EMAIL TO: All Sheriffs

FROM: Eddie Caldwell
Executive Vice President and General Counsel
North Carolina Sheriffs’ Association

SENT: March 17, 2020

SUBJECT: Coronavirus UPDATE - Governor’s Executive Orders (No. 117 & No. 118) and Frequently Asked Questions Document

Attached are three documents from Governor Roy Cooper. We have highlighted various provisions of each document for your convenience.

You may wish to consult with your local District Attorney regarding the provisions which create a Class 2 misdemeanor and say that it “shall be enforced by state and local law enforcement officers” (emphasis added.) Specifically, see: (1) Executive Order No. 117, Section 1c. and d.; and (2) Executive Order No. 118, Section 4(a) and (b).

Regarding specific language to use for issuance of a citation, criminal summons or an arrest warrant for a misdemeanor violation of Executive Order No. 117 or No. 118, law enforcement officers may wish to consult with your local District Attorney.

Attached are:

--- Executive Order No. 117 regarding Prohibition of Mass Gatherings and Directing School Closures
--- Frequently Asked Questions (FAQs) for Executive Order No. 117
--- Executive Order No. 118, regarding Limiting Operations of Restaurants and Bars

[Note: No. 118 contains an amendment to No. 117 regarding “mass gatherings.”]
As always, if I can help further, please call me on my mobile telephone at 919-810-6333.

Thanks…Eddie C.
PROHIBITING MASS GATHERINGS AND DIRECTING THE STATEWIDE CLOSURE OF K-12 PUBLIC SCHOOLS TO LIMIT THE SPREAD OF COVID-19

WHEREAS, the undersigned issued Executive Order No. 116 on March 10, 2020, which declares a State of Emergency to coordinate the State’s response and protective actions to address the Coronavirus Disease 2019 (“COVID-19”) public health emergency and to provide for the health, safety, and welfare of residents and visitors located in North Carolina (“Declaration of a State of Emergency”); and

WHEREAS, the undersigned established the Novel Coronavirus Task Force on COVID-19 to work with state, local, and federal partners in responding to challenges posed by COVID-19; and

WHEREAS, the World Health Organization declared COVID-19 a global pandemic on March 11, 2020; and

WHEREAS, on March 11, 2020, the President of the United States took executive action to restrict travel from Europe into the United States of America; and

WHEREAS, on March 13, 2020, the President of the United States declared the ongoing COVID-19 pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121-5207 (the “Stafford Act”); and

WHEREAS, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, et seq. and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5), declared a national emergency that the COVID-19 outbreak in the United States constitutes a national emergency beginning March 1, 2020; and

WHEREAS, the North Carolina Department of Health and Human Services (“NCDHHS”) confirmed the number of cases of COVID-19 in North Carolina continues to rise; and

WHEREAS, Executive Order No. 116 invoked the Emergency Management Act, and authorizes the Governor to exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies; and

WHEREAS, NCDHHS has organized a Public Health Incident Management Team to manage the public health impacts of COVID-19 in this state; and

WHEREAS, first responders and health care professionals remain integral to ensuring the state is best situated to respond to and mitigate the threat posed by COVID-19 and such first responders and health care professionals should have the availability of all necessary personal protective equipment and continue to follow all necessary response protocols; and
WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(3), the undersigned, with the concurrence of the Council of State, has the power to regulate and control the congregation of persons in public places or buildings; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(4), the undersigned, with the concurrence of the Council of State, may waive a provision of any regulation or ordinance of a state agency which restricts the immediate relief of human suffering; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(5), the undersigned, with the concurrence of the Council of State, may perform and exercise other such functions, powers and duties as are necessary to promote and secure the safety and protection of the civilian population; and

WHEREAS, further action is necessary to protect the health and safety of the residents of North Carolina, slow the spread of the COVID-19 outbreak, reduce the number of people infected, and avoid strain on our health care system; and

WHEREAS, the undersigned has sought and obtained concurrence from the Council of State consistent with the Governor's emergency powers authority in N.C. Gen. Stat. § 166A-19.30.

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, I IT IS ORDERED:

Section 1. Prohibition of Mass Gatherings

Pursuant to N.C. Gen. Stat. § 166A-19.30(b)(3), which allows for the undersigned to regulate and control the congregation of persons in public places or buildings and with the concurrence of the Council of State, to help protect the health and well-being of North Carolinians, I hereby prohibit mass gatherings in the State of North Carolina.

a. A mass gathering is defined as any event or convening that brings together more than one hundred (100) persons in a single room or single space at the same time, such as an auditorium, stadium, arena, large conference room, meeting hall, theater, or any other confined indoor or outdoor space. This includes parades, fairs and festivals.

b. A mass gathering does not include normal operations at airports, bus and train stations, medical facilities, libraries, shopping malls and centers, or other spaces where more than one hundred (100) persons are gathered. It also does not include office environments, restaurants, factories, grocery stores or other retail establishments.

c. Pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2), the provision of this section shall be enforced by state and local law enforcement officers.

d. Violations of this section or orders issued pursuant to N.C. Gen. Stat. § 166A-19.30 may be subject to prosecution pursuant to N.C. Gen. Stat. § 166A-19.30(d) and is punishable as a Class 2 misdemeanor in accordance with N.C. Gen. Stat. § 14-288.20A.

Section 2. School Closures

a. Pursuant to N.C. Gen. Stat. § 166A-19.30(b)(5) which allows the undersigned to perform and exercise such other functions, powers and duties as are necessary to promote and secure the safety and protection of the civilian population, and with the concurrence of the Council of State, I hereby direct that all public schools close for students effective Monday, March 16, 2020 until March 30, 2020, unless extended beyond that date.

b. Pursuant to N.C. Gen. Stat. § 166A-19.30(a)(1), I hereby direct NCDHHS, the North Carolina Department of Public Instruction, and the North Carolina State Board of Education to immediately work together to implement measures to provide for the health, nutrition, safety, educational needs and well-being of children during the school closure period.
Section 3. Social Distancing

In coordination with the State Health Director and alignment with guidance from the Centers for Disease Control and Prevention, all persons are urged to maintain social distancing (approximately six feet away from other people) whenever possible and to continue to wash hands, utilize hand sanitizer and practice proper respiratory etiquette (including coughing into elbow).

Section 4. Distribution

I hereby order that this Executive Order be: (1) distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (2) promptly filed with the Secretary of the North Carolina Department of Public Safety, the Secretary of State, and the superior court clerks in the counties to which it applies, unless the circumstances of the State of Emergency would prevent or impede such filing; and (3) distributed to others as necessary to ensure proper implementation of this Executive Order.

Section 5. Effective Date

With the exception of section 2, this Executive Order is effective immediately and shall remain in effect for thirty (30) days or until rescinded or superseded by another applicable Executive Order. An Executive Order rescinding the Declaration of a State of Emergency will automatically rescind this Executive Order.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 14th day of March in the year of our Lord two thousand and twenty.

Roy Cooper
Governor

ATTEST:

Elaine F. Marshall
Secretary of State
Frequently Asked Questions (“FAQ”) for Executive Order No. 117
March 17, 2020

During a state of emergency, the Governor has the constitutional authority to perform and exercise functions, powers, and duties as are necessary to promote and secure the safety and protection of the civilian population. This FAQ provides guidance for the implementation of Executive Order No. 117 (“Order”) https://governor.nc.gov/documents/executive-order-no-117. Individuals should check with local governments to determine whether additional restrictions have been imposed in local jurisdictions to limit the spread of COVID-19.

This information is subject to change in light of new CDC guidance and additional Executive Orders or local government declarations. For example, while the Order prohibits gatherings of more than 100 people, current CDC guidance recommends that for the next 8 weeks, organizers (whether groups or individuals) cancel or postpone in-person events that consist of 50 people or more throughout the United States. https://www.cdc.gov/coronavirus/2019-ncov/community/index.html. The North Carolina Department of Health and Human Services (DHHS) strongly recommends no mass gathering of more than 50 people. https://www.ncdhhs.gov/divisions/public-health/coronavirus-disease-2019-covid-19-response-north-carolina

Section 1(a) of the Order defines mass gathering “as any event or convening that brings together more than one hundred (100) persons in a single room or single space at the same time, such as an auditorium, stadium, arena, large conference room, meeting hall, theater, or any other confined indoor or outdoor space."

Section 1(a) is directed at organized events or a convening in a single space or single room.

Section 1(b) of the Order states “mass gathering does not include normal operations at airports, bus and train stations, medical facilities, libraries, shopping malls and centers, or other spaces where more than one hundred (100) persons may be gathered. It also does not include office environments, schools, restaurants, factories, grocery stores or other retail establishments."

Section 1(b) addresses situations where, under normal operating conditions, more than one hundred (100) people may be in the same location but not at a coordinated event or convening.

School closure is addressed in Section 2 of the Order.

Section 3 of the Order urges people to maintain social distancing recommendations of approximately 6 feet from other people whenever possible. People should continue to wash
hands, utilize hand sanitizers and practice proper respiratory etiquette. These actions will limit the spread of COVID-19.

FAQs related to the Order

1) Does the Order apply to churches?
If a church gathering has a coordinated event or convening for more than 100, such gathering would be prohibited under Section 1(a). If a church has more than 100 employees and they come to work, that would fall within the exemption of Section 1(b) because it functions as an office environment.

2) Does the Order apply to wedding ceremonies or receptions?
If a wedding ceremony or reception has more than 100 attendees, that activity would be prohibited under Section 1(a).

3) Does the Order apply to funeral homes and funerals?
A funeral home can continue to conduct retail business in assisting clients with funeral arrangements. However, a funeral that has more than 100 attendees would be prohibited under Section 1(a).

4) Are schools closed to students and staff or just students?
Section 2 of the Order directs that “all public schools close for students effective Monday, March 16, 2020 until March 30, 2020, unless extended beyond that date.” This language contemplates that public school facilities be closed as instructional settings for K-12 students. Local school districts may continue to utilize facilities for other purposes as identified by local boards of education and school leaders. However, usage must be consistent with other aspects of the Order, including the provisions prohibiting mass gatherings of more than 100 individuals, and potential guidance from local boards of health and emergency management officials.

5) Are school districts required to offer distance learning during this period of closure?
During this closure period, local boards of education and school leaders should create a plan for remote or distance learning opportunities in the event that a longer period of school closure is needed. The Order, however, does not mandate remote or distance learning opportunities for students be offered between March 16 to March 30. Local boards of education and school leaders may provide remote or distance learning opportunities for students if they are able. Local boards of education and school leaders should continue current virtual learning opportunities.

6) What public schools are covered by the Order?
Section 2 of the Order applies to all “public school units” as defined in N.C. Gen. Stat. § 115C-5. This Order does not apply to schools operated by the US Department of Defense, the Bureau of Indian Affairs, the NC Department of Health and Human Services (NC DHHS), and the NC Department of Public Safety (NC DPS). Given unique facility needs, NC DHHS and NC DPS may make decisions around operations for schools operated by those agencies. Public schools that offer primarily virtual instruction to students (e.g. NC Virtual Public School and virtual charter
schools) may continue to provide instruction virtually to students. However, any in-person interactions with students are subject to Section 1(a).

7) Are child care facilities closed?
The Order does not require child care facilities to close. However, child care facilities are subject to the Order Section 1(a), and shall not convene more than 100 people in a single room or single space at the same time.

8) Do private schools have to close?
The Order does not require private schools to close. However, private schools shall not convene a gathering of more than 100 people in a single room or single space at the same time as they are subject to Section 1(a).

9) Does the Order apply to movie theaters?
A movie theater is subject to the Order. A movie theater may operate so long as it caps attendance so that no more than 100 persons are in a single room or single space at the same time. In addition, proper social distancing guidelines outlined in Section 3 of the Order should be followed.

10) Can a local gym offer a “school’s out camp” for the next two weeks?
Any such camp may be subject to child care licensure laws, and also could not gather more than 100 people in a single room or a single space at the same time.

11) Can County/City governments set up “day camps” through their parks and recreations departments if less than 100 attendees attend to care for essential personnel’s children so that essential personnel will report to work?
Recreational camps meeting current statutory and licensure requirements are allowed, however, they may not gather more than 100 people in a single room or single space at the same time.

12) Can the Order be utilized to mandate essential personnel to report to duty?
The Order addresses the State’s authority to address a serious or significant public health issue.

13) Will my gym be open?
Please contact your gym for information. However, a gym may not gather more than 100 people in a single room or single space at the same time and should follow the social distancing guidelines.

14) Will the State Farmer’s Market be open?
The State Farmer’s Market may continue normal operations as a retail establishment. However, it is subject to Section 1(a) of the Order and may not convene a group of more than 100 people in the same room or same space at the same time.

15) How will the Order be enforced?
Appropriate local law enforcement agencies and district attorneys are generally responsible for enforcement of the Order provisions.
WHEREAS, the undersigned issued Executive Order No. 116 on March 10, 2020 which declared a State of Emergency to coordinate the State’s response and protective actions to address the Coronavirus Disease 2019 (COVID-19) public health emergency and to provide for the health, safety, and welfare of residents and visitors located in North Carolina (“Declaration of a State of Emergency”); and

WHEREAS, the World Health Organization declared COVID-19 a global pandemic on March 11, 2020; and

WHEREAS, on March 13, 2020, the President of the United States declared the ongoing COVID-19 outbreak a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the “Stafford Act”); and

WHEREAS, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, et seq. and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5), declared that the COVID-19 outbreak in the United States constitutes a national emergency, retroactive to March 1, 2020; and

WHEREAS, on March 14, 2020, the undersigned issued Executive Order No. 117 which prohibited mass gatherings of more than one hundred (100) people in the State of North Carolina and closed K-12 public schools to limit the spread of COVID-19; and

WHEREAS, on March 15, 2020, the Centers for Disease Control (“CDC”) updated their guidance for large events and mass gatherings, and recommended that for the next eight (8) weeks, organizers (whether groups or individuals) cancel or postpone in-person events that consist of fifty (50) people or more throughout the United States; and

WHEREAS, on March 16, 2020, the White House issued new guidelines called The President’s Coronavirus Guidelines for America -- 15 Days to Slow the Spread of Coronavirus (COVID-19), calling on people to “avoid social gatherings in groups of more than ten (10) people”; and

WHEREAS, the undersigned, pursuant to Section 401 of the Stafford Act is requesting a major disaster declaration from the United States Federal Government; and
WHEREAS, the North Carolina Department of Health and Human Services ("NCDHHS") confirmed that the number of cases of COVID-19 in North Carolina continues to rise; and

WHEREAS, Executive Order No. 116 invoked the Emergency Management Act, and authorizes the Governor to exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies; and

WHEREAS, the Governor has established the Novel Coronavirus Task Force on COVID-19 to work with state, local, and federal partners in responding to challenges posed by COVID-19; and

WHEREAS, NCDHHS has organized a Public Health Incident Management Team to manage the public health impacts of COVID-19 in this state; and

WHEREAS, COVID-19 has caused and will continue to cause substantial economic disruption in North Carolina, including disruptions to employees and employers; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(1), the undersigned may utilize all available State resources as reasonably necessary to cope with an emergency, including the transfer and direction of personnel or functions of State agencies or units thereof for the purpose of performing or facilitating emergency services; and

WHEREAS, the Governor, Secretary of Public Safety, and Director of Emergency Management have the authority to act under N.C. Gen. Stat. §§ 166A-19.10, 166A-19.12, and 166A-19.30(a)-(b); and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.10(b)(4) gives the Governor the authority to "cooperate and coordinate" with the President of the United States; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.12(3)(e), the Division of Emergency Management must coordinate with the State Health Director to revise the North Carolina Emergency Operations Plan as conditions change, including making revisions to set "the appropriate conditions for quarantine and isolation in order to prevent the further transmission of disease; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2), during a Gubernatorially declared State of Emergency, the Governor has the power to "give such direction to state and local law enforcement officers and agencies as may be reasonable and necessary for the purpose of securing compliance with the provisions of this article; and

WHEREAS, pursuant to N.C. Gen. Stat. § 130A-145(a), the State Health Director has the power to exercise quarantine and isolation authority when the public health is endangered; and

WHEREAS, quarantine authority is defined by N.C. Gen. Stat. § 130A-2(7a) to mean the authority to issue an order to limit the freedom of movement or action of persons or animals which been exposed to or are reasonably suspected of having been exposed to a communicable disease or communicable condition for a period of time as may be necessary to prevent the spread of that disease; and

WHEREAS, under N.C. Gen. Stat. § 130A-2(3), an "imminent hazard" is defined as a situation that is likely to cause an immediate threat to human life, an immediate threat of serious physical injury, an immediate threat of serious adverse health effects, or a serious risk of irreparable damage to the environment if no immediate action is taken; and

WHEREAS, under N.C. Gen. Stat. § 130A-20(a), if the Secretary of Health and Human Service determines that an imminent hazard exists, the Secretary may order the owner, lessee, operator, or other person in control of the property to abate the imminent hazard; and

WHEREAS, quarantine authority is defined by N.C. Gen. Stat. § 130A-2(7a) to also mean the authority to issue an order to limit access by any person or animal to an area of facility that may be contaminated with an infection agent; and

WHEREAS, further action is necessary to protect the health and safety of the residents of North Carolina, slow the spread of the COVID-19 outbreak, protect our most vulnerable citizens, and avoid strain on our health care system; and
WHEREAS, the undersigned has sought and obtained the necessary concurrence from the Council of State consistent with the Governor’s emergency powers authority in N.C. Gen. Stat. § 166A-19.30(b) for Sections 2 and 3 of this Order, and reserves the right to act under N.C. Stat. §§ 166A-19.10 and 166A-19.30(a).

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, IT IS ORDERED:

Section 1. Limiting the Sale of Food and Beverages, to Carry-Out, Drive-Through, and Delivery Only.

(a) Pursuant to the following authorities, the Governor, in consultation and at the recommendation of the state Secretary of Health and Human Services, the State Emergency Management Director, and the State Health Director, orders the following limitations on the sale of food and beverages to carry-out, drive-through, and delivery only:

(i) Per N.C. Gen. Stat. §§ 166A-19.30(c),-19.31(b)(2), the Governor has authority to restrict or prohibit the operation of business establishments and other place to or from which people may travel or at which they may congregate;

(ii) Per N.C. Gen. Stat. § 166A-19.10(b)(4), giving the Governor authority to “cooperate and coordinate” with the President of the United States, who issued guidelines directing the reduction of the congregating of persons to no more than ten (10) people the President’s Coronavirus Guidelines for America, March 16, 2020, and this Order is cooperating therewith;

(iii) Per N.C. Gen. Stat. § 166A-19.12(3)(e), the Division of Emergency Management must coordinate with the State Health Director to revise the North Carolina Emergency Operations Plan as conditions change, including making revisions to set “the appropriate conditions for quarantine and isolation in order to prevent the further transmission of disease,” and the Emergency Management Director and State Health Director having done so, have recommended the Governor order the actions identified in this Section;

(iv) Per N.C. Gen. Stat. § 130A-20(a), the Secretary has determined an imminent hazard exists and that entities subject to this Section must limit the sale of food and beverages to carry-out, drive-through, and delivery only in order to abate the hazard, and has issued an order of abatement dated March 17, 2020;

(v) Per N.C. Gen. Stat. § 130A-145(a), the State Health Director is exercising quarantine and isolation authority to limit access to facilities that sell food and beverage to carry-out, drive-through and delivery services only.

(vi) Per N.C. Gen. Stat. § 166A-19.30(a)(2), during a Gubernatorially declared State of Emergency, the Governor has the power to “give such direction to state and local law enforcement officers and agencies as may be reasonable and necessary for the purpose of securing compliance with the provisions of this article that restaurants are restricted to carry-out, drive-through, delivery, and onsite consumption in outdoor seating areas, subject to mass gathering restrictions to create an environment where staff and patrons maintain social distancing (at least 6 feet from other people) whenever possible. Bars are directed to close. These restrictions are effective as of 5:00pm, Tuesday, March 17, 2020 until March 31, 2020, or until this Order is rescinded or replaced.

(b) For the purposes of this Order, restaurants are defined as permitted food establishments, under N.C. Gen. Stat. § 130A-248, and other establishments that both prepare and serve food, including but not limited to, restaurants, cafeterias, food halls, dining halls, food kiosks at airports and shopping centers, or educational institutions, (“food courts”), as well as private or members-only clubs where food and beverages are permitted to be consumed on premises.
(c) For purposes of this Order, bars are defined as establishments that are not restaurants and that
have a permit to sell alcoholic beverages for onsite consumption, under N.C. Gen. Stat. § 18B-
1001.

(d) This Order does not direct the closure of retail beverage venues that currently provide for the
sale of beer, wine, and liquor for off-site consumption only. It also does not require the closure
of production operations at breweries, wineries, or distilleries.

(e) This Order does not affect grocery stores, pharmacies, convenience stores, gas stations and
charitable food distribution sites to the extent they sell or distribute prepared food. However,
sit-down food or beverage service within these facilities is prohibited.

(f) If the Alcoholic Beverage Control Commission “ABC Commission” identifies other state laws,
regulations, and policies that may affect bars, restaurants, and other dining establishments
identified in this Section, it is directed to inform the Office of the Governor in writing. Upon
written authorization from the Office of the Governor, the ABC Commission may interpret
flexibly, modify, or waive those state laws, regulations and policies, as appropriate, and to the
maximum extent permitted under applicable state and federal law, to effectuate the purposes
of this Order.

(g) In light of this Executive Order, Executive Order No. 117 Section 1(b) (March 14, 2020) is
revised as follows:

“A mass gathering does not include normal operations at airports, bus and train stations,
medical facilities, libraries, shopping malls and centers. It also does not include office
environments, factories, grocery stores, and child care centers.”

These locations or facilities, however, are subject to the dine-in food and beverage restrictions
listed in this Order.

Section 2. Unemployment Insurance Policy Related to COVID-19

The undersigned has sought and obtained the necessary concurrence from the Council of State
consistent with the Governor’s emergency powers authority in N.C. Gen. Stat. § 166A-19.30 (b), and

The Department of Commerce, through the Secretary of Commerce and Assistant Secretary of
the Division of Employment Security, is directed to ensure that individuals who, as a result of COVID-
19, are separated from employment, have had their hours of employment reduced, or are prevented
from working due to a medical condition caused by COVID-19 or due to communicable disease control
measures, shall be eligible for unemployment benefits to the maximum extent permitted
by federal law. For purposes of this Executive Order, communicable disease control measures shall
include quarantine or isolation directives or orders related to COVID-19 issued by the State of North
Carolina, the federal government, a local governmental entity, or a medical or public health
professional.

Section 3. Unemployment Insurance Changes

(a) To provide the necessary unemployment benefits to those affected by COVID-19, the
Department of Commerce is authorized, to the maximum extent permitted under federal
law, and for so long as the Declaration of a State of Emergency regarding COVID-19, dated
March 10, 2020, remains in place, to interpret flexibly or waive, as appropriate, the following:

i. the one-week waiting period for benefits (N.C. Gen. Stat. § 96-14.1(b));
ii. the able to work and available to work requirements (N.C. Gen. Stat. § 96-14.9(b));
iii. the work search requirements (N.C. Gen. Stat. § 96-14.9(b));
iv. the actively seeking work requirements (N.C. Gen. Stat. § 96-14.9(e)); and
v. the “lack of work” requirement of the unemployed provisions of N.C. Gen. Stat. § 96-
15.01(b)(2)(a).
(b) The Department of Commerce is further directed not to allocate charges to employers’ accounts for individuals who are paid benefits for reasons related to COVID-19 (N.C. Gen. Stat. § 96-11.2 and 96-11.3(b)). The Department of Commerce shall separately account for these expenditures so that the State of North Carolina can seek reimbursement from the federal government.

(c) If the Department of Commerce identifies other state laws, regulations, and policies that may inhibit the fair and timely distribution of unemployment benefits to those affected by COVID-19, it is directed to inform the Office of the Governor in writing. Upon written authorization from the Office of the Governor, the Department of Commerce may interpret flexibly, modify, or waive those state laws, regulations, and policies, as appropriate, to the maximum extent permitted under applicable federal law to effectuate the purposes of this Order.

(d) The Department of Commerce is ordered to postpone all mandatory in-person contact with individuals seeking unemployment benefits, including but not limited to the Employability Assessment Interview, as long as the State of Emergency for COVID-19 remains in effect. The Department of Commerce is further ordered to provide reasonable means for the filing of initial claims and weekly certifications, including both telephone and internet access.

Section 4. Enforcement

(a) Pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2), the provisions of this Order shall be enforced by state and local law enforcement officers.

(b) Violations of this Order may be subject to prosecution pursuant to N.C. Gen. Stat. § 166A-19.30(d) and is punishable as a Class 2 misdemeanor in accordance with N.C. Gen. Stat. § 14-288.20A.

Section 5. Effective Date

Section 1 of this Executive Order is effective as of 5:00 pm, Tuesday, March 17, 2020 through March 31, 2020. The remainder of this Executive Order is effective immediately and shall remain in effect until rescinded or superseded by another applicable Executive Order. An Executive Order rescinding the Declaration of a State of Emergency will automatically rescind this Executive Order.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 17th day of March in the year of our Lord two thousand and twenty.

[Signature]
Governor

ATTEST:

[Signature]
Rodney S. Maddox
Chief Deputy Secretary of State