On March 20, 2020, Connecticut Governor Ned Lamont signed Executive Order No. 7H (the “Connecticut Executive Order”) restricting certain businesses from maintaining an in-person workforce. The Connecticut Executive Order, which is part of Governor Lamont’s Stay Safe, Stay At Home Initiative, requires all non-essential and not-for-profit businesses in the state to reduce their in-person workforce by 100% no later than 8:00 PM on Monday, March 23, 2020. Governor Lamont released additional guidance clarifying the scope of the Connecticut Executive Order on March 22, 2020. The Connecticut Executive Order will remain in place until April 22, 2020, unless earlier modified or terminated by Governor Lamont.

The Connecticut Executive Order is similar to the Executive Order issued by the Governor of New York (the “New York Executive Order”), but includes a slightly different, and broader, list of businesses designated “essential,” which may continue in-person work. “Essential” businesses in Connecticut include:

1. **The sixteen “critical infrastructure sectors” designated by the U.S. Department of Homeland Security**, including the chemical sector, communications sector, dams sector, energy sector, and food and agriculture sector;

2. **Essential health care operations**, including hospitals, pharmacies, dentists, consumer health products, elder care and home health workers, pharmaceutical research, development, warehousing and manufacturing operations, health care data, medical devices, diagnostics, medical marijuana dispensaries, veterinary
and animal health services, and “any other healthcare related supplies or services;”

3. **Essential infrastructure**, including utilities, wastewater and drinking water, telecommunications, airports, transportation infrastructure, hotels, telecommunications and data centers, and utilities including power generation, fuel supply and transmission;

4. **Manufacturing**, including pharmaceuticals, and industries supporting the essential services required to meet national security commitments;

5. **The defense industrial base**, including aerospace, mechanical and software engineers, and aircraft and weapon system mechanics and maintainers;

6. **Essential retail**, including grocery stores, all food and beverage retailers, big-box stores or wholesale clubs that sell groceries, pharmacies, gas stations and convenience stores, food and beverage retailers (including liquor and package stores), hardware stores, pet stores and restaurants providing only take-out or delivery services;

7. **Food and agriculture**, including farms and farmer’s markets, nurseries and garden centers, and food manufacturing, processing, storage and distribution facilities;

8. **Essential services**, including trash and recycling collection, mail and shipping services, news media, legal and accounting services, banks and other financial institutions, insurance companies, child care services, laundromats/dry cleaners, marinas and marine repair and services, real estate transactions and related services, auto and bicycle supply and repair operations, and funeral homes, crematoriums and cemeteries;

9. **Providers of basic necessities to economically disadvantaged persons**, including food banks and homeless shelters;

10. **Construction**, including all skilled trades (e.g., electricians, HVAC and plumbers), commercial and residential general construction and planning, engineering and design;

11. **Vendors of essential services and goods necessary to maintain the safety, sanitation and essential operations of residences or other essential businesses**, including law enforcement, state marshals, janitors, doormen, security and maintenance, moving services, pest control, landscaping and other outdoor maintenance;

12. **Vendors that provide essential services or products, including logistics and technology support, child care and services needed to ensure the continuing operation of government agencies and the provision of goods, services or functions necessary for the health, safety and welfare of the public**, including essential government services, information technology and information security, logistics, technology support, billboard leasing and maintenance and child care services.
The Connecticut Executive Order also recommends that businesses that are permitted to conduct in-person operations “implement rules that help facilitate social distancing of at least six feet.”

Like the similar New York Executive Order, the Connective Executive Order requires that all businesses and not-for-profit entities in the state “employ, to the maximum extent possible, any telecommuting or work from home procedures that they can safely employ.” The Connecticut Executive Order is clear that it applies to “places of business,” and permits non-essential businesses to “continue activities that are conducted off-site (e.g., a customer’s home) and/or by telecommuting or working from home.” Notably, however, the Connecticut Executive Order provides two additional exceptions absent from the New York Executive Order. First, the Connecticut Executive Order permits non-essential retailers to maintain an on-site staff, “provided that they may only offer remote ordering (e.g. phone, internet, mail, dropbox) and curb-side pick-up or delivery.” Second, the Connecticut Executive Order allows non-essential businesses to “allow staff or third parties on site to the minimum extent necessary to provide security, maintenance and receipt of mail and packages.”

The Connecticut Executive Order further provides that businesses that do not appear on the list above but believe that they should be deemed “essential” may request an opinion from the Connecticut Department of Economic and Community Development (“DECD”). DECD is authorized to classify a business as “essential” if “it determine[s] that it is in the best interest of the state to have the workforce continue at full capacity to properly respond to this emergency.”

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