LEGAL UPDATES

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Wisconsin's Updated Safer-At-Home Order: Opening the Door for Business to Resume?

Service

Labor & Employment

Professionals

ERIK K. EISENMANN
MILWAUKEE:
414.978.5371
ERIK.EISENMANN@
HUSCHBLACKWELL.COM

JASON K. SMATHERS
MILWAUKEE:
414.273.2100
JASON.SMATHERS@
HUSCHBLACKWELL.COM

On April 16, 2020, Wisconsin Governor Tony Evers directed the Department of Health Services to extend the state's "Safer-At-Home" Order until 8:00 a.m. on Tuesday, May 26, 2020. While the order maintained most of the provisions of the original order, it allows certain businesses deemed non-essential to resume some activities while maintaining all social distancing guidelines that the state already had in place.

When does the new order go into effect?

The new order will go into effect starting April 24, 2020 (which is the expiration date of the original order).

What can businesses do now that they couldn't do before?

The order maintains the lockdown on non-essential businesses, travel and other activities but allows certain non-essential businesses and activities to reopen for "Minimum Basic Operations," which include:

Basic functions needed to process payroll and benefits, and maintain inventory, buildings, and security.

Facilitating remote work.

Curb-side pick-up of goods that are pre-packaged so long as pick up involves only one employee at a time and does not require a signature.

Fulfillment of deliveries and mailings that are performed by one person in a confined space and without a signature requirement.

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Employers who plan to use employees to fulfill "Minimum Basic Operations" must designate certain workers as necessary to carry out those operations and inform them of that designation. Notably, businesses in any industry appear to be able to take advantage of this provision, which could open the door to certain retail businesses that have been closed since the issuance of the original order to resume processing transactions and selling products on a limited basis.

What other activities are increasing operations under the extended order?

In addition to the above Minimum Basic Operations, the order allows public libraries to offer curb-side pickup options and arts and crafts stores to offer expanded curb-side pickup of materials necessary to make face masks or other personal protective equipment (PPE). Employees performing curb-side pickup of materials needed to make PPE may not sell or assist in selling any non-PPE products.

Lastly, aesthetic or optional exterior lawn care or construction is now allowed under the extended order, so long as it can be done by one person.

What about schools?

The extended order closes public and private K-12 schools for the remainder of the academic year. Schools may only be used for essential government functions and food distribution.

Can I golf?

Starting on April 24, at 8 a.m., golf courses may reopen subject to certain restrictions. Golf courses must maintain all social distancing measures, golf carts are prohibited, and scheduling tee times may be done online or by phone only. Pro shops must remain closed.

What other changes does the order make?

The extended order emphasizes safe business practices that essential businesses and operations must follow, including increased cleaning and disinfection practices, adoption of policies to prevent workers exposed to COVID-19 or symptomatic workers from coming to work, limiting the number of people in an essential retail store at one time, and offer at least two hours per week of dedicated shopping time for vulnerable populations.

Contact us

If you have additional questions regarding this update, please contact Erik Eisenmann, Myriem Bennani, Jason Smathers, or your Husch Blackwell attorney.

Comprehensive CARES Act and COVID-19 Guidance

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Husch Blackwell's CARES Act resource team helps clients identify available assistance using industry-specific updates on changing agency rulemakings. Our COVID-19 response team provides clients with an online legal Toolkit to address challenges presented by the coronavirus outbreak, including rapidly changing orders on a state-by-state basis. Contact these legal teams or your Husch Blackwell attorney to plan a way through and beyond the pandemic.

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