person Offices](#) (Page 42).

## **28. Vermont**

Vermont has announced the conditions for Phase I of reopening, but has not yet provided the conditions for additional phases of reopening.

**Phase One.** Effective April 20, 2020, Vermont instituted [Addendum 10 to Executive Order 01-20](#), which in combination with the [Agency of Commerce and Community Development Guidance](#), initiates the state's "Work Smart & Stay Safe – Restart VT: Phase I" plan. The Order is currently in effect until May 15, 2020, at 12:00 am, but may be extended.

All businesses, including non-profit entities, must maintain telecommuting or work from home procedures to the maximum extent possible.

In addition, all businesses must implement the following measures:

- Employees shall not report to, or be allowed to remain at, work if sick or symptomatic (fever, cough, and/or shortness of breath).
- Employees must observe strict social distancing of 6 feet.
- Employees must wear non-medical cloth face coverings (bandanna, scarf, nonmedical mask, etc.) over their nose and mouth when in the presence of others. Retail cashiers may use a sneeze guard in lieu of a mask.
- Employees must have easy and frequent access to soap and water or hand sanitizer. Handwashing or hand sanitization is also recommended before entering and leaving job sites.
- All common spaces and equipment, including bathrooms, frequently touched surfaces and doors, tools and equipment, and vehicles must be cleaned and disinfected at the beginning, middle and end of each shift and prior to transfer from one person to another.
- No more than 2 people shall occupy one vehicle when conducting work.

## **29. West Virginia**

On April 27, 2020, Governor Jim Justice unveiled his comprehensive plan to reopen various aspects and its economy entitled [West Virginia Strong – The Comeback](#). The plan is divided into six weeks of steps gradually reopening the state.

**Gating Criteria.** The plan will begin in full once West Virginia has had three consecutive days wherein the statewide cumulative percent of positive test results is below 3%.

**Week One.** Although, as of Thursday, April 30, 2020, West Virginia had not yet reached its gating goal, the plan indicates that Week One tentatively began on April 30, 2020. As part of Week One, the following can occur:

- Elective medical procedures can resume.
- Hospitals can resume normal operating procedures, including outpatient healthcare, although hospitals should work with boards and associations to develop appropriate criteria for the following areas:
  - Primary Care.
  - Dentistry.
  - Physical therapy/Occupational therapy.
  - Psychological/mental health.
- Daycares can reopen with the testing of daycare staff.

**Week Two** (Tentatively to begin Monday, May 4). All of the following should all occur with physical distancing, sanitization and face coverings:

- Small businesses with less than 10 employees can resume operations.
- Professional Services (by appointment only and waiting in vehicle instead of inside) can resume.
  - Hair and nail salons, barbershops.
  - Dog grooming.
- Outdoor dining at restaurants can occur.
- Churches and funerals with limited gathering size can take place.
  - Participants should take precautions, including seating in every other pew, physical distancing, and using face coverings.

**Week Three-Six.** Businesses will be gradually reopened during Weeks 3-6. Announcements indicating which businesses may resume will occur at least one week prior to the reopening date. Such businesses include:

- Office/government buildings.
- Specialty retail stores.
- Parks and/or restrooms and facilities at parks.
- Gyms, fitness centers, recreational centers.
- Dine-in restaurants.
- Hotels.
- Casinos.
- Spas/massage parlors.
- Remaining small businesses.

West Virginia currently has no timeline for reopening nursing home visitation, entertainment venues and gatherings larger than 25 people.

West Virginia provides additional guidance on the following industries:

- [Small Businesses with fewer than 10 employees](#)
- [Restaurants](#)
- [Religious entities and funeral homes](#)

### **30. Wisconsin**

On April 20, 2020, Wisconsin issued [Emergency Order 31](#) which announced Wisconsin's [Badger Bounce Back](#) phased approach to re-opening its economy and society, with each phase being incrementally less restrictive on businesses and individuals. The Department of Health Services will announce the transition to each Phase with an order fully articulating the changes that each Phase will bring.

**Gating Criteria.** The state must show progress or advancement in the following areas before progressing through to the next Phase:

- **Testing:** Every Wisconsin resident who has symptoms of COVID-19 has access to a lab test. Results will be reported to the patient and public health officials within 48 hours of collection. The ultimate goal is 85,000 tests per week or approximately 12,000 tests per day.
- **Tracing:** Increase contact tracing by up to 1,000 people and implement technology solutions to ensure everyone who is infected or exposed will safely isolate or quarantine.
- **Tracking:** Building on systems used to track influenza and the COVID-19 pandemic, track the spread of COVID-19 and report on the Wisconsin Gating Criteria and other related metrics.
- **Personal Protective Equipment:** Procure PPE and other necessary supplies to support health care and public safety agencies.
- **Health Care Capacity:** Assess the need for and readiness to support surge capacity for our healthcare system.

Specific gating criteria includes:

- **Symptoms:**
  - Downward trajectory of influenza-like illnesses reported within a 14-day period, and
  - Downward trajectory of COVID-19-like syndromic cases reported in a 14-day period.
- **Cases:**
  - Downward trajectory of positive tests as a percent of total tests within a 14-day period.

- Hospitals:
  - Treatment of all patients without crisis care.
  - Robust testing programs in place for at-risk healthcare workers.
  - Decreasing numbers of infected healthcare workers.

**Phase One.** Phase One will include:

- Allowing mass gatherings of up to 10 people; restaurants opening with social distancing requirements.
  - Removal of certain restrictions including retail restrictions for Essential Businesses and Operations.
- Additional operations for non-essential businesses.
- K-12 schools to resume in person operation; and child care settings resuming full operation.

**Phase Two.** Phase Two will include:

- Allowing mass gatherings of up to 50 people.
- Restaurants resuming full operation.
- Bars reopening with social distancing requirements.
- Non-essential businesses resuming operations with social distancing requirements.
- Postsecondary education institutions may resume operation.

**Phase Three.** Phase Three will resume all business activity and gatherings, with minimal protective and preventative measures in place for the general public and more protective measures for vulnerable populations.

\* \* \*

Cleary Gottlieb has established a [COVID-19 Resource Center](#), providing information and thought leadership on developing events. In addition, we have a [COVID-19 Task Force](#) that is acting as a repository for practical solutions, best practice and issue-spotting to help our clients by sharing market experience, insight and advice from across our global presence.

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