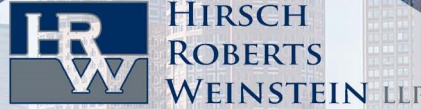


HRW CLIENT ALERT

2020



MA Governor Orders Closing of Non-Essential Workplaces & Facilities

On March 23, 2020, Massachusetts Governor Charlie Baker issued COVID-19 Order No. 13: "Order Assuring Continued Operation of Essential Services in the Commonwealth, Closing Certain Workplaces, and Prohibiting Gatherings of More Than 10 People" (the "Order"). Please [click here](#) for a copy of the Order.

The Order

The Order mandates the closing of physical workplaces and facilities of businesses and organizations that do not provide COVID-19 Essential Services by 12:00 noon on Tuesday, March 24, 2020, and that such physical workplaces and facilities shall not re-open before 12:00 noon on April 7, 2020. The Order references an [Exhibit A](#), which identifies the services designated as "COVID-19 Essential Services." (Please [click here](#) for a copy of [Exhibit A](#)). Businesses and organizations that provide COVID-19 Essential Services are "urged to continue operations during the state of emergency." The Order's limitation on gatherings of more than 10 people does not apply to the operations or activities of a business or organization in its provision or delivery of COVID-19 Essential Services.

The Order encourages businesses and other organizations that do not provide COVID-19 Essential Services "to continue operations where they are able to operate through remote means that do not require workers, customers, or the public to enter or appear at the brick-and-mortar premises closed by this Order."

The Order provides that the Governor shall amend and update [Exhibit A](#) as he determines necessary to respond to developing conditions. Further, the Order directs the Commissioner of Public Health to issue guidance, subject to the Governor's approval, to implement the terms of the Order.

COVID-19 Essential Services

Clients should refer to [Exhibit A](#) of the Order for the current list of COVID-19 Essential Services. [Exhibit A](#) identifies over 150 COVID-19 Essential Services covering the following industries:

Healthcare/Public Health/Human Services; Law Enforcement, Public Safety, First Responders; Food and Agriculture; Energy; Water and Wastewater; Transportation and Logistics; Public Works; Communications and Information Technology; Other Community-Based Essential Functions and Government Operations; Critical Manufacturing; Hazardous Materials; Financial Services; Chemical; and Defense Industrial Base.

The Order itself specifically designates restaurants, bars, and other retail establishments that sell food and beverage products to the public as providers of COVID-19 Essential Services and notes that such establishments are encouraged to continue offering food and beverages for take-out and by delivery provided that they follow the social distancing protocols set forth in the Department of Public Health Guidance.

Clients whose workers provide COVID-19 Essential Services as provided in [Exhibit A](#) are encouraged to provide those workers with documentation of their status as a member of the COVID-19 Essential Workforce in case such worker is questioned by law enforcement or other enforcement agencies while traveling to and from work.

In addition to the COVID-19 Essential Services listed in [Exhibit A](#), if a function of a business's operation is not listed in [Exhibit A](#) but the business believes that it is essential or is an entity providing essential services or functions, it may request designation as an essential business by visiting www.mass.gov/forms/essential-service-designation-request.

Interplay with Municipal Orders

The Order supersedes and makes inoperative municipal orders or rules that will or might impede or interfere with the objectives of the Order. "With respect to work and travel in particular, any order or rule issued by a municipality is hereby made inoperative to the extent: (1) such municipal order or rule will or might interfere with provisions of this Order ensuring the continued operations of COVID-19 Essential Services; or (2) such municipal order or rule will or might interfere with the free travel anywhere within the Commonwealth of any person who is a member of any COVID-19 Essential Workforce where such travel is made in connection with the ongoing operation of COVID-19 Essential Services."

Penalties for Violating Order

Violations of the terms of the Order or the guidance published by the Department of Public Health may result in a criminal penalty or a civil fine up to \$300 per violation.

BOTTOM LINE

Businesses and organizations who are not providing COVID-19 Essential Services as designated in [Exhibit A](#), any amendments to [Exhibit A](#), or guidance issued by the Department of Public Health must close their physical workplaces and facilities to workers, customers, and the public by 12:00 noon on March 24, 2020. Those businesses and organizations cannot open their physical workplaces or facilities to workers, customers, or the public before 12:00 noon on April 7, 2020.

For Questions/More Information

For any questions, including compliance assistance, please contact any member of the HRW COVID-19 Team:

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