
What Businesses Need to Know about Guilford County's "Stay at Home" Order

Posted on March 25, 2020

On March 25, 2020, Guilford County announced a "Stay at Home" Order that will take effect at 5:00 PM on Friday, March 27, 2020 and lasts through April 16, 2020. The Order applies to all individuals living in Greensboro, High Point, Jamestown, Summerfield, Stokesdale, or anywhere else in Guilford County. The Order directs everyone in the County to stay at home unless they are engaging in Essential Activities, performing work or services in connection with Essential Infrastructure (as defined in the Order), or to operate or work at Essential Businesses (as defined in the Order). Any person found violating the order can be charged with a Class 2 misdemeanor. With this order, Guilford County joins Mecklenburg County, Pitt County, the City of Durham, the City of Winston-Salem, and other North Carolina local governments that have issued similar orders in an attempt to slow the spread of COVID-19.

Essential Businesses

The Order encourages all Essential Businesses to stay open to the extent possible. The following industries and businesses are considered "essential" for the purposes of this order:

- Stores that sell groceries and medicine;
- Food and beverage manufacturing, production, processing, and agriculture; this includes businesses that provide food, shelter and other necessities of life for animals;
- Organizations that provide charitable and social services when providing food, shelter, and other necessities of life for economically disadvantaged or otherwise needy individuals who need assistance as a result of COVID-19, and people with disabilities;
- Media;
- Gas stations and businesses needed for transportation;
- Financial institutions;
- Hardware and supply stores;
- Critical trades, including plumbers, electricians, exterminators, cleaning and janitorial staff for commercial and governmental properties, security staff, operating engineers, HVAC, painting, moving and relocation services, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses and Operations;
- Mail, post, shipping, logistics, delivery, and pick-up services;
- Educational institutions, but only for the purposes of facilitating distance learning, performing critical research related to COVID-19, providing coordinated child care for healthcare workers, or performing essential functions;
- Laundry services;
- Restaurants for consumption off-premises;
- Businesses that sell, manufacture, or supply products for people needed to work from home;
- Businesses that sell, manufacture, or supply other Essential Businesses and Operations with the support or materials necessary to operate, including, but not limited to, computers, audio and video electronics, household appliances, food, and hygiene products;

- Transportation providers necessary for essential activities and other purposes authorized in the order;
- Home-based care and services;
- Residential facilities and shelters;
- Professional services, including legal, accounting, insurance services, and real estate services restricted to appraisal and title services;
- Childcare centers providing services for first responders, healthcare workers, public health, NC DHHS staff, and others responding to COVID-19;
- Manufacturing, distribution, and supply chain for critical products and industries. This includes companies that produce and supply essential products and services in and for industries such as pharmaceutical, technology, biotechnology, healthcare, chemicals and sanitation, waste pickup and disposal, agriculture, food and beverage, transportation, energy, steel and steel products, petroleum and fuel, mining, construction, national defense, communications, and other Essential Businesses and Operations;
- Hotels and motels; and
- Funeral services.

However, even if a business does not qualify as essential, it is still allowed to have employees leave the home to engage in minimum basic operations. Minimum basic operations are defined as: (1) the minimum necessary activities to maintain the value of the business's inventory, preserve the condition of the business's physical plant and equipment, ensure security, process payroll and employee benefits, or for related functions; and (2) The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.

Essential Infrastructure

The Order separately carves out an exception to the stay at home requirement for individuals providing services or performing work necessary to offer, provide, operate, maintain, or repair Essential Infrastructure. The definition of Essential Infrastructure is included in the Order, but it specifically includes construction activities:

"Essential Infrastructure includes construction (including, but not limited to, construction required in response to this public health emergency, hospital construction, construction of long-term care facilities, public works construction, commercial construction and residential construction."

Broadly speaking, most construction activities are exempted from the Order.

Continued Social Distancing Required for Essential Businesses and Essential Infrastructure

Additionally, regardless of if a business is essential or engaging in minimum basic operations, it still needs to comply with social distancing requirements when having employees leave their homes. These requirements include maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands. Businesses must take proactive measures to ensure compliance with these requirements. These measures include but are not limited to: (1) designating with signage, tape, or by other means six-foot spacing for employees and customers in line to maintain appropriate distance; (2) having hand sanitizer and sanitizing products readily available for employees and customers; (3) implementing separate operating hours for elderly and vulnerable customers; and (4) posting online whether a facility is open and how best to reach the facility and continue services by phone or remotely.

It is important to note that this Order could be superseded in the coming days if Governor Cooper issues his own state-wide stay at home order.

While this order will certainly be disruptive for many businesses, there are there are tools to help businesses potentially weather the storm. For example, business owners should contact their insurance brokers to see whether they have business interruption coverage that may be

triggered by this Order. Also, the federal government is finalizing legislation that will open up funds for small and midsize businesses, so to the extent your business is affected by the Order, tracking losses related to a closure will be important for application to these relief funds. Should you have any questions about how this order applies to your business please contact Alan Felts at Afelts@tuggleduggins.com or (336) 271-5215, Daniel Stratton at Dstratton@tuggleduggins.com or (336) 271-5240, or Matt Hoyt at Mhoyt@tuggleduggins.com or (336) 271-5203. Please also follow our Twitter account @TuggleDuggins at <https://twitter.com/TuggleDuggins> for continuing, up-to-date information related to navigating the law during the COVID-19 outbreak.

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