

THOUGHT LEADERSHIP

LEGAL UPDATES

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Professional

KYLE J. GILSTER
WASHINGTON:
202.378.2303
OMAHA:
402.964.5030
KYLE.GILSTER@
HUSCHBLACKWELL.COM

Virginia's Safer at Home: Phase One Guidelines

In Executive Order 61, Governor Northam announced Phase One of the plan to re-open the state, "Forward Virginia." Phase One moves to a Safer at Home Strategy that maintains certain restrictions from the Stay at Home order and allows for limited easing of restrictions in other sectors. Phase One allows localities to delay the ease of restrictions, based on the conditions in that area and will begin no sooner than today, May 15, 2020. The following metrics are required to begin Phase One: a downward trend in the percentage of positive tests and hospitalizations for 14 days, sufficient hospital beds and intensive care capacity, increased testing and tracing, and a sufficient supply of PPE.

Sector-Wide guidelines

All sectors should follow the guidelines provided by Virginia.

Physical distancing

Policies and procedures should be developed to provide physical distancing between co-workers and members of the public

Businesses should provide clear communication and post appropriate signage outlining physical distancing where crowding is likely, such as entrances, seating areas, and check-out lines

Telework should be encouraged, when possible, and workstations should be relocated to create six feet of space between co-workers and members of the public

Employees should use face coverings, and employers should provide face coverings to employees if six-feet of separation is not possible

In-person gatherings should be limited, such as conferences, trade shows, and trainings, and the length and attendance of in-person meetings should be limited

Cleaning and disinfection

Businesses should routinely clean and disinfect high-touch areas every 2 hours and shared tools or items, such as shopping carts and keypads, before each use

Employers should provide time for handwashing or provide hand sanitizer for employees to frequently sanitize hands

Workplace safety

Employers should screen employees as outlined in the Virginia Department of Health Interim Guidance for COVID-19 Screening before they start working, and employees should self-monitor their symptoms

Sick employees should be instructed to stay home, and flexible leave policies should allow employees to stay home if they are infected with COVID-19, quarantining, or caring for a sick family member

Employers should consider accommodating employees that are at a higher risk for severe illness from COVID-19

To prevent outbreaks, shifts and break times should be staggered and businesses should consider cohort scheduling

Employers should limit the number of workers that can be in one space at a time, such as a break room

Businesses should also consider the public health concerns that exist in a building that has been vacant for at least 7 days, including the water and ventilation systems

Information by sector

Schools, overnight summer camps, entertainment and public amusement will remain closed during Phase One

Teleworking and the use of face coverings continue to be strongly encouraged

Gatherings will continue to have a 10-person limit

Childcare will continue to be open for working families

Nonessential retail may open at 50% capacity

Restaurants and beverage services will continue takeout and delivery and can have outdoor seating at 50% capacity

Fitness and exercise businesses remain closed although outdoor fitness classes may begin

Beaches will continue to be open only for exercise and fishing

Places of worship will continue drive-in services and the 10-person limit is increased to allow for 50% capacity

Personal grooming may open for appointments only

Private campgrounds will open

State parks will be open for overnight use in phases

For additional requirements and best practices for each business sector, the governor has provided this guide.

Phase One allows localities to delay the ease of restrictions, based on the conditions in that area. Executive Order 62 (Amended) allows Northern Virginia localities and the City of Richmond and the County of Accomack to delay implementing Phase One until midnight on Thursday, May 28, based on the current metrics.

Contact us

If you have any further questions or require more information regarding this update, please contact Kyle Gilster, Julia Banegas, Charles Fleischmann or your Husch Blackwell attorney.

COVID-19 Return-to-Work resource

For the many businesses that partially or completely shuttered their on-site operations due to government-mandated COVID-19 orders, transitioning employees back to the workplace is an unprecedented and complex endeavor. Husch Blackwell's Return-to-Work Resource Center provides best practices, answers to common questions and potential issues to consider.