

# Illinois Gov. Pritzker Orders Stay-at-Home, Cessation of Non-Essential Businesses and Operations

By Kathryn Montgomery Moran, J. Casey Leech &

March 23, 2020

## Meet the Authors



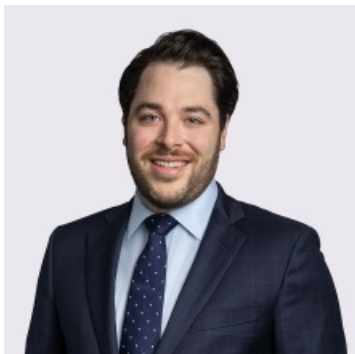
**Kathryn Montgomery Moran**

(She/Her)

Principal

312-803-2511

Kathryn.Moran@jacksonlewis.com



**J. Casey Leech**

Associate

(312) 803-2521

Casey.Leech@jacksonlewis.com

## Related Services

COVID-19

Disability, Leave and Health Management

Financial Services

Healthcare

Higher Education

On March 20, 2020, in response to the coronavirus (COVID-19) pandemic, and less than two weeks after declaring all counties in the State of Illinois as disaster areas, Illinois Governor J.B. Pritzker issued [Executive Order 2020-10](#), which became effective at 5:00 p.m. on March 21, 2020, and continues until April 7, 2020.

The Executive Order requires Illinois residents to maintain social distancing and stay at their homes or places of residence, except to engage in “Essential Activities, Essential Government Functions, or to operate Essential Businesses and Operations.”

### Closure of Non-Essential Businesses and Operations

Governor Pritzker’s Executive Order requires that businesses and operations not deemed “Essential Businesses and Operations” cease all activities in the state, except to conduct “Minimum Basic Operations.” “Minimum Basic Operations” include minimum necessary activities to facilitate employees working remotely, maintain the value of the business’s inventory, preserve the condition of the business’s physical plant and equipment, ensure security, process payroll and employee benefits, and for related functions.

“Essential Businesses and Operations” are encouraged to remain open and are broadly defined as:

- “Healthcare and Public Health Operations,” including but not limited to: hospitals; clinics, dental offices; pharmacies; public health entities; healthcare manufacturers and suppliers; blood banks; medical cannabis facilities; reproductive health care providers; eye care centers; home healthcare services providers; mental health and substance use providers; and ancillary healthcare services. The definition of Healthcare and Public Health Operations is to be construed broadly, and although it includes veterinary and other healthcare services provided to animals, it specifically excludes fitness and exercise gyms, spas, salons, barber shops, tattoo parlors, and similar facilities.
- “Human Services Operations”: any provider funded by the Illinois Department of Human Services, Illinois Department of Children and Family Services, or Medicaid. Additionally, Human Services Operations includes, but is not limited to: long-term care facilities; home-based and residential settings for adults, seniors, children, and/or people with disabilities or mental illness; transitional facilities; field offices for food, cash assistance, medical coverage, child care, vocational services or rehabilitation services; developmental centers; adoption agencies; and businesses that provide food, shelter, and social services, and other necessities of life for needy individuals. The definition of Human Services Operations is to be construed broadly.
- “Essential Governmental Functions”: services provided by any agency or subdivision of the government public (including contractors performing these services) to ensure

Hospitality  
Retail  
Transportation and Logistics  
Workplace Safety and Health

the continuing operation of the agency or to provide for or support the health, safety, and welfare of the public. The Executive Order provides that each governmental body shall determine its Essential Governmental Functions.

- “Essential Infrastructure”: food production, distribution, and sale; construction; building management and maintenance; airport operations; operation and maintenance of utilities; including water, sewer, and gas; electrical; distribution centers; oil and biofuel refining; roads, highways, railroads, and public transportation; ports; cybersecurity operations; flood control; solid waste and recycling collection and removal; and internet, video, and telecommunications systems. The definition of Essential Infrastructure is to be construed broadly.
- Stores that sell groceries and medicine.
- Food, beverage, and cannabis production and agriculture.
- Organizations that provide charitable and social services.
- Media.
- Gas stations and businesses needed for transportation.
- Financial institutions.
- Hardware and supply stores.
- Critical trades, including but not limited to: plumbers; electricians; exterminators; cleaning and janitorial staff for commercial and governmental properties; security staff; operating engineers; HVAC; painting; moving and relocation services; and other service providers that maintain the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses and Operations.
- Mail, post, shipping, logistics, delivery, and pick-up services.
- Educational institutions for purposes of facilitating distance learning, performing critical research, or performing essential functions.
- Laundry services.
- Restaurants for consumption off-premises.
- Supplies to work from home.
- Supplies for Essential Businesses and Operations.
- Transportation.
- Home-based care and services.
- Residential facilities and shelters.
- Professional services.
- Daycare centers granted an emergency license for employees exempted by the Executive Order to work as permitted.
- Manufacture, distribution, and supply chain for critical products and industries.
- Critical labor union functions.
- Hotels and motels, to the extent used for lodging and delivery or carry-out food services.
- Funeral services.

### Essential Activities

The Executive Order explicitly allows Illinois residents to leave their residences to engage in the following “Essential Activities,” so long as the Social Distancing Requirements are adhered to:

- Performing tasks essential to their and their family and household members’ health and safety.
- Obtaining necessary services or supplies for themselves and their family or household

members or delivering those services or supplies to others. Such services or supplies include: groceries and food; household consumer products; supplies needed to work from home; and products necessary to maintain the safety, sanitation, and essential operations of residences.

- Engaging in outdoor activity, including walking, hiking, running, and biking.
- Caring for or transporting a family member, friend, or pet in another household as allowed by the Executive Order.

### Other Prohibited Activities

In addition to the requirements summarized above (and subject to the numerous exceptions), the Executive Order also prohibits the following:

- Public and private gatherings of any number of people occurring outside a single household or living unit.
- Any gathering of more than ten people.
- Places of public amusement to be opened to the public (*e.g.*, amusement parks, museums, arcades, playgrounds, bowling alleys, theaters, concert halls, and country clubs).
- All travel, except “Essential Travel” done in accordance with the Social Distancing Requirements. “Essential Travel” includes travel:
  - Relating to Essential Activities, Essential Governmental Functions, Essential Businesses and Operations, and Minimum Basic Operations.
  - To care for the elderly, minors, dependents, persons with disabilities, or other vulnerable persons.
  - To or from educational institutions to receive materials for distance learning, to receive meals, and for other related services.
  - For residents to return to their places of residence from outside Illinois.
  - For non-residents to return to their places of residence outside Illinois.
  - As required by law enforcement or court order, including to transport children pursuant to a custody agreement.

The Executive Order does not prohibit the gathering of members of a household or residence.

### Social Distancing Requirements

Finally, Governor Pritzker’s Executive Order contains specific requirements for individuals to avoid the spread of COVID-19, including: maintaining a six-foot distance from others; regularly washing hands and using hand sanitizer; covering coughs and sneezes; regularly cleaning high-touch surfaces; and avoiding shaking hands.

In furtherance of these objectives, the Executive Order requires businesses in operation to take proactive measures to protect its employees and customers, including, when possible:

- Designating six-foot distances with signs, tape, or other means.
- Having hand sanitizer and other sanitizing products readily available for use.
- Implementing separate operating hours for elderly and vulnerable customers.
- Posting online whether a facility is open, as well as how to best reach the facility and continue services by phone or remotely.

The COVID-19 situation remains fluid. If you need guidance in handling the complicated

issues pertaining to COVID-19, please contact a Jackson Lewis attorney.

©2020 Jackson Lewis P.C. This material is provided for informational purposes only. It is not intended to constitute legal advice nor does it create a client-lawyer relationship between Jackson Lewis and any recipient. Recipients should consult with counsel before taking any actions based on the information contained within this material. This material may be considered attorney advertising in some jurisdictions. Prior results do not guarantee a similar outcome.

Focused on employment and labor law since 1958, Jackson Lewis P.C.'s 1,000+ attorneys located in major cities nationwide consistently identify and respond to new ways workplace law intersects business. We help employers develop proactive strategies, strong policies and business-oriented solutions to cultivate high-functioning workforces that are engaged and stable, and share our clients' goals to emphasize belonging and respect for the contributions of every employee. For more information, visit <https://www.jacksonlewis.com>.