On March 23, 2020, Governor Evers announced his plan to issue a #SaferAtHome order. This order will allow only “essential businesses” to remain open, encouraging social distancing and requesting that Wisconsinites stay at home. At Governor Evers’ 1:30 p.m. press conference, he announced the detailed order will be issued on Tuesday, March 24, 2020. In the meantime, we have some guidance to consider in determining the best steps for your business.

Department of Homeland Security Cybersecurity and Infrastructure Agency (“CISA”) has issued guidance to assist states in determining essential critical infrastructure workforce. The following is the Federal Government’s list from CISA:

- Chemical Sector;
- Commercial Facilities Sector;
- Communications Sector;
• Critical Manufacturing Sector;
• Dams Sector;
• Defense Industrial Base Sector;
• Emergency Services Sector;
• Energy Sector;
• Financial Services Sector;
• Food and Agriculture Sector;
• Government Facilities Sector;
• Healthcare and Public Health Sector;
• Information Technology Sector;
• Nuclear Reactors, Materials, and Waste Sector;
• Transportation Systems Sector;
• Water and Wastewater Systems Sector.

Other states have started with the federal government’s list of essential services and expanded it to include and define other businesses and manufacturers as essential. For example, Illinois and Ohio both expanded the federal government’s list to include as essential businesses those that sell supplies to work from home.

It is unclear whether Wisconsin will construe essential businesses narrowly and stick to the federal government list of essential businesses, or whether it will choose to expand the list to define more businesses as essential when Governor Evers issues his order tomorrow. As have been the case in other states, we expect the order will also allow non-essential businesses that can operate remotely or with employees exclusively working from home to continue operations.

We will continue to monitor the progress of this situation and provide updated guidance accordingly. As emphasized by Governor Evers, we are all in this together, and we must continue to work together through this difficult period.

© 2020 Davis|Kuelthau, s.c. All Rights Reserved

Source URL: https://www.natlawreview.com/article/governor-evers-announces-order-allowing-only-essential-businesses-to-remain-open