

Preparing to Re-Open the Workplace; Critical Issues for Arizona Employers

(5/1/2020)

Governor Ducey's Executive Order 2020 33, issued on April 29, lays out certain criteria for many non-essential businesses in Arizona to begin to re-open.

Non-Essential Retailers of Goods

While the Executive Order directs Arizonans to continue to "limit their time away from their place of residence or property," the Order also states that "persons may visit retailers permitted to operate pursuant to this order."

The Order, in turn, permits retailers who previously had been designated as "non-essential" to re-open on May 4 for "delivery service, window service, walk up service, drive-through service, curbside delivery, or appointment," provided they comply with certain "best practices" described in the Order for the reduction of the risk of infection.

The Order also permits non-essential retailers to re-open on May 8 for "sale to customers in stores," provided they also comply with the "best practices" described in the Order.

Those "best practices" require that retailers implement rules and procedures that facilitate physical distancing, including "spacing of individuals of at least six feet." Retailers also must comply with social distancing and sanitation measures established by the U.S. Department of Labor and the Arizona Department of Health Services:

[OSHA COVID-19 Guidance for Retail Workers](#)

[ADHS Arizona's Emergency Response to the COVID-19 Outbreak, Workplace & Community Locations](#)

Employment Law Issue

Businesses that re-open must consider certain employment-law issues.

Employers with fewer than 500 employees must remember that under the "Families First Coronavirus Response Act," signed into law on March 18, persons who are unable to work (or telework) for various reasons related to COVID-19 have a legal right to as much as 80 hours of paid sick time. The law also provides that persons who are unable to work (or telework) because they must care for a child whose school or daycare has been closed due to a health emergency have a legal right to as much as 10 weeks of paid public emergency leave. For more information about the "Families First Coronavirus Response Act," see

[Families First Coronavirus Response Act](#)