

General Questions - Essential Services Related

- If my business is non-essential, can I go to my place of business to perform routine maintenance on the facility, attend to perishable products or property, or perform other necessary tasks?
 - **YES.** If you are the owner of a non-essential business, you may go to your business facility as needed to take care of crucial tasks that cannot be done remotely or to retrieve necessary materials or documents. Your employees may not go to your bricks-and-mortar place and may not conduct business activities on-site unless your business is following the newly updated guidelines for remote fulfillment that are spelled out below.
- Can non-essential businesses stay open if they shift to exclusively curbside pick up? **NO**
- Can employees of non-essential businesses still come in to do non-essential work? **NO unless the business and its employees are following the guidelines for remote fulfillment spelled out below.**

Can non-essential businesses bring in a small number of employees in order to remotely fulfill online or phone orders? **YES if following the remote fulfillment guidelines below**

- Facilities must be closed to the public, as the allowance is for the fulfillment of remote sales/orders only
- Employees may only be engaged in the packaging and delivery/shipping of phone and online orders, not the manufacturing of those products
- Operating hours must allow for sufficient ongoing off-hour sanitation/cleaning
- All employees must wear face coverings while on-site
- All employees must maintain 6 feet social distancing and employers should stagger employees within the facility to ensure social distancing
- Any deliveries made by employees must be 'no-contact' deliveries: items must be left in mailboxes, mailrooms, garages, lobbies, at doorstep, or similar no-contact drop-off points
- Employers must stagger shift start/stop times and breaks/lunchtimes in order to minimize contact
- Facilities must have readily accessible hand sanitizer and hand washing facilities for employee use
- In a closed facility that is used for remote fulfillment:
 - There must be enough space within the facility for all employees present to be able to maintain six feet of social distancing
 - In a facility under 10,000 square feet, a maximum of 3 employees may be allowed on the premises at a time
 - In a facility between 10,000 – 30,000 square feet, a maximum of 5 employees may be allowed on the premises at a time
 - In a facility more than 30,000 square feet, a maximum of 7 employees may be allowed on the premises at a time
- Employee workspaces must be cleaned frequently, following public health guidelines
- Employers must require employees to self-administer a temperature check prior to beginning each shift. Any employee with any symptoms, including a temperature over 100.0 degrees, must not report to work and should self-isolate, contact their doctor and follow medical guidance.

- Employees in quarantine, due to exposure to a known case of COVID-19 or someone with COVID-19 like illness, must remain under quarantine for 14 days since day of exposure and not report to work
- Employers must strictly adhere to any further workplace guidance
- Facilities found in noncompliance with this order must be closed immediately.
- Facilities unable to fully comply with all of these parameters shall not operate.

Transportation and Logistics

- Can a car dealership be open for car sales? **YES, in a limited manner and only if following the guidelines for remote fulfillment, and the specific guidelines for car dealerships below**
 - The dealership must remain closed to the public and sales must be conducted exclusively via phone or online, and the dealership must follow the remote fulfillment guidelines specified elsewhere in this guidance document.
 - Test drives are not permitted.
 - To the maximum extent feasible, processing of documents should occur electronically. Any processing of documents that must occur in person should be done in compliance with social distancing protocols.
 - The transfer and delivery and return of vehicles (new or leased or trade-in) may be conducted in person by appointment only at the dealership, or at a customer's residence.
 - The dealership service department/garage may continue to operate as an essential service.

Critical Manufacturing

Can I manufacture goods to support the remote fulfillment of goods from a non-essential business? **NO, the remote fulfillment guidelines only allow for the packaging and delivery/shipping of phone and online orders, not the manufacturing of those products**

Distribution of Goods in Ecommerce and Distribution Centers

The list of essential services includes:

Workers supporting ecommerce through distribution, warehouse, call center facilities, and other essential operational support functions.

- **What does "ecommerce" mean in the context of the essential services list?**
 - Ecommerce has a limited meaning under the Essential Services Order. Although ecommerce in other contexts can refer broadly to any commercial transaction conducted electronically on the Internet, for purposes of the Essential Services Order, ecommerce means telephone, internet, or other electronic transactions that result in (1) the shipping of goods and products that themselves would qualify a seller as providing a COVID-19 Essential Service if the seller offered the products through other means and these were the only products the seller offered; or (2) the shipping of goods and products that are necessary for other COVID-19 Essential Services providers to conduct their essential work; or (3) the shipping of goods and products from a warehouse or distribution center that includes within its normal inventory goods covered in (1). This

reflects the intention of the Order to substantially limit the number of workplaces open during the state of emergency in order to reduce out-of-home activity and transmission of the virus.

- Based on this rule, operations that offer only products such as furniture, most clothing for consumer purchase, cosmetics, jewelry, recreational equipment, or other consumer specialty items are not COVID-19 Essential Services. These operations are required to close their bricks-and-mortar locations in Massachusetts although they may be able to conduct remote order fulfillment if following the remote fulfillment guidelines specified elsewhere in this guidance document.
- **I am a retailer with a bricks and mortar location, but I also sell products on-line. May I continue to sell products on-line while my store is closed?**
 - It depends. Essential businesses may sell products online in accordance with the ecommerce guidance above. Retailers required to close their bricks-and-mortar locations under the Order because they do not provide essential services may only fulfill online or phone orders from a Massachusetts bricks-and-mortar location when following the remote fulfillment guidelines specified elsewhere in this guidance document.
- **Can all distribution centers, warehouse, and call centers continue to operate?**
 - No. Distribution centers, warehouses, and call centers can continue to operate only if they support the types of ecommerce described above or are engaged in limited remote fulfillment in accordance with the remote fulfillment guidelines specified elsewhere in this guidance document, including in particular the limitations on total number of employees who may be present at a business premises engaged in approved remote fulfillment.

Other

- What types of shops are allowed to stay open?
 - Convenience Stores – **YES**
 - Office supply or electronics stores? **YES if selling hardware, home appliances or other essentials; additionally, limited remote fulfillment for non-essential stores may be possible if following the remote fulfillment guidelines specified elsewhere in this guidance document.**
 - Other Shops (e.g. Flower shops, Book shops) – **NO although limited remote fulfillment may be possible under the remote fulfillment guidelines specified elsewhere in this guidance document**
- Are stores that could potentially sell essential items (e.g. a craft store that sells masks, gloves) allowed to stay open? **Only if the essential items are the primary goods sold at the store.**
 - **Remote fulfillment for non-essential stores may be possible on a limited basis if strictly following the remote fulfillment guidelines specified elsewhere in this guidance document.**
- Can retail stores that do not qualify as essential services do business through curbside pick-up? **NO**

General Questions – Stay-at-home Advisory Related

- What types of shops are allowed to stay open?
 - Convenience Stores – **YES**
 - Office supply or electronics stores? **YES if selling hardware, home appliances or other essentials; additionally, limited remote fulfillment for non-essential stores may be**

possible if following the remote fulfillment guidelines specified elsewhere in this guidance document.

- **Other Shops (e.g. Flower shops, Book shops) – NO although limited remote fulfillment may be possible under the remote fulfillment guidelines specified elsewhere in this guidance document**

- My business is non-essential but has modified its operations to sell, manufacture, produce or distribute personal protection equipment (PPE) or materials used to manufacture PPE. Do the employees engaged in PPE-related activities count in the total number of employees who are allowed to be on premises for remote order fulfillment of non-essential goods?
Only those employees engaged in remote order fulfillment unrelated to PPE are subject to the cap on employees allowed under the remote fulfillment guidance. However, all employees – regardless of which activities they're engaged in – must be able to socially distance within the store or facility.