

# An Employer's Guide to State Reopening Orders

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*\*Wiley continues to closely monitor the constantly evolving state reopening plans and will update this alert as new information is available. This alert was originally published on May 8, 2020, and last updated June 10, 2020.*

As governors begin to release new executive orders and plans for reopening businesses, employers are again confronted with a lack of uniformity and inconsistent guidance – much as they were just weeks ago when states issued their closure orders. Some reopening orders apply to the entire state, while others carve out specific counties or localities. Some orders permit a county or municipality to adopt more restrictive measures, while others do not. Gatherings of 10 or more employees are permitted under some orders but prohibited under others; masks are required under some orders but only recommended under others. The landscape can be confusing enough for an employer with a single location, but for those operating across states, or even across county lines, keeping track of what is required will be quite the endeavor.

Employers will need to work through the many questions associated with these state orders, including whether phased returns are required or even appropriate for their businesses, whether they must supply personal protective equipment (such as masks) or if the business can require employees to supply their own, how to procure required personal protective equipment if the employer must or wants to provide it, and how to comply with a state's social distancing, hygiene protocols, and cleaning and disinfecting requirements. Additionally, as employers consider reopening, they will need to focus on other employment issues such as whom to rehire and what to do if an employee tests positive for COVID-19 after the reopening.

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To assist in addressing these issues, Wiley has compiled the state reopening orders in one place – listing the states and providing easy access to the orders that specify which businesses will be allowed to reopen, what restrictions and requirements will stay in place, and key timelines for returning to the workplace. Wiley has created an Employer's Guide to Reopening the Workplace that provides an overview of legal obligations and best practices to consider before opening the workplace, after the workplace is reopened, and into the future, as well as a list of COVID-19 Frequently Asked Questions for Employers to provide answers to some of the most pertinent questions employers have during this crisis, with a section devoted to Returning to Work.

Below is a list of the states and their orders, guidance and/or plans as of the issuance of this alert:

- Alabama
- Alaska
- Arkansas
  - Directive
- Arizona
- California
- Colorado
  - Health Order
- Connecticut
  - Additional Order
- Delaware
- District of Columbia
- Florida
  - Additional Order
  - Additional Order
- Georgia
- Hawaii
- Idaho
- Illinois
- Indiana
  - Additional Order
  - Additional Order
- Iowa

- Kansas
- Kentucky
  - Additional Order
- Louisiana
- Maine
  - Additional Order
  - Restarting Maine's Economy: Plan
- Maryland
- Massachusetts
  - Additional Order
- Michigan
  - Additional Order
- Minnesota
- Mississippi
- Missouri
- Montana
  - Additional Order
  - Additional Order
- Nebraska
  - Guidance
- Nevada
- New Hampshire
  - Additional Order
  - Guidance
- New Jersey
- New Mexico
- New York
  - Additional Orders
- North Carolina

- North Dakota
  - Additional Order
  - Plan
- Ohio
  - Additional Orders
- Oklahoma
  - Plan
- Oregon
- Pennsylvania
  - Amended Yellow Order
  - Green Order
  - Amended Green Order
  - Guidance
  - Plan
- Rhode Island
- South Carolina
  - Additional Order
  - Additional Order
  - Additional Order
- South Dakota
  - South Dakota's "Back to Normal" Plan
- Tennessee
- Texas
- Utah
  - Guidance
- Vermont
  - Additional Orders
- Virginia
  - Amended Order

- Washington
  - Additional Order
  - Plan
- West Virginia
  - Guidance
- Wisconsin
  - Additional Order
  - Additional Order
  - Court Order
- Wyoming

Wiley is closely monitoring these state level plans and how they will impact employers as businesses look to the months ahead. As these reopening plans and orders are constantly evolving, we will be updating the list of orders in the coming weeks, which will be noted by an updated reference date. We encourage employers to check their local ordinances and consult with counsel regarding their options.

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