

Insights, News & Events

CONNECTICUT: NON-ESSENTIAL BUSINESSES MUST KEEP 100% OF THEIR WORKFORCE AT HOME

Insights
Mar 22, 2020

As part of Connecticut's continued response to the COVID-19 pandemic, Connecticut Governor Ned Lemont released Executive Order No. 7H on March 20, implementing telecommuting and closures of non-essential businesses or not-for-profit entities, effective March 23, 2020 through April 22, 2020, unless earlier modified, extended, or terminated.

Under the [Order](#), non-essential businesses or not-for-profit entities shall reduce their in-person workforce at any workplace locations by 100% not later than March 23, 2020 at 8:00 pm. All businesses and not-for-profit entities in the state shall employ, to the extent possible, telecommuting or work from home procedures.

ESSENTIAL BUSINESS EXCLUSIONS

Businesses providing essential services, goods or functions are excluded from the mandate and do not need to reduce their in-person workforce. This includes the following businesses and entities:

- 16 critical infrastructure sectors as defined by the Department of Homeland Security and available [here](#);
- Essential health care operations including hospitals, clinics, dentists, pharmacies, elder care and home health care workers;

Related People



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- Companies and institutions involved in the research and development, manufacture, distribution, warehousing, and supplying of pharmaceuticals, biotechnology therapies, health care data, consumer health products, medical devices, diagnostics, equipment, services and any other healthcare related supplies or services;
- Essential infrastructure, including utilities, wastewater and drinking water, telecommunications, airports and transportation infrastructure;
- Manufacturing, including food processing, pharmaceuticals, and industries supplying the essential services required to meet national security commitments to the federal government and U.S. Military;
- The defense industrial base, including aerospace, mechanical and software engineers, manufacturing/production workers, aircraft and weapon system mechanics and maintainers;
- Essential retail, including grocery stores and big-box stores or wholesale clubs, provided they also sell groceries;
- Pharmacies, gas stations and convenience stores;
- Food and beverage retailers (including liquor/package stores and manufacturer permittees) and restaurants, provided they comply with previous and future executive orders issued during the existing declared public health and civil preparedness emergency found [here](#).
- Essential services including trash and recycling collection, hauling, and processing, mail and shipping services; news media; legal and accounting services; banks, insurance companies, check cashing services, and other financial institutions; providers of basic necessities to economically disadvantaged populations; construction; vendors of essential services and goods necessary to maintain the safety, sanitation and essential operations of residences or other essential businesses, including pest control and landscaping services;
- Vendors that provide essential services or products, including logistics and technology support, child care and services needed to ensure the continuing operation of government agencies and the provision of goods, services

or functions necessary for the health, safety and welfare of the public; and

- Any other business may be deemed essential after requesting an opinion from the Connecticut Department of Economic and Community Development, which shall review and grant such request, should it determine that it is in the best interest of the state to have the workforce continue at full capacity to properly respond to this emergency.

On March 22, 2020, the Department of Economic and Community Development (DECD) released additional [guidance](#) on what businesses and entities qualify as “essential” and exempt from Executive Order 7H. To the extent possible, employees of Essential Businesses whose duties are not critical to an Essential Business function described within the DECD’s guidance should telecommute or utilize any work from home procedures available to them.

If the function of one’s business is **not** listed within DECD’s guidance and one believes it is an Essential Business or it is an entity providing essential services or functions, one may request designation as an Essential Business. The form for requesting designation as an Essential Business, is available [here](#). DECD’s guidance also states that any business that only has a single occupant/employee (e.g. attendant) is deemed exempt and need not submit a request to be designated as an Essential Business.

STAY SAFE, STAY HOME INITIATIVE

Governor Lemont has referred to his Executive Order of March 20, 2020 as a “Stay Safe, Stay Home Initiative,” recommending state residents do the following:

1. Effective at 8PM on Monday, March 23, all non-essential businesses statewide should close;
2. Non-essential public community gatherings of individuals of any size for any reason should be canceled (e.g. parties, celebrations or other social events) are canceled or postponed at this time;
3. If you must leave your home, do not travel in groups – they must be limited to workers providing essential services;

4. Everyone should keep at least six feet away from each other whenever possible;
5. Businesses and entities that provide other essential services should implement rules that help facilitate social distancing of at least six feet;
6. Individuals should limit outdoor recreational activities to non-contact and avoid activities where they come in close contact with other people;
7. Individuals should limit use of public transportation to when absolutely necessary and should limit potential exposure by spacing out at least six feet from other riders;
8. Sick individuals should not leave their home except to fill critical needs or to receive medical care, and only after a telehealth visit to determine if leaving the home is in the best interest of their health;
9. Young people should also practice social distancing and avoid contact with vulnerable populations; and
10. Use precautionary sanitizer practices such as using soap and water, hand sanitizer, or isopropyl alcohol wipes. Washing hands with soap and water for at least 20 seconds works best.

OTHER RECENT EXECUTIVE ORDERS

On March 21, 2020, Governor Lemont also issued [Executive Order 7I](#), outlining measures to protect the health of children in care of the Department of Children and Families and enacting measures to allow municipal and administrative bodies to continue to conduct their essential business while reducing transmission of COVID-19.

On March 22, 2020, Governor Lemont issued [Executive Order 7J](#), which clarified the Governor's Executive Order 7H, stating that 1) non-essential retailers may be staffed on-site, provided that they may **only** offer remote ordering (e.g. phone, internet, mail, dropbox) and curbside pick-up or delivery and 2) non-essential businesses and nonprofits may allow staff or third parties on site to the minimum extent necessary to provide security, maintenance and receipt of mail and packages. This includes, but is not limited to, auto,

boat, bicycle, recreational vehicle, and all other vehicle sales, if conducted remotely.

TAX FILING EXTENSIONS

The Connecticut Department of Revenue Services has also extended deadlines for filing and payments associated with certain state business tax returns to June 15. More information is available [here](#).

CONCLUSION

For now, we will continue to monitor the rapidly developing COVID-19 situation and provide updates as appropriate. Make sure you are subscribed to [Fisher Phillips' Alert System](#) to get the most up-to-date information. For further information, contact your Fisher Phillips attorney or [any member of our COVID-19 Taskforce](#). You can also review our nationwide [Comprehensive and Updated FAQs for Employers on the COVID-19 Coronavirus](#) and our [FP Resource Center For Employers](#), maintained by our Taskforce.

This Legal Alert provides an overview of a specific developing situation. It is not intended to be, and should not be construed as, legal advice for any particular fact situation.

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