

# Wisconsin Issues Safer At Home Order in Response to COVID-19

## Labor & Employment Law Update

on March 24, 2020

On March 24, 2020, Governor Tony Evers issued Emergency Order #12 entitled "Safer At Home Order." The Order goes into effect at **8:00 a.m. on Wednesday, March 25, 2020 and will remain in effect until 8:00 a.m. on Friday, April 24, 2020.**

Until then, all individuals present within the State of Wisconsin are ordered to stay at home and may only leave their homes for the following functions as defined in the Order: 1) Essential Activities; 2) Essential Governmental Functions; 3) to operate Essential Businesses and Operations; and 3) to perform non-essential Minimum Basic Operations; 4) Essential Travel; or 5) Special Situations.

Individuals are allowed to leave their home or residence to perform the following **Essential Activities**:

- To perform ***tasks essential to their health and safety***, such as obtaining medical supplies or medication, seeking emergency services, or visiting a health care or behavior health care professional.
- ***To obtain necessary supplies for themselves and their family or household members*** or to deliver those services to others, such as canned food, dry goods, fresh fruits and vegetables, gasoline, pet supplies, fresh meats and any other household consumer products, and products necessary to maintain the safety sanitation and essential operation of residences.
- ***To engage in outdoor activity***, including visiting public and state parks, provided individuals comply with social distancing requirements as defined in the Order.
- To ***perform work at Essential Business or Operations*** or to otherwise carry out activities specifically permitted in this Order.
- To ***take care of others***, such as a family member, friend, or pet in another household, and to transport family members, friends, or pets as allowed in this Order.

**Essential Businesses and Operations** may stay open provided they comply with Social Distancing Requirements as defined in the Order. Essential Businesses and Operations, include:

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- **CISA List:** All entities described on the US DHS, Cybersecurity & Infrastructure Security Agency (CISA).
- **Stores that sell groceries and medicine**
- **Food and beverage production**, transport and agriculture
- **Restaurants** may remain open for food take-out or delivery services with customers only being permitted to enter establishments only for the purpose of ordering, pick up, and paying for food or beverage or both.
- **Bars** may remain open for carryout sales of alcohol beverages and food, if permitted by state law and municipal ordinance.
- **Childcare settings** with priority given to employees, contractors, and other support staff working in health care
- Organizations that provide **charitable and social services**
- **Weddings, funerals, and religious entities** (with gatherings only permitted to include fewer than 10 people)
- **Media**
- **Gas stations** and businesses needed for transportation
- **Financial institutions** and services
- **Hardware supply stores**
- **Critical trades**, including building and construction tradesmen and tradeswomen, and other trades including but not limited to plumbers, electricians, carpenters, laborers, sheet metal, iron workers, masonry, pipe fitters, and any other service providers that are necessary to maintain the safety, sanitation, and essential operation of residences.
- **Mail**, post, shipping, logistics, delivery, and pick-up services
- **Laundry services**
- Businesses that sell, manufacture, or supply **products needed for people to work from home**
- Businesses that **provide support or sell supplies necessary to operate Essential Business**
- **Transportation**, including airlines, taxis and transportation network providers (such as Uber and Lyft)
- **Home-based care** and services
- **Professional services**, such as legal or accounting services, insurance services, and real estate services
- Manufacture, distribution, and supply chain for **critical products and industries**
- **Critical labor union functions**
- **Hotels and motels** (with certain limitations)

- **Higher educational institutions** (for purposes of facilitating distance learning)

There is also a process available to apply to the Wisconsin Economic Development Corporation if a business believes it has been inappropriately excluded from the definition of essential.

Non-essential business operations must cease. However, those businesses may have their employees work from home where possible and are allowed to maintain **Minimum Basic Operations**, including minimum necessary activities to maintain inventory, preserve equipment and facilitate employees being able to continue to work remotely from their residences.

**All business** (essential and non-essential) must, to the greatest extent possible, use technology to avoid meeting in person. No business in the State of Wisconsin may engage in door-to-door solicitation. **Social Distancing Requirements** include maintaining six feet between people; washing hands with soap and water for at least 20 seconds as frequently as possible or using hand sanitizer, regularly cleaning high touch services, and following all other public health recommendations issued by the DHS and the CDC.

As Governor Evers summarized at the end of his press conference clarifying the Order, "No potlucks, play dates or dinner parties. And, if you have to go out, please stay 6 feet away from each other."

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