

**Insights**

## **RECOMMENDED STEPS FOR ADDRESSING THE PAUSE ORDER**

Mar 22, 2020

### **SUMMARY**

Effective March 21, 2020, at 5 pm, Illinois joined six other States in implementing a Stay at Home Order to address the COVID-19 outbreak. The Order states that all businesses that are not Essential Businesses and Operations must cease all activities except for Minimum Basic Operations. This alert provides recommendations on immediate steps your business can take to operate under the Order and still protect public health.

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Recommendations on immediate steps your business can take to operate under the Order and still protect public health.

- Determine whether some or all business operations qualify as Essential Businesses and Operations. If so, document the basis for the exemption and make sure that you inform your employees that your business will stay open. See summary of the Essential Business and Operation below.
- If you do not fall within Essential Businesses and Operations, make sure that your plan to keep your business going is consistent with Minimum Basic Operations: (A) it is limited to necessary activity to maintain inventory, preserve physical condition of facilities and equipment, ensure security, and process payroll and employee benefits OR (B) employees or contractors work from home.
- Think about your employees. Recognize that even if you qualify as an Essential Business or Operation, you should still have policies in place regarding employees who may have been

exposed, or who are sick. Those policies should be reviewed by your human resources department and, where appropriate, counsel. In addition, consider providing your employees with company identification and a letter explaining the fact that they are allowed to commute to and from work because they are employed by an Essential Business or Operation. See [bclpemergent.com](http://bclpemergent.com) for recommendations for businesses and building owners/operators.

- Prepare for the long haul. There is no reason to expect that the Order will expire on April 7, so develop long-term work from home solutions to avoid an extended period of reduced productivity.
- Think about the children. Schools across Illinois are closed. The Stay at Home Order further complicates and limits childcare options for Illinois families. Businesses should evaluate and potentially expand their emergency childcare benefits, where available, and inform their impacted employees, in order to allow parents to refocus on work.
- Check your insurance policies. Business interruption coverage may be available to offset losses and adverse impacts to your business caused by the Stay at Home Order, so businesses should review their policies, and contact their brokers to see whether they have applicable coverage.
- Take action. If your business does not fit squarely into any of the definitions of Essential Businesses or Operations, consider reaching out to the Governor's office or U.S. Department of Homeland Security, Cybersecurity & Infrastructure Security Agency (CISA) to request clarification and a possible revision to allow your business to continue to operate.

We hope this alert helps you meet the challenges of making sure your Company does everything it can to support public health efforts while sustaining its operations and its employees and customers. We will continue to provide insights on stay at home and shelter in place orders, as well as analysis of other COVID-19 issues, at [BCLP Emerging Contaminants Blog](#). If you have questions specific to your company's individualized situation, please contact the [COVID-19 Shutdown Group](#).

## **Essential Businesses and Operations**

- Healthcare and Public Health Operations, Human Services Operations, and Essential Governmental Functions
- Stores that sell groceries, medicine, pet supplies, alcoholic and non-alcoholic beverages, cleaning and personal care products, and products necessary for maintaining the safety, sanitation, and essential operation of residences and Essential Businesses and Operations
- Food, beverage, and cannabis production and agriculture: includes manufacturing, production, processing, cultivation, marketing and distribution, as well as providing food, shelter, and other necessities for animals

- Organizations that provide charitable and social services, including food banks
- Media: newspapers, television, radio, and other media services
- Gas stations and businesses needed for transportation, including auto and bicycle repair and supply shops
- Financial institutions, including banks, currency exchanges, credit unions, appraisers, title companies and financial markets
- Hardware and supply stores
- Critical trades, including building and construction, plumbers, electricians, exterminators, cleaning and janitorial staff, security staff, HVAC, painting, and moving and relocation services
- Mail, post, shipping, logistics, delivery, and pick-up services
- Educational institutions for purposes of facilitating distance learning, performing critical research, or performing essential functions, provided that social distancing is maintained
- Laundry services, including dry cleaners and industrial laundry services
- Restaurants, but only for consumption off-premises. Schools and other entities that provide food services can continue to do so on a pick-up or takeaway basis
- Businesses that sell, manufacture, or supply products needed for people to work from home
- Supplies for Essential Businesses and Operations
- Transportation: airlines, taxis, transportation network providers such as Uber and Lyft, and other private, public, and commercial transportation and logistics necessary for Essential Activities
- Home-based care and service, including caregivers and nannies
- Residential facilities and shelters
- Professional services, such as legal, accounting, insurance, and real estate services
- Day care centers for employees exempted by Executive Order, pursuant to Illinois law governing Emergency Day Care Programs
- Manufacture, distribution, and supply chain for critical products and industries, including mining, steel and steel products, petroleum and fuel, and national defense

- Critical labor union functions, including oversight of well-being and safety of members in Essential Businesses and Operations, provided that this is done remotely where possible
- Hotels and motels
- Funeral services
- Firearm and ammunition suppliers and retailers for safety purposes

Essential Businesses and Operations “is meant to encompass” the list of Essential Critical Infrastructure Workers identified by CISA on March 19, 2020. <https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19>. CISA’s list includes such sectors as Healthcare, Energy, Water and Wastewater, Transportation and Logistics, Communications and Information Technology, Hazardous Materials and Chemicals.

## **RELATED PRACTICE AREAS**

- Environment
- Real Estate
- Public Policy & Government Affairs
- Retail & Consumer Products
- Employment & Labor

## MEET THE TEAM



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