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Client Alert: Mandatory Self-Certification and Industry-Specific Guidance For Massachusetts Essential And Phase One Businesses

BY CESIRA NEWCOMB • MAY 18, 2020

On May 18, 2020, Governor Baker released [Reopening Massachusetts](#), the Reopening Advisory Board's report that details Massachusetts' four-phased strategy to reopen in-state businesses and activities. Starting on May 18, Massachusetts will begin Phase One of its reopening plan. Here is some important reopening information for Massachusetts employers:

PHASE ONE BUSINESSES ELIGIBLE TO REOPEN

Manufacturing and construction businesses and places of worship are eligible to reopen beginning May 18.

Beginning May 25, the following businesses are eligible to reopen:

- Laboratory and life science facilities;
- Offices, excluding those in the City of Boston; work from home is strongly encouraged and businesses should restrict workforce presence to no more than 25% maximum capacity. Boston offices can reopen on June 1, following applicable guidelines for the rest of the state.
- Hair salons and barbershops, by appointment only;
- Pet grooming, by appointment only (with curbside pet drop-off and pick-up);
- Car washes, with exterior car washing allowed;
- Recreation and outdoor activities, with guidelines;
- Retail, with remote fulfillment and curbside pickup.

To reopen, all businesses must adhere to the [Massachusetts Mandatory Safety Standards](#) and any applicable [industry-specific guidance](#) (see below). Further, businesses must complete the three-part mandatory self-certification process set forth below.

All essential businesses can continue to stay open and operate. However, essential businesses now must comply with the Mandatory Safety Standards and any applicable industry-specific guidance, and must also complete the three-part self-certification process by May 25, 2020.

MANDATORY SELF-CERTIFICATION PROCESS FOR ESSENTIAL AND PHASE ONE BUSINESSES

To reopen (or to stay open, for essential businesses), businesses must complete the following self-certification process:

1. Develop a written COVID-19 Control Plan outlining how the business will prevent the spread of COVID-19;
 - To complete this step, business can [fill out this template](#). Control plans do not need to be submitted for approval but must be kept on premise and made available in the case of an inspection
2. Sign and post a “[Compliance Attestation Poster](#),” in an area visible to employees and visitors; and
3. Post “[Employer](#)” and “[Worker](#)” posters describing the rules for maintaining social distancing, hygiene protocols, cleaning, and disinfecting.

INDUSTRY-SPECIFIC GUIDANCE

Currently, the following industries must adhere to sector-specific protocols in addition to the Mandatory Safety Standards:

- [Construction](#)
- [Manufacturing](#)
- [Office Spaces](#)
- [Laboratories](#)
- [Hair Salons and Barbershops](#)
- [Car Washes](#)
- [Pet Grooming](#)

There is also separate, additional guidance for [places of worship](#) and [outdoor recreation](#).

CLIENT TIP

In addition to the above, beginning May 18, acute care hospitals and community health centers that attest to specific public health/safety standards can begin to provide high-priority preventative care, pediatric care, and treatment for high-risk patients. Beginning May 25, the same conditions apply to other health care providers. [Click here for applicable guidance from the Executive Office of Health and Human Services](#).