

## Reopening Massachusetts — A Four-Phased Approach

*Hinckley Allen Labor & Employment*

May 22, 2020

---

On May 18, 2020, Governor Baker released a [Reopening Massachusetts Report](#) along with an [executive order](#) implementing a four-phased reopening plan.

Each phase will last a minimum of three weeks and could last longer before moving to the next phase. Additional time and other changes may be required with new developments.

### **Essential Businesses**

Throughout each of the phases, essential businesses remain open, but must continue to follow social distancing and other guidelines.

### **Phase 1 – Start**

During Phase 1, certain businesses are permitted to open on a staggered basis (provided they comply with the Mandatory Reopening Requirements set forth in the next section):

- May 18:
  - Essential businesses
  - Manufacturing
  - Construction
  - Hospitals and community health centers (upon attestation) can provide preventative care, pediatric care, and treatment for high risk patients and conditions
  
- May 25:
  - Lab space
  - Office space, excluding Boston (work from home strongly encouraged; businesses should restrict workforce presence to less than 25% of maximum capacity)
  - Limited personal services (hair, pet grooming, car washes)
  - Retail (remote fulfillment and curbside pickup)
  - Additional health care providers (upon attestation) can provide preventative care, pediatric care, and treatment for high risk patients and conditions
  
- June 1:
  - Office space – Boston

### **General Business Guidance – Mandatory Reopening Requirements**

All businesses must comply with various mandatory reopening requirements before they reopen. These include compliance with the following standards and protocols:

### **Social Distancing**

- All persons, including employees, customers, and vendors should remain at least six feet apart to the greatest extent possible, both inside and outside workplaces
- Establish protocols to ensure that employees can practice adequate social distancing
- Provide signage for safe social distancing
- Require face coverings or masks for all employees

### **Hygiene Protocols**

- Provide hand washing capabilities throughout the workplace
- Ensure frequent hand washing by employees and adequate supplies to do so
- Provide regular sanitization of high touch areas, such as workstations, equipment, screens, doorknobs, and restrooms throughout the work site

### **Staffing and Operations**

- Provide training for employees regarding the social distancing and hygiene protocols
- Employees who are displaying COVID-19-like symptoms do not report to work
- Establish a plan for employees getting ill from COVID-19 at work, and a return-to-work plan

Businesses providing essential services that have continued to operate may remain open and have until May 25, 2020 to comply with these mandatory standards, as well as the following:

- **Employer and Worker posters**– Must be displayed within the business premises to describe the rules for maintaining social distancing, hygiene protocols, and cleaning and disinfecting.
- **Compliance attestation poster**– Customer facing businesses are required to print, sign, and post in an area within the business premises that is visible to workers and visitors.
- **COVID-19 Control Plan** – Must have a written control plan which requires self-certification of compliance. A template is available [here](#).

### **Sector-Specific Guidance**

Additional sector-specific guidance was also issued. Businesses providing essential services that have continued to operate may remain open and have until May 25, 2020 to comply with these sector-specific guidance:

- **Construction**
- **Manufacturing**
- **Office spaces**
- **Laboratories**
- **Hair salons and barbershops**
- **Car washes**
- **Pet grooming**

### **Next Steps and Moving Forward**

As businesses continue to operate or plan to reopen, they should be mindful of any general and industry specific guidance

at both the state and federal level. Guidance and other requirements can evolve as new information is received and as the status of the virus's spread changes. Regular communication with and training for employees is critical.

Employer specific plans need to be developed depending on their individual circumstances, including, their particular physical workspace, their unique workforce, and their various third-party stakeholders.

Hinckley Allen is here to answer COVID-19 related questions and help prepare updates and review policies and procedures. Feel free to contact any member of our [Labor & Employment group](#) for assistance.

---

*This summary does not include or address every provision of the Massachusetts reopening plan.*

### **Associated People**

Lisa A. Zaccardelli

Thomas J. Pagliarini

Julianna Malogolowkin

### **Related Practices**

Labor & Employment

Coronavirus (COVID-19) Response Team



Albany Boston Chicago Hartford Manchester New York Providence