

BUSINESSES IN MECKLENBURG COUNTY (NC) FACE RESTRICTIONS IN FACE OF COVID-19 CRISIS

Insights
Mar 24, 2020

Mecklenburg County, North Carolina (Charlotte) issued a Shelter-in-Place Order for residents on March 24. The restrictions are effective **March 26, 2020, at 8:00. a.m.** The Joint Proclamation from the Chairman of the Mecklenburg County Board of Commissioners, the Mayor of the City of Charlotte, and the Mayors of the Towns in Conjunction with the Emergency Management Coordinator and in Consultation with the Mecklenburg County Public Health Director, restricts Mecklenburg County residents – including residents of Charlotte – to “shelter at their places of residence.” Residents are permitted to leave for essential activities, essential governmental functions, or to operate essential businesses. What do employers need to know about this order?

WHAT IS ESSENTIAL ACTIVITY?

Generally, all public and private gatherings of more than 10 people are prohibited. All public amusement locations [reference previous legal alert] remain closed.

Individuals may leave home for the following:

- **“Health and safety”** – People may leave to perform tasks “essential to health and safety,” including emergency services; obtaining essential medical supplies and services; or visiting health care providers whose services cannot be provided remotely;

Related People



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- **To Obtain “Necessary Supplies and Services”** – This includes groceries, household consumer products, supplies to work from home, or other products necessary to maintain safe and sanitary residential sites;
- **“Outdoor Activity”** – This includes walking, hiking, golfing, running, cycling, using the greenways and patronizing public parks *IF* proper social distancing is maintained. Playgrounds, however, will be closed;
- **“Essential work” and Caretaking** – As further discussed below.

Related Offices

Charlotte

WHAT IS ESSENTIAL WORK?

Essential work is not subject to Mecklenburg County’s Shelter-in-Place Order. The following industries and jobs are considered essential:

- **Infrastructure:** Any services or work to “offer, provision, operate, maintain, and repair” essential infrastructure, including: food supply chain producers, distributors, and sellers; construction; building maintenance and management; airport operations; utilities; distribution centers; security systems operations; oil and biofuel refining; roads, highways, railroads, and public transportation; ports; cybersecurity operations; flood control; waste and recycling operations; and telecommunications systems;
- **Governmental Functions:** Services of first responders, emergency management personnel, dispatchers, court personnel, law enforcement and corrections personnel, hazardous material responders, child protection workers, adult protection services personnel, housing and shelter personnel, and all state employees deemed essential by their department head whether in a municipality, township, government agency, or other subdivision of the government, among others;
- **Media;**
- **Gas Stations and Transportation Related Businesses:** including auto-supply and repair facilities, along with bicycle shops and repair facilities;
- **Financial Institutions;**

- **Hardware and Supply Stores;**
- **Critical Trades:** including plumbers, electricians, exterminators, and other service providers who are necessary to maintain the safety of residences, essential activities, and essential business operations;
- **Mail and Shipping Services:** including post offices and other business delivering groceries, food, alcoholic and non-alcoholic beverages, vehicles, goods, or services to end users;
- **Public Educational Institutions:** for the purposes of facilitating distance learning, performing critical research, or are providing food services for children, so long as proper social distancing is used;
- **Laundry Services;**
- **Restaurants Providing Services for Off-Premises Consumption;**
- **Childcare Centers** for employees of healthcare providers and first responders otherwise responding to the COVID-19 pandemic;
- **Supply chain manufacturers and distribution facilities for critical products and industries:** including those in the pharmaceutical, technology, biotechnology, healthcare, chemical, sanitization, waste, agricultural, food and beverage, transportation, energy, mining, construction, communications, steel, iron ore, aluminum, petroleum, propane, fuel, and national defense;
- **Hotels and motels;** and
- **Funeral services.**

WHAT DOES THIS MEAN FOR NON-ESSENTIAL BUSINESSES?

All non-essential businesses must temporarily cease operations, except to conduct “minimum basic operations as necessary” to:

- Maintaining the business’s inventory;
- Preserving the condition of the business’s plant and equipment;

- Ensuring security, processing payroll and benefits, and “minimum necessary activities” to facilitate to remote work; and
- Facilitating employees of the business being able to work from home.

ESSENTIAL TRAVEL

Mecklenburg County’s restrictions also require that any travel must be compliant with social districting requirements, and essential travel includes:

- Travel related to an essential activation, essential governmental operation, essential business operation, or minimum basic operation; or
- Travel to care for other vulnerable persons;

VIOLATIONS

Any violation will be a Class 2 misdemeanor. The restrictions are effective **March 26, 2020, at 8:00. a.m.**

CONCLUSION

We will continue to monitor this rapidly developing situation and provide updates as appropriate. Make sure you are subscribed to [Fisher Phillips’ alert system](#) to gather the most up-to-date information. For further information or advice on how to satisfy notice requirements as an employer, contact your Fisher Phillips attorney or any attorney in [our Charlotte office](#), or any member of [our COVID-19 Taskforce](#). You can also review our [Comprehensive And Updated FAQs For Employers On The COVID-19 Coronavirus](#).

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

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