The Philadelphia Area Transitions from Red Phase to Yellow, Allowing More Business Activity

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On April 22, Governor Tom Wolf outlined a three-phase plan for reopening Pennsylvania businesses, following a color-coded system: Red, Yellow and Green. As the COVID-19 threat continues to slow, each county has been moving gradually through the phases. According to the Commonwealth, the phases are designed to decrease the continued spread of COVID-19 while relaxing restrictions and promoting the resumption of business activity.

Following is a brief description of each phase.

RED PHASE

All Pennsylvania counties began in the Red Phase, which is focused on minimizing the spread of COVID-19. During the Red Phase, only “life sustaining” businesses could remain open, stay-at-home orders were in place, large gatherings were prohibited, restaurants and bars were limited to carry-out only, and travel was...
limited to life-sustaining purposes only. As of June 5, all Pennsylvania counties have moved out of the Red Phase.

**YELLOW PHASE**

With each county’s transition to the Yellow Phase, some restrictions on business have eased, while others have stayed in place. The Yellow Phase simultaneously focuses on powering up the economy and watching public health data to ensure COVID-19 remains contained. For example, during the Yellow Phase, childcare centers and retail businesses with in-person operations may open but must follow Business and Building Safety Orders. Certain businesses such as personal care services and health and wellness facilities, however, must remain closed. If a county in the Yellow Phase has not seen an increased risk of COVID-19 for 14 consecutive days, it may move to the Green Phase. Currently there are 33 counties in the Yellow Phase, including Philadelphia and its surrounding suburbs.1

**GREEN PHASE**

Once a county transitions to the Green Phase, the stay-at-home and business closure orders are lifted. The Green Phase is designed to facilitate a “new normal” while ensuring COVID-19 spread remains at a minimum. Individuals are strongly encouraged to continue telework if feasible, and businesses with in-person operations are permitted to open at limited capacity so long as they follow Business and Building Safety Orders. Restaurants and bars, indoor recreation, health and wellness facilities, personal care services and entertainment venues may open at 50 percent capacity. During the Green Phase, construction activity may return to full capacity. Currently there are 34 counties in the Green Phase.2

**SAFER AT HOME PLAN**

On June 5, 2020, Philadelphia County transitioned from the Red to the Yellow Phase. After experiencing more than 23,000 confirmed cases of COVID-19, Philadelphia is beginning to see a steady decline in new cases. The Philadelphia Department of Public Health nevertheless recommends that individuals continue to wear masks/face coverings, limit gatherings and work from home as much as possible. In an effort to assist a safe reopening of the Philadelphia economy, the City of Philadelphia has developed a Safer at Home Plan, which provides industry- and activity-specific guidance on reopening.

The Plan permits the following activities to resume in the Yellow Phase, subject to continued precautions related to social distancing:

- Walk-up ordering at restaurants, food trucks and mobile food vendors; these establishments cannot allow lines of more than 10 customers
- Outdoor dining may resume on June 12 for businesses that are currently licensed for it
- Retail businesses (with some restrictions)
• Childcare centers
• Outdoor youth day camps and recreation
• Outdoor parks
• Consumer banking
• Automobile sales
• Real estate activities
• Manufacturing
• Warehouse operations
• Most construction

However, the following business must remain closed: indoor recreation; health and wellness facilities; personal care services (i.e., gyms, spas, hair salons, nail salons and massage therapy providers); and entertainment (i.e., casinos and theaters).

Before a business officially reopens, it needs to have a plan in place to protect its employees and customers from COVID-19 exposure. If your business needs assistance to develop a reopening plan, contact a labor and employment lawyer.

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