

CLIENT ALERT: Massachusetts Governor Announces Phase 2 Will Begin on June 8th

On June 6, 2020, Governor Baker announced that the Massachusetts economy will move into Phase 2 of its Four-Phase Reopening Plan (Plan) beginning on June 8th. For further details on the Plan, please refer to the overview from our recent [client alert](#). This client alert focuses on additional information and guidance released this past weekend regarding Phase 2.

As discussed in our recent [client alert](#) pertaining to Phase 2, on June 1, 2020, businesses permitted to reopen in Phase 2 (Phase 2 Businesses) were allowed to begin their reopening preparations provided that they comply with applicable COVID-19 workplace safety rules.

In addition to previous Sector-Specific Protocols and Best Practices, the administration has released further guidance for the following Phase 2 Businesses:

- [Close Contact Personal Services](#)
- [Driving and Flight Schools](#)
- [Libraries](#)
- [Sectors Not Otherwise Addressed](#)

Previous guidance was released for [restaurants](#), [retail businesses](#), [operators of lodgings](#), and [golf facilities](#) reopening in Phase 2. This guidance includes protocol summaries, detailed requirements, and checklists to assist with compliance. For a comprehensive list of businesses permitted to reopen or expand present operations in Phase 2, please refer to our previous client alerts found [here](#) and [here](#), as well as frequently updated guidance from the Commonwealth's [website](#).

Some businesses, while permitted to reopen or expand their services during Phase 2, will not be able to do so at the very start of Phase 2 on June 8th. Rather, Phase 2 (like Phase 1) will contain multiple steps causing the staggered reopening of particular businesses or services. For instance, the reopening of Close Contact Personal Services will not be permitted at the outset of Phase 2. The guidance does not yet provide a specific reopening date for such services but indicates that they will be permitted to reopen during Phase 2's "Step 2." Further, barber shops and hair salons, authorized to open in Phase 1, will become subject to the workplace safety standards set forth for Close Contact Personal Services once Step 2 commences.

The newly released "catch all" guidance for "Sectors Not Otherwise Addressed" establishes minimum standards for any Phase 1 or Phase 2 business that is permitted to reopen but is not specifically addressed by sector-specific COVID-19 safety standards. Specifically, the "catch all" guidance sets forth that these standards apply to all business permitted to operate until rescinded or amended except where sector-specific standards are applicable to part or all of the business's activities, in which case businesses must follow those sector-specific standards. The guidance also appears to incorporate and expand upon the [Mandatory Safety Standards](#) previously developed by the Department of Public Health (DPH) and the COVID-19 Command Center.

In addition, at the start of Phase 2, health care providers will be permitted to resume incrementally in-person elective, non-urgent procedures and services, including routine office visits, dental visits, and vision care, subject to ongoing compliance with public health and safety standards. All other in-person medical, behavioral health, dental and vision services may also resume, except for elective cosmetic procedures and in-person day programs, which will not be permitted to resume until Phase 3. The DPH has issued extensive Phase 2 reopening guidance for health and human services businesses that can be found [here](#).

The Executive of Energy and Environmental Affairs (EEA) also has issued extensive Phase 2 guidance for the reopening and expansion of the following outdoor recreational activities and businesses:

- Coastal and Inland Beaches
- Public and Semi-Public Swimming Pools
- Parks, Open Space, and Outdoor Education Programs
- Outdoor Adult Sports, Supervised Youth Sports Leagues, Summer Sports Camps
- Playgrounds, Spray Decks and Outdoor Fitness Areas
- For-Hire and Charter Vessels
- Boating and Various Other Marine and Inland Waterway Related Activities
- Recreational Boating Businesses
- Hunter Education and Firearms Identification Card (FID)/License to Carry Firearms (LTC) Education Classes
- Zoological Parks, Outdoor Wildlife Reserves, Nature Centers, Botanical Gardens, and Cultural Sites
- Outdoor Recreational Experiences and Educational Activities
- Mountain Biking and Cycling
- White Water Rafting Activities
- Campgrounds

The Department of Early Education and Care (EEC), in partnership with the DPH, the Executive Office of Health and Human Services, the Department for Children and Families, and the Department of Elementary and Secondary Education, has also issued [guidance](#) on the minimum health and safety requirements for child and youth programs to reopen. These standards and protocols were developed to minimize the risk of COVID-19 to children, youth, and staff in child care settings. For additional information regarding the reopening of child care programs, please refer to our recent [client alert](#).

In Phase 2, higher education institutions can begin to allow students, staff and faculty to return to campus for the limited purposes of permitting students to complete a degree, program, or prerequisite for employment, or other similar requirement for completion, for summer youth programming including athletic facilities, and any necessary supporting services. Guidance for reopening requirements can be found [here](#), including a COVID-19 Control Plan template designed specifically for higher education institutions.

The Executive Office of Housing and Economic Development has also issued mandatory reopening safety standards and a COVID-19 Control Plan template checklist for [occupational safety schools and testing centers](#).

This alert seeks to provide an overview of recent updates and guidance for businesses permitted to reopen in Phase 2, though such guidance may be further altered or modified by future orders and guidance from the administration, the DPH, the Department of Labor Standards, the EEC, and the EEA.

We expect the administration will provide further guidance as Massachusetts continues to progress through the Four-Phase Reopening Plan and will keep you informed about all such developments. Employers with questions about when and how to prepare for reopening their business should consult with their MBJ attorney.

Tracy Thomas Boland and Danielle Jurema Lederman are attorneys with Morgan, Brown & Joy, LLP, and may be reached at (617) 523-6666, or at tboland@morganbrown.com and dlederman@morganbrown.com. Morgan, Brown & Joy, LLP focuses exclusively on representing employers in employment and labor matters.

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