

# Illinois' New COVID-19 Shelter-in-Place Order: Top 10 Changes Employers Need to Know

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On April 30, 2020, Illinois Governor J.B. Pritzker issued [Executive Order 2020-32](#), Executive Order in Response to COVID-19. The new order [modifies the previous shelter in place order and is effective May 1 to May 30, 2020](#).

Since the governor announced last week that the shelter-in-place order would be extended, a few lawsuits have been filed challenging the governor's authority to order businesses to close and individuals to quarantine. Pending the outcome of those lawsuits, employers should assume the new order is enforceable and that they will be required to comply with it.

**Most of the shelter in place requirements remain unchanged under the new order. Here are 10 key changes employers need to know.**

## **1. Work from home where possible.**

All businesses must evaluate which employees can work from home, and businesses "are encouraged to" facilitate employees to work from home where possible.

## **2. Mandatory posting for businesses with employees on-site.**

All businesses that require employees to report to the worksite must [post guidance](#) from the Illinois Department of Public Health (IDPH) regarding workplace safety during COVID-19.

## **3. Employer-provided face coverings and PPE.**

In addition to requiring that all individuals over the age of two years old wear face coverings in public, the order requires all businesses to provide face coverings for employees while maintaining a distance of six feet is not possible at all times and to provide PPE "when the work circumstances require."

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#### **4. Retaliation prohibited under Illinois Whistleblower Act.**

Pursuant to the Illinois Whistleblower Act, the order specifically prohibits retaliation against employees who disclose information “where the employee has reasonable cause to believe that the information discloses a violation of the order.”

#### **5. Businesses must follow guidance from state agencies.**

The new order imposes on businesses the obligation to follow guidance from a number of state offices and agencies. With regard to whether a business qualifies as essential, business must follow guidance from the Office of the Governor, the Illinois Department of Commerce and Economic Opportunity, and state and local law enforcement. With respect to social distancing requirements, businesses must follow guidance from the Illinois Department of Public Health, local public health departments, and the Workplace Rights Bureau of the Office of the Illinois Attorney General.

#### **6. New requirements for manufacturers.**

**The new order specifically calls out requirements for manufacturers to:**

- Maintain six-foot social distancing in their workplaces at all times;
- Provide face coverings to all employees who are not able to maintain a minimum of six feet of social distance at all times;
- Stagger shifts;
- Reduce line speeds;
- Operate only essential lines and shut down non-essential lines;
- Ensure that all spaces where employees gather, such as locker rooms and lunchrooms, allow for social distancing; and
- Downsize operations to the extent necessary to allow social distancing and provide a safe workplace.

#### **7. New requirements for essential retail stores.**

The new order also targets essential retail stores with the following new requirements:

- Provide face coverings to all employees who are not able to maintain six feet of social distance at all times;
- Limit occupancy of stores to 50 percent of capacity. Alternatively, stores may impose occupancy limits set by the Department of Commerce and Economic Opportunity based on store square footage;
- Set up store aisles to be one-way where practicable;
- Communicate with customers about the social distancing requirements; and
- Discontinue use of reusable bags.

#### **8. Limited re-opening for non-essential retail.**

Retail stores that are not designated as essential may re-open to fulfill telephone and online orders for pickup outside the store (i.e., curbside) or delivery. Employees working in the store must wear a face covering when they may come within six feet of another employee or a customer and must follow social distancing requirements.

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**9. New essential businesses.**

The order re-classifies greenhouses, garden centers, and nurseries as essential businesses and pet grooming as health care and public operations. These businesses may re-open on May 1, 2020.

**10. Non-essential business must cease activity and reduce to minimum basic operations.**

The new order expressly requires that any businesses that are not specifically addressed by the order “generally should cease activities” and reduce to “minimum basic operations,” i.e., the minimum necessary activity to facilitate employees to work remotely from home and to maintain the business’s inventory, preserve the business’s physical plant and equipment, ensure security, process payroll and employee benefits, fulfill online and telephonic orders, and similar functions.

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Ogletree Deakins will continue to monitor and report on developments with respect to COVID-19 pandemic and will post updates in the firm’s [Coronavirus \(COVID-19\) Resource Center](#) as additional information becomes available.

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