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## **STAY HOME, SAVE LIVES: TOP FIVE CHANGES IMPOSED BY EXECUTIVE ORDER 20-12**

By Chip Paternoster & Erin Dawson

On March 23, 2020, Oregon's Governor Kate Brown issued Executive Order 20-12, announcing new business closures and restrictions. The Order requires individuals to stay home as much as possible in order to reduce and slow the transmission of COVID-19. While many of the items in the Executive Order 20-12 have been expected for some time, here are our top five takeaways from this Order.

### **(1) Certain High-Contact Businesses Must Close.**

#### **A. What Is Included?**

The Governor's Order focuses on businesses in which "close personal contact is difficult or impossible to avoid." The key characteristics of those businesses include business whose activities require close proximity (dance studios and indoor party places) or those that invite person-to-person contact (hair salons and spas). These businesses were required to close effective as of 12:01 a.m., Tuesday, March 24, 2020.

#### **B. Which High-Contact Businesses may stay open?**

Restaurants, bars, coffee shops, and other food and beverage businesses subject to the Governor's earlier Executive Order No. 20-07 are not required to close under this Order. These businesses can still offer take-out or delivery items to the public as long as there is no on-site consumption. In addition, although malls must close under the new Order, those portions of malls operating food, grocery, health care, medical, pharmacy, and pet store services may remain open.

### **(2) Office Workplaces Must Offer Remote Working, If Possible.**

Even if your business is not required to close, the Order contains several new restrictions. For example, all offices must provide remote work opportunities to employees "to the maximum extent possible." According to the Order, "[w]ork in offices is prohibited whenever telework and work-at-home options are available, in light of position duties, availability of teleworking equipment, and network adequacy." In other words, if an employee can work remotely, he or she must do so.

This “work from home” requirement applies to business and nonprofits and became effective Wednesday, March 25, 2020. Any office failing to comply will be closed until it can show an ability to meet this requirement.

**(3) Office Workplaces and Retail Locations Must Enforce Social Distancing**

If office work can only be done on site or if remote working options are not available, the office must designate someone to “establish, implement, and enforce” policies addressing how employees and business-critical visitors will maintain appropriate social distancing. Likewise, all retail businesses remaining open must designate someone to “establish, implement, and enforce social distancing policies” at the retail location. Retail locations must comply effective as of 12:01 a.m. March 24, 2020 and office workplaces were required to comply by March 25<sup>th</sup>. Any office or retail location failing to do so will be closed until they can show an ability to meet this requirement.

**(4) Individual Gatherings and Travel Are Significantly Restricted**

The Order also provides restrictions on individual gatherings and movement. Non-essential gatherings are generally prohibited, and travel is limited to a brief list of essential movement.

A. Individual Social Gatherings Generally Prohibited.

The Order prohibits non-essential social and recreational gatherings outside of a home or residence if participants cannot maintain social distancing of six feet or more. While outside recreation and exercise is encouraged, only non-contact exercise that allows for the required minimum six-foot of distance between yourself and others is permitted.

B. Individual Travel Essential Travel Only

Individuals must minimize travel to only “essential travel”:

- To or from a home, residence, or workplace;
- To obtain or provide food, shelter, essential customer needs, education, health care, or emergency services;
- For essential business and government services;
- To provide care to family members, household members, elderly persons, minors/dependents, person with disabilities, other vulnerable persons, pets, or livestock;
- Travel directed by courts, law enforcement, or government officials; or
- Other travel consistent with an earlier Executive Order and/or the Oregon Health Authority guidance.

When leaving your home for any reason, social distancing of six feet or more is required (exemptions for any member of your immediate household).

**(5) Closure of Outdoor Public Use Facilities**

To deter gatherings in public spaces, the Order requires immediate closure of all campgrounds – except for RV parks, and for camp hosts or veterans – all skate parks, outdoor sports courts, pools, and playground equipment areas. The Order also addresses specific restrictions for government buildings (state executive branch only) and childcare facilities.

We will continue to update you as we learn of additional significant changes to the restrictions and closures. If you have any questions on how this Order impacts your business, please don't hesitate to give us a call or send an email. We are here to help you figure out how to best navigate these and other recent changes.

Stay safe and healthy!

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