

March 23, 2020

Illinois Stay-at-Home Executive Order

To limit exposure of COVID-19, Governor J.B. Pritzker issued an unprecedented executive order requiring all individuals throughout Illinois to stay at home or in their place of residence, except for the reasons provided in the Governor's order. This "Stay at Home Order" went into place on March 21, 2020 at 5:00 p.m. and remains in effect through April 7, 2020. A full copy of COVID-19 Executive Order No. 10 can be found [here](#).

Stay at Home Requirement

The Order allows individuals to leave their homes only for "Essential Activities, Essential Governmental Functions, or to operate Essential Businesses and Operations" as defined in the Order. All businesses that are non-essential are required to close for the duration of the Order. Closed businesses may maintain "Minimum Basic Operations", which is defined as the minimum activity necessary to maintain inventory, to maintain the conditions of the facility, to ensure security, to process payroll and benefits for employees, and to allow for employees to continue to work from home.

Non-Essential Businesses

The Order identifies certain types of businesses that are deemed Non-Essential during this crisis. Those businesses include all places of public amusement, whether indoors or outdoors, including but not limited to, locations with amusement rides, carnivals, amusement parks, water parks, aquariums, zoos, museums, arcades, fairs, children's play centers, playgrounds, funplexes, theme parks, bowling alleys, movie and other theaters, concert and music halls, and country clubs or social clubs.

Prohibited Activities

All public and private gatherings of any number of people outside of a single household are prohibited under the Order.

All travel, including, but not limited to, travel by automobile, motorcycle, scooter, bicycle, train, plane, or public transit, except Essential Travel and Essential Activities, is prohibited.

Related Practices

COVID-19 Resource Center
Employment Policies, Practices &
Audits
Labor & Employment Relations

People riding on public transit must comply with Social Distancing Requirements to the greatest extent feasible. However, the Order does allow travel into or out of the State to maintain Essential Businesses and Operations and Minimum Basic Operations.

Essential Activities

Individuals may leave home to perform the following Essential Activities:

1. **Essential to health and safety.** Those activities that are essential to individuals' health and safety, such as going to the doctor, or picking up medication or medical supplies.
2. **To obtain necessary supplies and services.** Those activities needed to get supplies, such as going to the grocery store or other store to obtain products necessary for the safety, sanitation, and operation of residences.
3. **For outdoor activity.** Those activities such as walking, running, hiking, biking while maintaining Social Distancing Requirements.
4. **For certain types of work.** Those activities necessary to provide Essential Businesses or Operations.
5. **To take care of others.** Those activities necessary to care for family members, friends, or pets.

Essential Business

Certain Essential Business or Operations should remain operating throughout the duration of the Order. However, based on the intent of the Order as well as other previous orders issued by Governor Pritzker, it is recommended that even Essential Businesses evaluate which employees are necessary to maintain those essential operations. Businesses should consider allowing individuals not essential to the operations to stay home for a portion of, or for the duration of, the Order.

The Order sets forth the specific types of Essential Businesses. For a fuller description of specific types of business considered essential, [click here](#).

Essential Businesses include:

- Stores that sell groceries
- Food, beverage, and cannabis production and agriculture
- Organizations that provide charitable and social services
- Media
- Gas stations and businesses needed for transportation
- Financial institutions
- Hardware and supply stores

- Critical trades
- Mail, post, shipping, logistics, delivery, and pick-up services
- Educational institutions
- Laundry services
- Restaurants for consumption off-premises
- Supplies to work from home
- Supplies for Essential Businesses and Operations
- Transportation
- Home-based care and services
- Residential facilities and shelters
- Professional services
- Day care centers
- Manufacture, distribution, and supply chain for critical products and industries
- Critical labor union functions
- Hotels and motels
- Funeral services

Social Distancing Measures

While many people have already starting practicing certain social distancing measures on their own, the Order formalizes those practices for the citizens of Illinois. These practices include maintaining distances of at least six feet, washing hands with soap and water for at least twenty seconds, frequent use of hand sanitizer, covering coughs or sneezes into one's elbow, regularly cleaning surfaces, and not shaking hands.

The Order requires Essential Businesses to maintain the following measures while operating:

1. Designating six-foot distances with proper signage, tape, or by other means.
2. Having hand sanitizer and sanitizing products readily available for employees and customers.
3. Implementing separate operating hours for vulnerable and elderly populations.
4. Posting online whether a facility is open and how best to reach the facility and services by phone or remotely.

Approval and Enforcement

While this Order enables state and local law enforcement to enforce the requirements of the Order, Governor Pritzker has stated publicly the State does not have the resources to police every citizen's behavior. The Governor acknowledged that he is relying on Illinoisans to be "good members of their communities, and good citizens, working together to keep each other safe." Accordingly, law enforcement officials will not stop residents who are on their way to or from work or who are out for necessities like going to the pharmacy or getting groceries, or out exercising.

Essential Businesses do not need to seek approval or obtain any type of written acknowledgement from the Governor's Office or other agency to be considered an Essential Business. If a business falls in one of the categories deemed essential under this Order, it should continue operating as necessary while complying with the measures required by the Order.

Related People

Daniel Kaufman

Partner

dakaufman@michaelbest.com

T 312.836.5077

Kerryann Minton

khminton@michaelbest.com

T 312.836.5075

Christopher Parker

Senior Counsel

crparker@michaelbest.com

T 312.222.4954

Brian Paul

Partner

bppaul@michaelbest.com

T 312.527.6843