

Wisconsin's Safer at Home Order Prohibits Non-Essential Business, Travel

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March 30, 2020

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In response to the Coronavirus (COVID-19) pandemic, and a significant increase in confirmed COVID-19 cases in Wisconsin, Governor Tony Evers has issued [Emergency Order # 12](#) to limit Wisconsinites' activities. This is in addition to previous orders banning mass gatherings.

The Order became effective as of 8:00 a.m. on March 25, 2020, and will remain in effect through 8:00 a.m. April 24, 2020, unless announced otherwise.

Violation of the Order is subject to up to 30 days imprisonment, a fine of \$250, or both.

Safer at Home

With limited exceptions, the Order directs all individuals residing in Wisconsin to stay at home or their place of residence. Homes or residences include hotels, motels, shared rental units, dormitories, shelters and similar facilities.

Moreover, elderly and those with underlying health conditions that make them vulnerable to COVID-19, are urged to stay at home or in their place of residence as much as possible, except to seek medical care.

If individuals go outside, they must, as reasonably possible, maintain Social Distancing of at least six feet from others, except family members living in a single unit or household. The Order reminds the public to follow Department of Homeland Security (DHS) and [Centers for Disease Control and Prevention](#) (CDC) public health recommendations on hand washing, use of sanitizers, and so on.

The homeless are exempt from the stay-at-home aspect of the Order, but they are strongly encouraged to seek shelter. Individuals who feel unsafe or become unsafe in their homes (such as because of domestic violence), are allowed to and urged to leave their home and go to a safe location.

Individuals may leave their home for the following reasons:

1. Essential Activities (*e.g.*, to engage in health and safety services, to seek necessary supplies and services, to engage in outdoor activity, to take care of others, or to perform work for Essential Businesses and Operations or support Minimum Basic Operations);
2. Essential Governmental Functions (*e.g.*, those who are first responders, law enforcement, firefighters, court personnel, and so on);
3. Essential Businesses and Operations (discussed below);
4. To Perform Non-Essential Minimum Basic Operations and practicing Social Distancing to the greatest extent possible (*e.g.*, activities to maintain value of business inventory, preserve business equipment, ensure security, process

- payroll and benefits, and help facilitate remote work);
5. Essential Travel and practicing Social Distancing to the greatest extent possible (to support provision of or access to Essential Activities, Special Situations, Essential Governmental Functions, Essential Businesses and Operations, or Minimum Basic Operations); and
 6. Special Situations (discussed below).

Essential Businesses and Operations

Essential Businesses and Operations are encouraged to remain open, but, to the greatest extent possible, are encouraged to comply with Social Distancing Requirements and ensure employees and the public maintain a social distancing of at least six feet apart, including, significantly, when customers are standing in line. They also are encouraged to use technology to the greatest extent possible.

The Order allows an entity to confirm its status as an essential business by seeking such a designation through the [Wisconsin Economic Development Corporation's website](#).

Essential Businesses and Operations mentioned in the Order include any business or worker in the following:

- DHS Cybersecurity & Infrastructure Security Agency (CISA) List [Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response](#));
- Stores that sell groceries and medicine;
- Food and beverage production, transport, and agriculture;
- Restaurants and bars for take-out and delivery only with no seating or consumption of food or beverage on the premises (except, no salad bars/buffets or self-dispensing permitted) and practicing Social Distancing;
- Childcare settings;
- Charitable and social services organizations;
- Weddings, funerals, and religious entities (except, any gathering must be fewer than 10 people in a room or confined space at a time and practicing Social Distancing);
- Media;
- Gas stations and businesses needed for transportation;
- Transportation (airlines, taxis, rideshare, and the like);
- Financial institutions and services;
- Hardware and supplies stores;
- Critical trades (building and construction, plumbers, electricians, and so on)
- Mail, post, shipping, logistics, delivery, and pick-up services and businesses;
- Laundry services;
- Businesses that sell supplies to work from home;
- Supplies for Essential Businesses and Operations and Essential Governmental Functions;
- Home-based care and services;
- Professional services (legal, accounting, insurance, and so on, except, technology must be used to the greatest extent possible);
- Manufacture, distribution, and supply chain for critical products and industries;
- Critical labor union functions (except, technology must be used where possible);

- Hotels and motels; and
- Higher educational institutions.

Special Situations

The Order provides that individuals may leave their homes or residences to work for or obtain services at the following:

- Healthcare and Public Health Operations
- Human Service Operations
- Essential Infrastructure

Non-Essential Businesses and Operations Must Cease

Any for-profit and non-profit business, except Essential Business and Operations, must cease all activities at facilities located in Wisconsin, except for Minimum Basic Operations and any operations done by employees or contractors working from home.

Travel Restricted

All travel, except Essential Travel, is prohibited. Individuals using public transit must comply with Social Distancing Requirements to the greatest extent possible.

Technology

All businesses, including Essential Businesses and Operations, are ordered to use technology to avoid meeting in person to the greatest extent possible, which includes virtual meetings, teleconferences, and working from home. No business of any kind, including an Essential Business and Operation, is permitted to engage in door-to-door solicitation.

Prohibited Activities

The Order expressly prohibits all public and private gatherings of any number of people that are not part of a single household or living unit.

Moreover, rental property landlords and property managers may not enter leased residential premises unless emergency maintenance is required.

Closures

All public and private K-12 schools and libraries are closed for in-person student instruction and extracurricular activities. Both, however, are permitted to offer distance or virtual learning and on-line services and programming. Both are also allowed to be used for Essential Governmental Functions and food distribution.

The Order excluded the Wisconsin Department of Corrections, Department of Military Affairs, and the Challenge Academy.

All places of indoor and outdoor public amusement and activity are closed, including:

- Amusement parks
- Carnivals
- Water parks
- Licensed public or private swimming pools
- Splash pads
- Aquariums

- Zoos
- Museums
- Arcades
- Fairs
- Children's play centers
- Playgrounds
- Funplexes
- Theme parks
- Bowling alleys
- Movie and other theatres
- Concert and music halls
- Country clubs
- Social clubs
- Gyms and fitness centers

All salons and spas are also closed, including hair, barber, nail, day spas, electrolysis providers, waxing salons, eyebrow-care establishments, tattoo parlors, body art establishments, and tanning facilities.

CDC and DHS Compliance Required

The Order also requires compliance with [DHS public guidelines](#) and [DHS employer guidelines](#).

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.

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