

Illinois Statewide Stay at Home Order: What Employers Need to Know

Article By:

Kevin M. Cloutier

Shawn D. Fabian

Mikela T. Sutrina

On March 20, 2020, Illinois Governor J.B. Pritzker issued a mandatory “Stay-at-Home” Order, located [here](#), directing all Illinois residents to stay home or at their place of residence. The Order takes effect beginning Saturday, March 21, 2020 at 5:00 p.m. CDT and will last through Tuesday, April 7, 2020. Under this Order, all public and private gatherings occurring outside a single household or living unit are prohibited. Following current guidance from the CDC, the Order prohibits any gathering of more than **10** people unless otherwise exempted. Further, all places of public amusement, whether indoors or outdoors, must now be closed to the public during the pendency of the Order.

The Order further requires all non-essential business and operations to cease activity as of Saturday, March 21. However, as with the recent restrictions in California and other states, the Order permits those employers in “Essential Infrastructure” and “Essential Businesses” to continue operations.

Some “Essential Infrastructure” and “Essential Businesses” under this Order include the following:

Essential Merchants	Human Services	Governmental Functions	Health Services	Essential Infrastructure
Stores that sell groceries and medicine	Long-term care facilities	Governmental entities, such as police and fire departments	Pharmacies	Construction
Restaurants for consumption off-premises	Residential settings and shelters	Educational institutions in order to facilitate distance learning	Home-based care and services	Waste and recycling collection and
Gas stations and businesses needed for transportation	Transitional facilities	Mail, post, shipping, logistics, delivery, and pickup services	Healthcare and public health operations	Airport operations Uber/Lyft
Hardware and supply stores	Day care centers for exempted employees	Child protection and child welfare personnel	Hospitals and clinics	Operation and maintenance of

Hotels and motels	Rehabilitation facilities	Court personnel	Medical cannabis dispensaries	Railroads and transportation
Food, beverage, and cannabis production and agriculture	Businesses that provide food, shelter, and other necessities for economically disadvantaged individuals	First responders, emergency dispatchers, and emergency management personnel.	Biotechnology companies	Oil and biofuel

If any business does not qualify as an Essential Business or Essential Infrastructure, it may only operate “Minimum Basic Operations,” which includes the minimum requirements to assist employees working remotely, to ensure payroll and benefits continue without interruption, to maintain the value of a business’s inventory, and/or to preserve the condition of a business’s plant and equipment.

The Order does not contain any penalties for non-compliance for Illinois residents or Illinois businesses. The Order allows Illinois residents to leave their home for essential activities such as for food, gas, prescriptions, and healthcare. Illinois residents may also leave their homes for outdoor activities such as walking, hiking, running or biking, including going to public parks and outdoor recreation areas (except playgrounds).

Notably, the Order further requires Essential Businesses to take certain proactive measures in order to assure social distancing practices are met and followed within the workplace, including where possible: (i) designating with signage, tape, or by other means six-foot spacing for employees and customers in line; (ii) making hand sanitizer and other sanitizing products readily available for employees and customers; (iii) implementing separate operating hours for elderly and vulnerable customers; and (iv) posting online whether a facility is open and how best to reach the facility and continue services by phone or remotely.

Additional guidance on the Order from the Governor’s office may be found [here](#). The Order provides no further guidance to employers regarding other developing issues such as WARN Act notices, sick leave, or the newly enacted federal Families First Coronavirus Act.

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