FREQUENTLY ASKED QUESTIONS REGARDING EXECUTIVE ORDER FIFTY-THREE

When does this order go into effect? What areas of the state are covered?

The order is in effect from Tuesday, March 24, 2020 at 11:59 PM until Thursday, April 23 at 11:59 PM. It applies to the entire Commonwealth of Virginia.

Will this order be changed?

Governor Northam, in consultation with State Health Commissioner Oliver, may adjust this order or issue new orders as needed, given the quickly-changing public health situation.

Can I leave my house?

Yes. However, Governor Northam is urging Virginians to limit all non-essential travel outside the home, if and when possible. If you choose to go to the park, for a walk, or exercise outside, please practice strict social distancing and keep six feet apart from others. All public and private gatherings of more than 10 people are banned.

Are you limiting interstate travel?

No. Our roads and highways will remain open to move essential personnel and critical supplies.

What about religious services? Can I still go to my church, synagogue, or mosque?

Virginians are strongly encouraged to seek alternative means of attending religious services, such as virtually or via "drive-through" worship. Places of worship that do conduct in-person services must limit gatherings to 10 people, to comply with the statewide 10-person ban.

BUSINESSES

What businesses must close?

The following recreational and entertainment businesses must close to the public:

- Theaters, performing arts centers, concert venues, museums, and other indoor entertainment centers;
- Beauty salons, barber shops, spas, massage parlors, tanning salons, and tattoo shops. According to this order, any other brick and mortar locations where personal care or personal grooming services are performed that would not allow compliance with social distancing guidelines to remain six feet apart must also close;
- Racetracks and historic horse racing facilities; and
- Bowling alleys, skating rinks, arcades, amusement parks, trampoline parks, fairs, arts and craft facilities, aquariums, zoos, escape rooms, indoor shooting ranges, public and private social clubs, and all other places of indoor public amusement.

What businesses are restricted in their operations?

Restaurants, dining establishments, food courts, breweries, microbreweries, distilleries, wineries, tasting rooms, and farmers markets must close their dining and congregation areas, but they may remain open for delivery and take-out services.

Non-essential retail businesses must limit their operations to ten patrons or less with adequate social distancing. If they cannot limit their operations to 10 patrons or less with adequate social distancing, then they must close.

What are the non-essential retail businesses that are restricted in their operations?

Non-essential retail businesses are brick-and-mortar operations that consist of everything except the following:

- Grocery, pharmacy, and other retailers that sell food and beverage products or pharmacy products, including dollar stores and department stores with grocery or pharmacy operations;
- Medical supply retailers;

- Electronic retailers that sell or service cell phones, computers, tablets, and other communications technology;
- Automotive parts, accessories, and tire retailers;
- Home improvement, hardware, building material, and building supply retailers;
- Lawn and garden equipment retailers;
- Beer, wine, and liquor stores;
- Retail functions of gas stations and convenience stores;
- Retail located within healthcare facilities;
- Banks and other financial institutions with retail functions;
- Pet and feed stores;
- Printing and office supply stores; and
- Laundromats and dry cleaners.

What should a business do if they are unclear on whether they are an essential or non-essential business?

Any business that is not explicitly set forth in the essential categories listed above should limit operations to 10 patrons or less with adequate social distancing.

Are there restrictions for any other categories of business?

All other categories of business should utilize teleworking as much as possible. Where telework is not feasible, such businesses must adhere to social distancing recommendations, enhanced sanitizing practices on common surfaces, and other appropriate workplace guidance from state and federal authorities while in operation.

The following sources provide workplace guidance for operations that remain open:

- CDC Guidance: https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/businesses-employers.html
- OSHA Guidance: https://www.osha.gov/Publications/OSHA3990.pdf

- Virginia Department of Labor and Industry Guidance: https://www.doli.virginia.gov/wp-content/uploads/2020/03/Coronavirus-Hazard-Alert.pdf

What happens if a business does not follow the closure or restriction requirements in Executive Order Fifty-Three?

Businesses in violation of this order may be charged with a Class 1 misdemeanor.

Do I still have to pay taxes?

Yes. Businesses impacted by COVID-19 can also request to defer the payment of state sales tax due, March 20, 2020, for 30 days. When granted, businesses will be able to file no later than April 20, 2020 with a waiver of any penalties.

The Virginia Department of Taxation has extended the due date of payment of Virginia individual and corporate income taxes. While filing deadlines remain the same, the due date for individual and corporate income tax will now be June 1, 2020. Please note that interest will still accrue, so taxpayers who are able to pay by the original deadlines should do so.

I have to lay off employees. Will I be penalized when they apply for unemployment benefits?

Regional workforce teams have been activated to support employers that slow or cease operations. Employers who do slow or cease operations will not be financially penalized for an increase in workers requesting unemployment benefits.

I work in a business that is considered essential. Does the ban on gatherings of more than 10 people apply to my workplace?

No. For the purposes of this order, employment settings are not considered gatherings. However, all essential businesses must, to the extent possible, practice social distancing, increase sanitizing of common surfaces, and other appropriate workplace guidance from state and federal authorities. If you are concerned your employer is not following these guidelines, please contact OSHA or the Virginia Department of Labor and Industry.

I am not a business sector explicitly listed in the Executive Order, but I believe that I am an essential businesses. What should I do?

Nothing in the Executive Order impacts business sectors that are not explicitly listed. The Executive Order only covers (1) recreation and entertainment businesses, (2) brick and mortar non-essential retail businesses, and (3) restaurants, dining establishments, food courts, breweries, microbreweries, distilleries, wineries, tasting rooms, and farmers markets.

Where feasible and practicable, workplaces should require telework. For operations where telework is not feasible, we strongly recommend adhering to social distancing recommendations, enhanced sanitizing practices on common surfaces, and applying the relevant workplace guidance from CDC, Occupational and Safety Health, and Virginia Department of Labor and Industry.

I am the owner of a golf course, marina, campground, or other source of outdoor recreation not explicitly listed in the Executive Order. What should I do?

Nothing in the executive order impacts outdoor recreation businesses that are not explicitly listed in the Executive Order. Where feasible and practicable, office workplaces should require telework. For operations where telework is not feasible, we strongly recommend adhering to social distancing recommendations, enhanced sanitizing practices on common surfaces, and applying the relevant workplace guidance from CDC, Occupational and Safety Health, and Virginia Department of Labor and Industry.

Are farmer's markets able to operate under the Executive Order?

Yes, but they have to conduct business differently. They can provide pick-up, grab and go, delivery, CSAs, and online sales. However, they cannot include dining, on-site browsing, or congregating.

The Virginia Department of Agriculture and Consumer Services (VDACS) is actively working with partners to identify best practices and recommendations to assist farmers' markets. If you are a vendor seeking assistance with other marketing opportunities because your operations have been impacted or if you have suggested best practices that could be shared with others, please contact vdacs.commissioner@vdacs.virginia.gov.

Does the prohibition on public and private gatherings of 10 or more individuals apply to my business?

No, the prohibition applies to social gatherings. Where feasible and practicable, workplaces should require telework. For operations where telework is not feasible, we strongly recommend adhering to social distancing recommendations, enhanced sanitizing practices on common surfaces, and applying the relevant workplace guidance from CDC, Occupational and Safety Health, and the Virginia Department of Labor and Industry.

I provide cosmetology services. Can I continue to serve my clients in their home, even though my salon will be closed during this emergency?

Yes, providers with a cosmetology license can provide one-on-one services in their clients' homes during this 30 day period. Providers must, to the extent possible, practice social distancing and take health precautions, including washing your hands and sanitizing all tools. To protect yourself and your clients, stay home at the first sign of a cold or fever.

I provide personal care services for a medical or health care purpose. Do I have to close?

No. If your clients are seeking medical or healthcare treatment, your operations are not limited. We strongly recommend adhering to enhanced sanitizing practices on common surfaces and applying the relevant workplace guidance from CDC, Occupational and Safety Health, and the Virginia Department of Labor and Industry.

WORKERS

My workplace is temporarily closed, and I do not have paid leave and will not receive a paycheck. What can I do?

You may file a claim for Unemployment Insurance (UI) benefits with the Virginia Employment Commission (VEC). To receive benefits, you must meet certain minimum requirements, including having sufficient past earnings and an immigration status that allows you to work. If VEC approves your claim, you will receive a weekly benefit payment that is dependent on your past earnings. The maximum benefit amount is $378 for up to 26 weeks. For more information about Unemployment Insurance benefits and to file a claim, please visit http://www.vec.virginia.gov/node/11699.

My employer has cut my hours back due to the coronavirus. What can I do?

If your weekly earnings fall below what would be your weekly unemployment insurance benefit, you may file a claim for partial Unemployment Insurance (UI) benefits with the Virginia Employment Commission (VEC). For more information about Unemployment Insurance benefits and to file a claim, please visit http://www.vec.virginia.gov/node/11699.

My employer closed temporarily and I did not receive my last paycheck. How do I get paid?

To file a nonpayment of wages claim, please visit the Virginia Department of Labor's website at https://www.doli.virginia.gov/labor-law/payment-of-wage-english/.

Can I lose my job if I miss work because I'm sick with coronavirus?

If your employer is covered under the Family Medical Leave Act (FMLA), they may be required to provide you with up to 12 weeks unpaid leave. Leave from FMLA is awarded to individuals with a "serious" condition that is defined in the law as requiring inpatient care or three days continued treatment from a health care provider. The coronavirus does not necessarily present a "serious" condition, and the U.S. Department of Labor has not issued guidance on this. Please check back here for updated information.

Can I lose my job if I have to stay home to care for a family member that is seriously ill with coronavirus?

If you meet certain requirements, your employer must provide you with up to 12 weeks of job-protected time off to care for a parent, spouse, domestic partner, minor child, or adult dependent child with a serious health condition. These requirements include: 1) your employer has at least 50 employees within 75 miles of your worksite; 2) you have worked with the employer for at least a year; and 3) you worked at least 1250 hours in the year before you take time off.

The federal government is working on policies to help support sick and medical leave for all individuals affected by the coronavirus. Please check back here for updated information. The Federal Family Medical Leave Act enforces requirements for paid sick leave. Information and assistance can be obtained at (866) 487-9243.

Can my employer not pay me if I am sent home early from work or told not to come in for a scheduled shift?

Yes. A Virginia employer is only required to pay an employee for the work performed.

I work at an essential business, but I am concerned that they are not following health and safety guidelines. What do I do?

All essential retail establishments must, to the extent possible, adhere to social distancing recommendations, enhanced sanitizing practices on common surfaces, and other appropriate workplace guidance from state and federal authorities. If you are concerned your employer is not following these guidelines, please contact OSHA or the Virginia Department of Labor and Industry.

Additional information can be found in the Office of the Governor's Frequently Asked Questions guide for Virginia workers, available here.

CHILDREN AND FAMILIES

My school or my child's school is providing meal pick-ups. Is this still allowed?

Absolutely. All 132 Virginia school divisions have received waivers to provide food to their communities. Call 2-1-1 or see here for a full list of meal locations.

Are childcare centers still open?

Yes. Childcare centers are still open, but Governor Northam urges all parents who can stay home with their children to do so, to prioritize the children of parents working in essential sectors. Childcare centers that remain open must employ cleaning and social distancing requirements in keeping with Department of Social Services guidelines, here.

Can I still go to my routine, elective, or non-urgent medical appointments?

Non-essential medical care like eye exams, teeth cleaning, and elective procedures should be cancelled or rescheduled. Non-urgent medical appointments should be cancelled or held via telehealth.

Can I still go out to get groceries or fill my prescriptions?

Yes. You may leave your home to get groceries or fill your prescriptions.

OUTDOOR RECREATION

Can I still exercise? Take my family to the park for fresh air? Take a walk around the block?

Yes, as long as you are maintaining a safe social distance of six feet from people who are not a part of your household. Gyms, fitness centers, indoor recreation centers and indoor sports facilities must close.

Does this order affect hiking? State Parks?

No, you may still go outside so long as you practice social distancing of six feet. Virginia State Parks have closed visitor centers, but trails and outdoor spaces are still open. For information on Virginia State Parks, please see here.

PETS

Can I walk my dog?

Yes, you can walk your dog. Remember to distance yourself at least six feet from other pets and owners.

Are dog parks closed?

Virginia localities are determining dog park closures based on the ability of visitors to follow safe social distancing guidelines. For information on your local dog park, please contact your local Mayor's office.

Can I bring my pets to the vet if they are sick?

Veterinarians and pet hospitals will remain open, and you can bring your pets if they are sick or urgently need medical attention. If your pet has a non-urgent need or annual check-up, you should postpone the appointment.