STATE OF CONNECTICUT

BY HIS EXCELLENCY

NED LAMONT

EXECUTIVE ORDER NO. 7J

PROTECTION OF PUBLIC HEALTH AND SAFETY DURING COVID-19 PANDEMIC AND RESPONSE – CLARIFYING EO NO. 7H REGARDING OPERATIONS AT NON-ESSENTIAL BUSINESSES AND PROVIDING FOR RAPID STATE GOVERNMENT EMERGENCY RESPONSE

WHEREAS, on March 10, 2020, I issued declarations of public health and civil preparedness emergencies, proclaiming a state of emergency throughout the State of Connecticut as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed spread in Connecticut; and

WHEREAS, my Executive Order No. 7, dated March 12, 2020, among other things, prohibited gatherings of 250 people or more for social and recreational activities, including but not limited to, community, civic, leisure, and sporting events; parades; concerts; festivals; movie screenings; plays or performances; conventions; and similar activities, and suspended various statutes and regulations to protect public health and safety; and

WHEREAS, my Executive Order No. 7A, dated March 13, 2020, authorized the Commissioner of Public Health to restrict entrance into nursing homes and similar facilities to protect people who are most vulnerable to COVID-19; and

WHEREAS, my Executive Order No. 7B, dated March 14, 2020, among other things, modified in-person open meetings requirements, waived certain rules to mitigate the critical shortage of hand sanitizer and personal protective equipment (PPE), maintain and increase the availability of childcare, and provide for increased healthcare resources and facilities; and

WHEREAS, my Executive Order No. 7C, dated March 15, 2020, among other things, cancelled classes in public schools for at least two weeks, provided for closure and remote conduct of business at Department of Motor Vehicle branches, extended deadlines for municipal budget preparations, and suspended or modified laws and regulations governing health care data and visitation at certain health care and congregate care settings; and

WHEREAS, my Executive Order No. 7D, dated March 16, 2020, restricted social and recreational gatherings of all types to fewer than 50 people, closed bars and restaurants to all service except food and non-alcoholic beverage takeout and delivery, closed gyms, fitness centers and movie theaters, and prohibited on-site operations at off-track betting facilities; and

WHEREAS, my Executive Order No. 7E, dated March 17, 2020, among other things, waived the requirement for an 180-day school year, suspended fingerprinting availability to that for critical requirements, extended the duration of various licenses and permits under the authority of the Commissioner of Emergency Services and public protection, and suspended certain requirements for recoupment of overpayment and hearings conducted by the Department of Social Services; and

WHEREAS, my Executive Order No. 7F, dated March 18, 2020, ordered the closure of Large Shopping Malls, the closure of places of public amusement except public parks and open recreation areas, expanded Medicaid telehealth coverage, waived in-person service, hearing, and screening requirements for certain Probate Court proceedings in vulnerable group care settings, and clarified my order cancelling school classes; and

WHEREAS, my Executive Order No. 7G, dated March 19, 2020, ordered the postponement of the presidential primary, suspended non-critical court operations, expanded the availability of telehealth services, and enacted additional public health measures; and

WHEREAS, my Executive Order No. 7H, dated March 20, 2020, limited the workplace operations of non-essential businesses, and on-profit, created a process to designate those that are essential, and provided for consistency across the state in governmental response to the COVID-19 pandemic; and

WHEREAS, my Executive Order No. 7I, dated March 21, 2020, among other things, granted various forms of financial relief to recipients of public health and economic assistance, enacted measures to protect the health of children in the care of the Department of Children and Families, and enacted a series of measures to allow municipalities and their administrative bodies to conduct essential business while reducing the risk of COVID-19 transmission; and

WHEREAS, COVID-19 is a respiratory disease that spreads easily from person to person and may result in serious illness or death; and

WHEREAS, the World Health Organization has declared the COVID-19 outbreak a pandemic; and

WHEREAS, the risk of severe illness and death from COVID-19 appears to be higher for individuals who are 60 years of age or older and for those who have chronic health conditions; and

WHEREAS, to reduce spread of COVID-19, the United States Centers for Disease Control and Prevention and the Connecticut Department of Public Health recommend implementation of community mitigation strategies to increase containment of the virus and to slow transmission of the virus, including cancellation of gatherings of fifty people or more and social distancing in smaller gatherings; and

WHEREAS, if COVID-10 is transmitted to an elderly person, there is a high risk of serious illness or mortality; and

WHEREAS, the availability of methadone for ongoing medication assisted treatment is critical for the treatment of patients by Methadone Maintenance Clinics;

WHEREAS the delivery of methadone take-home doses will allow for patients that are unable to travel to the facility an opportunity to receive their medication in their home and decrease the risk of transmission of COVID-19; and

WHEREAS, it is critical that fire service personnel in the midst of certification testing are able to to meet contractual, bylaw, and probationary requirements as mandated by their employers, and are able to perform their vital public safety role throughout this state of emergency; and

WHEREAS, Governor Rell's Executive Order No. 27, adopted and extended by Governor Malloy's Executive Order No. 3, restricts the rehiring of Temporary Worker Retirees (TWRs) to two calendar years; and

WHEREAS, Public Acts 3-01 and 03-2 prohibit the rehiring of any state employee who participated in the Early Retirement Incentive Program offered in 2003; and

WHEREAS, the COVID-19 pandemic has created staffing disruptions in state agencies and has also increased the need for services provided by state agencies, resulting in critical skills shortages in certain areas, including those related to healthcare and public safety; and

WHEREAS, people who have retired from state service already possess the requisite knowledge, experience and/or licenses and are willing to return to work on a temporary basis can help agencies mitigate the such staffing shortages; and

WHEREAS, during the current public health crisis, accommodations for safe and effective operations of state agencies and state employees and the clients of these agencies are rapidly changing and evolving; and

WHEREAS, during the current public health crisis, additional accommodations and facilities beyond what is currently available in Connecticut may be necessary to address the effects of COVID-19, including but not limited to housing, health care, and medical treatment; and

WHEREAS, it is imperative to the health and safety of the general public that the State of Connecticut is able to adapt to the current crisis on an emergency basis, and provide essential human services for the duration of this emergency; and

WHEREAS, it is critical to the protection of the public health and safety that the Department of Administrative Services and the agencies for which it provides real estate services be able to respond to these emergency circumstances as expeditiously as possible; and

WHEREAS, in order to effectively respond to and alleviate the effects of the emergency, certain statutorily mandated procedures for the leasing, assignment and use of real estate for state agencies, employees and the general public should be condensed and streamlined, to enable the State to enter into leases relating to emergency needs created by the COVID-19 crisis; and

WHEREAS, effective utilization of leased real estate may require the State to make certain minor capital improvements, or acquire furniture, fixtures and equipment; and

WHEREAS, non-essential retailers provide useful and necessary products and employ tens of thousands of people throughout the state, and with proper precautions, may be able to conduct limited operations without increasing the risk of transmission of COVID-19; and

WHEREAS, it is critical to the safety and recovery of non-essential businesses and nonprofit organizations that their buildings and grounds remain secure and in good working order and continue to receive and process mail and packages; and

WHEREAS, upon a proclamation that a civil preparedness emergency exists, section 28-9(b) of the Connecticut General Statutes authorizes the modification or suspension in whole or in part by executive order of any statute or regulation or requirement or part thereof that conflicts with the efficient and expeditious execution of civil preparedness functions or the protection of public health;

NOW, THEREFORE, I, NED LAMONT, Governor of the State of Connecticut, by virtue of the authority vested in me by the Constitution and the laws of the State of Connecticut, do hereby **ORDER AND DIRECT:**

1. **Clarification of Executive Order No. 7H Regarding Non-Essential Business Operations.** Executive Order No. 7H, dated March 20, 2020 is hereby amended to permit 1) non-essential retailers to be staffed on site, provided that they may only offer remote ordering (e.g. phone, internet, mail, dropbox) and delivery or curb-side pick-up, and 2) non-essential businesses and nonprofits to allow staff or third parties on site to the minimum extent necessary to provide security, maintenance, and receipt of mail and packages, or other services deemed essential in implementing guidance issued by the Department of Economic and Community Development.

2. **Extension of Time Period for Fire Service Personnel Examinations.** Section 7-323l-18a (d) (1) of the Regulations of Connecticut State Agencies is modified to authorize the Commissioner of Emergency Services and Public Protection to extend the time by which examination components for a given level of certification for fire-service personnel must be completed, by 90 days, provided that he is authorized, in his sole discretion, to revoke such extensions as he deems necessary to protect public safety, and to further extend such timeline as he deems necessary.

3. **Delivery of Methadone to Homebound Patients by Methadone Maintenance Clinics.** Section 21a-252 of the Connecticut General Statutes is modified to permit the delivery of take-home doses of methadone for the treatment of drug dependent patients who are determined to be unable to travel to the treatment facility due to COVID-19 or related concerns. The Commissioner of Consumer Protection may issue any implementing orders or guidance that she deems necessary to implement this order.

4. **Suspension of Rehiring Procedures and Restrictions on Temporary Worker Retirees (TWR).** In order to enable agencies to meet critical staffing needs caused by COVID-19 with skilled and experienced employees who require little to no additional training, Gov. Rell's Executive Order No. 37, Gov. Malloy's Executive Order No. 3, Section 6(b)(F) of Public Act 03-01 and Section 6(b)(G) of Public Act 03-02 are suspended to remove the two-year limitation TWRs and to authorize rehiring employees who participated in retirement incentive programs. Agencies shall expedite review and approval of any related extension or hiring requests.

5. **Modification of Real Property Statutes to Facilitate Leasing, Repairs, Alterations and Use of Real Property to Address the COVID-19 Emergency.** In accordance with the provisions of Section 28-9(b)(1) of the Connecticut General Statutes, the following statutes are modified as set forth herein to authorize the Secretary of the Office of Policy and Management or her designee, or the Commissioner of Administrative Services, as applicable, to take any action they deem necessary to expedite the leasing or use of real property by the State of Connecticut to respond to the COVID-19 emergency:

    a. subsections (a), (k) and (o) of Section 4b-23 of the Connecticut General Statutes, which require agencies to submit requests for space for approval by the Secretary of the Office of Policy and Management; to obtain approval for any space that was not included in the state facilities plan, and require the approval of the Secretary of the Office of Policy and Management of all leases, lease renewals and holdover agreements proposed by the Commissioner of the Department of Administrative Services;

    b. subsections (3) and (4) of Section 4-67g(f) of the Connecticut General Statutes, which requires the approval of the Secretary of the Office of Policy and Management prior to any use of state real property by an entity other than a state agency, or use of state real property by a state agency other than the state agency with custody and control over such state real property;

    c. subsection (f) of section 4b-3 of the Connecticut General Statutes, as to that portion of the statute that requires the approval of the State Properties Review Board of real estate acquisitions, sales, leases and subleases proposed by the Commissioner of Administrative Services;

    d. section 4b-29 of the Connecticut General Statutes, only as to that portion of the statute that requires the approval of the State Properties Review Board for the Commissioner of Administrative Services to order the assignment and removal of state agencies to and from real estate available

to the state, through ownership or lease, when he deems it necessary to provide space, facilities and necessary accommodations to meet the needs of any of such agencies and when such assignment or removal will be in the best interests of the state;

e. section 4b-33 of the Connecticut General Statutes in its entirety, which requires any person, firm, partnership, association, corporation or other entity, seeking to enter into a lease or lease-purchase agreement with the state through the Commissioner of Administrative Services to file a sworn statement with said Commissioner disclosing the names of any persons having a financial interest in the property or premises involved, and which provides that failure to make such disclosure is punishable by a civil penalty;

f. section 4b-34 of the Connecticut General Statutes in its entirety, which mandates advertising for leased space and notification to the Connecticut Association of Realtors of requirements for leased space by executive branch agencies;

6. **State Contracting Statutes Modified to Facilitate Leasing, Repairs, Alterations and Use of Real Property to Address the COVID-19 Emergency.** In accordance with the provisions of Section 28-9(b)(1) of the Connecticut General Statutes, the following statutes are modified as set forth herein to authorize the Secretary of the Office of Policy and Management or her designee, or the Commissioner of Administrative Services, as applicable, to take any action they deem necessary to expedite the state-wide property transfers, assignments of space and leasing or use of real property by the State of Connecticut to respond to the COVID-19 emergency:

    a. sections 4-252 and 9-612(f)(2)(E) of the Connecticut General Statutes and Governor Malloy's Executive Order 49, which require disclosure of certain gifts and campaign contributions by state contractors and prospective state contractors for state contracts over $50,000;

    b. section 4e-70 of the Connecticut General Statutes, which requires state contractors to comply with certain confidentiality requirements;

    c. sections 4e-29 and 4e-30 of the Connecticut General Statutes, which require state contractors to permit certain audit and inspection activities by the State at the contractors' expense;

    d. section 4a-57 requiring competitive solicitations for all purchases and contracts for supplies, materials, equipment and contractual services, including, pursuant to section 4d-8, the purchasing, leasing and

contracting for information system and telecommunication system facilities, equipment and services; and

e. section 4b-91 that sets forth the process for competitive solicitation for public works contracts.

7. **Approval for Transactions Covered by Sections 5 and 6 of This Order.** Department of Administrative Services shall submit all proposed real estate transactions subject to this order to the Deputy Secretary of the Office of Policy and Management or his/her designee for review and approval. The Deputy Secretary or his/her designee shall have one (1) calendar day to respond to any proposed transaction pursuant to this Order, after which it shall be deemed approved.

Unless otherwise specified herein, this order shall take effect immediately and shall remain in effect for the duration of the public health and civil preparedness emergency, unless earlier modified or terminated by me.

Dated at Hartford, Connecticut, this 22nd day of March, 2020.

Ned Lamont
Governor

By His Excellency's Command

Denise W. Merrill
Secretary of the State