

LEGAL UPDATES

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Service

Labor & Employment

Professional

THOMAS P. GODAR

MADISON:

608.234.6064

THOMAS.GODAR@

HUSCHBLACKWELL.COM

Wisconsin Governor Announces 'Safer At Home' Order

On March 24 Governor Evers issued Emergency Order #12 (Safer at Home Order). It orders all individuals present in the State of Wisconsin to stay at home or their place of residence with significant exceptions. All non-essential business and operations must cease operations, except they may maintain a minimum basic operation, or operations consisting exclusively of employees or contractors performing activities at their own home or residence. The minimum basic operations exception includes activities necessary to maintain the value of the business inventory, preserve the businesses physical plant or equipment, process payroll and employee benefits or related functions, or performing those functions necessary to facilitate employees of the otherwise non-exempt business to work remotely from their residences.

In this detailed, sixteen-page order, the Governor carefully outlines many exceptions. Healthcare and public health operations, which include not only hospitals and medical facilities and clinics and the like, but also manufacturers and others involved in logistics and warehouse operations for the distribution of medical equipment, vaccines, tissue and paper towel products, pharmaceuticals and the like, are excepted from the Order.

Human service operations that provide assistance for those in long-term care facilities and assisted living facilities are excepted. The order specifically instructs that such human services operations are to be broadly construed to avoid any impacts on the delivery of human services.

The order also exempts a long list of essential infrastructure businesses. These include food production distribution and production, distribution and fulfillment centers, construction, (except optional or aesthetic construction), building maintenance and management, airports, utilities, programs to assist

low income residents, transportation related businesses, solid waste and collection and removal organizations and employees.

Essential government functions are excepted from this list, which includes the protective services, core personnel, child protection and child welfare personnel and a list of many others. Other essential businesses and operations include businesses or workers identified in the homeland security, cybersecurity and infrastructure security agency.

Stores that sell groceries and medicines, food and beverage production, transport, and agriculture, are excepted activities, as are restaurants to the extent they may only remain open for food take-out or delivery, bars (again with the exception for carry-out orders), child-care settings with prior authorization given to employees contractors, and other support staff and healthcare as tier one consideration.

Organizations that provide charitable and social services, weddings, funerals and religious entities, the media, gas stations, financial institutions, hardware and supply stores, critical trades related to building and construction, delivery and pick-up services, laundry services, and a number of other industries are all excepted from this Order. There is also an exception for organizations like professional services, but they are mandated, to the greatest extent possible, to deliver those services using technology to avoid meeting in person, by engaging including virtual meetings, teleconferences, and remote work.

Those employees performing for the excepted industries may engage in essential travel but must comply with social distancing requirements to the extent possible. Social distancing requirements include distancing of six feet between people, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, and practicing other steps such as not touching hands or surfaces unless they have been cleaned.

The Order will become effective at 8 a.m. on Wednesday, March 25 and remain in effect until 8 a.m. on Friday, April 24 or until a superseding order is issued.

COVID-19 Response Team

Husch Blackwell has launched a COVID-19 response team providing insight to businesses as they address challenges related to the coronavirus outbreak. The page contains programming and content to assist clients and other interested parties across multiple areas of operations, including labor and employment, retailing, and supply chain management, among others.