



# North Carolina Announces Three-Phase Plan to Reopen

Insights

4.24.20

With North Carolina's Stay at Home order extended through May 8, 2020, leaders focus on testing, tracing, and trends to determine when to re-open the state's economy. Recognizing that North Carolinians can't stay home forever, the state's governor announced a three-phase plan to ease COVID-19 restrictions.

## The Basics

The state continues to increase its capacity to combat the virus by increasing laboratory testing, increasing tracing capacity, and increasing availability of personal protective equipment. Before lifting restrictions, North Carolina needs to see improvement in:

- Sustained leveling or decreased trajectory in COVID-like illness over 14 days;
- Sustained leveling or decreased trajectory of lab-confirmed cases over 14 days;
- Sustained leveling or decreased trajectory in the percent of positive tests over 14 days; and
- Sustained leveling or decreased trajectory in hospitalizations over 14 days.

Once trends show that it is safe to open the economy, North Carolina will gradually re-open in three phases.

## Phase 1

Phase 1 of the plan includes:

- Modification of the Stay-at-Home order to allow people to leave home for commercial activity and any businesses allowed to be open, including retailers like clothing stores, sporting goods stores, book stores, housewares stores.
- Ensuring that any commercial and retail stores that open implement and follow social distancing, enhanced hygiene and cleaning protocols, symptom screening for employees, accommodations for vulnerable workers, and providing employee education.
- Continuation of the ban on gatherings of more than 10 people.
- Reopening of parks, subject to social distancing and gathering limitations.
- Continuation of the recommendations for face coverings in public spaces when social distancing is not possible.

- Encouraging employers to continue remote work policies.
- Continuation of rigorous restrictions on nursing homes.

Phase 1 of the Plan specifically permits localities with more restrictive emergency orders to continue the stricter measures.

## **Phase 2**

Phase 2 may begin, at the earliest, two to three weeks after Phase 1, and includes:

- Lifting of the Stay-at-Home order, while encouraging vulnerable populations to continue to stay home.
- Allowing limited opening of restaurants, bars, gyms, personal care facilities, and other businesses that follow safety protocols, including reduction in capacity, if needed.
- Allowing gatherings at houses of worship and entertainment venues at reduced capacity.
- Increasing the number of people allowed at gatherings.
- Opening public playgrounds.
- Continuation of rigorous restrictions on nursing homes.

## **Phase 3**

Phase 3 may begin, at the earliest, four to six weeks after Phase 2, and includes:

- Reducing restrictions on vulnerable populations, while encouraging continuation of social distancing.
- Allowing increased capacity at restaurants, bars, houses of worship, entertainment venues, and other businesses.
- Increasing the number of people allowed at gatherings.
- Continuation of rigorous restrictions on nursing homes.

## **What Does This Mean For Employers?**

Businesses eager to re-open should ensure compliance with any applicable Phase requirement. For example, retailers allowed to open during Phase 1 must implement and follow social distancing requirements within their stores, adopt enhanced hygiene and cleaning protocols, screen employees, provide necessary accommodations, and educate employees to combat misinformation. Restaurants and bars permitted to open during Phase 2 must ensure they comply with applicable safety protocols and any necessary capacity reductions.

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

[Post Pandemic Strategy Group Roster](#). You can also review our [FP BEYOND THE CURVE: Post-Pandemic Back-To-Business FAQs For Employers](#) and our [FP Resource Center for Employers](#).

---

*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.*

### ***Service Focus***

Counseling and Advice

Workplace Safety and Catastrophe Management

### ***Industry Focus***

Hospitality

Retail

### ***Related Offices***

Charlotte