

New Hampshire's COVID-19 'Stay at Home Plan 2.0' on Reopening Businesses

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New Hampshire Governor Christopher Sununu has issued [Executive Order #40](#) (Stay at Home 2.0), setting guidelines for reopening a broad range of businesses in the state following the shutdown order in response to the COVID-19 pandemic.

The Executive Order generally extends through May 31, 2020, the stay-at-home order that was to expire May 4, 2020, while setting plans for allowing a gradual return to business for:

- Restaurants and hotels;
- Barbershops and hair salons;
- Retail stores, state parks/beaches; and
- Golf courses and drive-in movie theatres.

The Executive Order, with Exhibits, is 45 pages long and should be reviewed carefully by employers.

Stay at Home 2.0 Universal Guidelines

The Governor's Reopening Task Force adopted [Universal Guidelines](#) for all New Hampshire employers and employees to prevent the spread of COVID 19. Under the Guidelines, employers must:

- Identify a location for screening and assign a person to screen each employee every day before they enter the workplace. Screening includes:
 - A series of prescribed questions to determine whether there is a risk of exposure;
 - Documentation of daily temperatures – by either taking the employees' temperature at the worksite or, if that is not possible, allowing the employee to authenticate that they have taken their temperature at home and that it was not above 100°F.
- Instruct employee(s) who exhibit COVID-19 symptoms to leave the premises immediately and to seek medical advice while maintaining the confidentiality of employee health information.
- Strongly promote frequent hand hygiene and have alcohol-based hand sanitizer readily available.
- Implement workplace cleaning and disinfection practices.
- Take steps to mitigate exposure to the COVID-19, *e.g.*, social distancing, cloth face masks, and so on.
- Allow employees to work from home as much as practical.
- Continue to comply with the provisions of Families First Coronavirus Response Act (FFCRA).
- Review and update policies as necessary to ensure they are consistent with public health recommendations; comply with the new federal and state guidelines, including sector-specific recommendations.

- Leave policies should be flexible and non-punitive to permit employees to stay home if ill or caring for sick family members; and
- Employers should obtain employee sign-off for any new or updated policies.

Stay at Home 2.0 Retail Guidelines

The Executive Order put specific employer-related provisions in place for the reopening or continued operation of retail establishments ([Retail Guidelines](#)):

- Cashiers must wear masks;
- Plastic dividers should be installed between cashiers and the public where feasible;
- Employers must assign dedicated staff (*i.e.*, a safety officer) to monitor social distancing and compliance with protective actions, and to prompt customers and other staff about the importance of social distancing, hand hygiene, and use of cloth face coverings. These duties do not need to be the designated employee's only, or even, primary duties.

Jackson Lewis has a dedicated team tracking and responding to the developing issues facing employers in this difficult time. If you need guidance in handling any of the complicated issues pertaining to COVID-19 or any other aspect of labor or employment law, contact the Jackson Lewis attorney with whom you regularly work. Visit our [COVID-19 Resource Page](#) to stay abreast of developments.

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