



North Carolina Businesses Prepare To Enter First Phase Of Reopening Plan

Insights

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North Carolina's Stay at Home order expires at 5:00 p.m. on May 8, paving the way for North Carolinians to begin Phase 1 of its Three-Phase Reopening Plan. This phase begins to relax business restrictions, but will require retail businesses to implement protective measures and safeguards, including daily screening through employee questionnaires, limiting capacity, and facilitating social distancing. Phase 1 also continues restrictions imposed on certain businesses while provided recommendations for all businesses – so you should familiarize yourself with the plan before you develop your own reopening strategy.

Requirements For Reopening Retail Businesses

Many retail businesses may open on Friday, May 8 at 5:00 p.m. if the business implements certain safeguards, including:

- Limiting customer occupancy to no more than 50% of fire capacity. If the company does not have a stated fire capacity, then the business must limit customer occupancy to 12 customers per 1000 square feet of the business's total square footage;
- Limiting customer occupancy to customers may maintain six feet of social distancing, even if that includes reducing capacity below the 50% fire capacity threshold;
- Directing customers to maintain six feet of social distancing between other customers and employees;
- Marking six feet of spacing in high-traffic areas, including checkout lines, deli counters, and by high-volume products;
- Frequently and routinely clean and disinfect high-touch areas with an EPA-approved disinfectant for SARS-CoV-2;
- Providing, wherever available, hand sanitizer containing at least 60% alcohol, and systematically refill hand sanitizer stations. Additionally, business must provide soap and hand drying materials at sinks;
- Conducting daily symptom screening of workers, using a standard interview questionnaire before employees enter the workplace;
- Immediately sending symptomatic workers home;

- Adopting a plan for immediately isolating workers from work if symptoms develop; and
- Posting signs at main entrances reminding people to stay six feet apart, requesting symptomatic or recently symptomatic people to not enter, and identifies the business's reduced capacity limitations.

Recommendations For Reopening Retail Businesses

Phase 1 also includes recommendations for retail business, including that the business:

- Direct workers to stay at least six feet apart from customers and co-workers, to the extent possible;
- Provide designated times for seniors and high-risk populations to visit the business or access services; and
- Develop systems for no-contact ordering and pick-up.

High-volume business, like grocery stores and pharmacies, are encouraged to place shields at cash registers, clearly mark entrances and exits, and provide assistance with routing through store aisles.

Recommendations For All Businesses

Phase 1 encourages all businesses to:

- Promote telework and limit non-essential travel;
- Promote social distancing by reducing the number of people coming into the office, by providing at least six feet of space between desks or staggering shifts;
- Limit face-to-face meetings to no more than 10 workers;
- Promote hygiene, including frequent hand-washing and use of hand sanitizer;
- Recommend workers wear face coverings, provide face coverings, and provide information on the proper use, removal, and washing of cloth face coverings;
- Provide accommodations for workers at high risk of severe illness from COVID-19;
- Encourage sick workers to stay home and provide support with a sick leave policy;
- Follow CDC guidance if a worker receives a COVID-19 diagnosis;
- Provide workers with education about COVID-19 prevention strategies; and
- Promote information on helplines for workers, like 211 and the Hope4NC Helpline.

Continued Restrictions On Certain Business Sectors

Other business must continue restricted operations:

- Restaurants and bars may continue to operate if consumption occurs off the restaurant's premises;
- Child care facilities must operate in compliance with previous orders and NCDHHS guidelines;
- Day camps and programs may operate if they are in compliance with the Interim Coronavirus Disease 2019 (COVID-19) Guidance for Day Camp or Program Settings Serving Children and Teens. However, sports and overnight camps are not allowed; and
- Schools remain closed for the 2019-2020 school year.

Prohibition On Reopening Of Certain Businesses

Certain businesses are still not yet permitted to open during Phase 1. They include personal care and grooming businesses, such as barber shops, beauty salons, nail salons, tattoo parlors, tanning salons, and massage therapists (absent a medical massage referral); and entertainment facilities without retail or dining components, including bowling alleys, gyms, pools, performance venues, and movie theaters, among others.

Do Penalties Exist For Non-Compliance?

Like the Stay-at-Home Order, law enforcement agencies will enforce North Carolina's phased re-opening. Failure to comply could result in prosecution and is punishable as a class 2 misdemeanor.

What Does This Mean For Employers?

Businesses eager to reopen should ensure compliance with any applicable Phase requirement. For example, retailers allowed to open during Phase 1 must implement and follow mark six-foot spacings near cash registers, screen employees daily using a questionnaire, limit capacity, post signs notifying customers of the limited capacity, and use enhanced cleaning and sanitization protocols.

If the trends continue to improve during Phase 1, we can expect to begin Phase 2 in about two to three weeks.

As you begin the process of reopening, you should familiarize yourself with our alert: [5 Steps To Reopen Your Workplace, According To CDC's Latest Guidance](#). You should also keep handy our [4-Step Plan For Handling Confirmed COVID-19 Cases When Your Business Reopens](#) in the event you learn of a positive case at your workplace. For a more thorough analysis of the many issues you may encounter from a labor and employment perspective, we recommend you review our [FP BEYOND THE CURVE: Post-Pandemic Back-To-Business FAQs For Employers](#) and our [FP Resource Center For Employers](#).

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

[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](#).

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