

Ohio Issues Stay-At-Home Order; Non-Essential Businesses Ordered to Close

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Meet the Authors



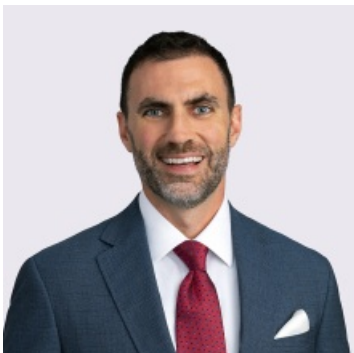
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Ohio Governor Mike DeWine has announced a new [Order](#) that mandates all individuals to stay at home unless they are engaged in “essential work or activity.” The Order goes into effect at 11:59 p.m. on March 23, 2020, and expires at 11:59 p.m. on April 6, 2020.

The Order, signed March 22, 2020, is designed to ensure that the maximum number of people self-isolate to prevent the spread of the coronavirus (COVID-19) while enabling essential services to continue.

As part of the Order, all non-essential business and operations must cease, and individuals may not leave their residence except for the following permitted activities:

- To perform tasks that are essential to the individual’s health and safety, their family’s health and safety, or for the safety and health of others who are unable to (or should not) leave their home;
- To obtain necessary services or supplies including groceries and food, household consumer products, supplies needed to work from home, and products necessary to maintain the safety, sanitation, and essential operation of residences;
- To engage in outdoor activities, including walking, hiking, and running;
- To perform certain types of work providing essential products and services at Essential Businesses and Operations or otherwise permitted by the Order; or
- To take care of others.

Essential Businesses Exempt from Stay-at-Home Order

While all non-essential businesses have been ordered to close, the Order provides a detailed list of businesses that are “essential” and may continue to operate.

The list includes, but is not limited to the following:

1. Healthcare, public health operations, human services operations, essential government functions, and essential infrastructure.
2. Any business or worker identified in the Department of Homeland Security Cybersecurity & Infrastructure Security Agency’s Memorandum on Identification of Essential Critical Infrastructure Workers during COVID-19 Response.
3. Stores that sell groceries and medicine.
4. Food, beverage, licensed marijuana production and agriculture businesses, which includes farming activities.
5. Charitable organizations and social services that provide necessities of life for economically disadvantaged or otherwise needy individuals.
6. Religious entities.
7. Media organizations.
8. First Amendment protected speech.
9. Gas stations and other businesses necessary for transportation, which includes auto

Related Services

COVID-19

Disability, Leave and Health Management

Workplace Safety and Health

supply and repair, construction equipment, boat repair, and bicycle shops.

10. Financial and insurance institutions, including banks, insurance companies, credit unions, title companies, payday lenders, and similar services.
11. Hardware and supply stores.
12. Critical trades, which includes building and construction tradespeople, plumbers, electricians, exterminators, painting services, moving and relocation services, and other service providers that provide services necessary to maintain the safety, sanitation, and essential operation of residences, essential activities, and essential businesses and operations.
13. Mail, shipping, logistics, delivery, and pick-up services.
14. Educational institutions (which were closed pursuant to a prior separate order and remain closed) for the purpose of facilitating distance learning and other essential functions.
15. Laundry services including laundromats and dry cleaners.
16. Restaurants for carry-out or delivery only (restaurants and bars were previously closed to dine-in customers, and this Order does not modify the prior order).
17. Businesses that sell supplies to work from home.
18. Supplies for essential businesses and operations, which encompasses businesses that sell, manufacture, or supply other essential businesses and with services or materials necessary to operate. This broad exemption covers employers that sell, manufacture, or supply computers, household appliances, IT and telecommunication equipment, hardware, food, food additives, and medical and orthopedic equipment, and firearm and ammunition suppliers and retailers for purposes of safety and security.
19. Transportation, including taxis, airlines, rideshare, and vehicle rental services.
20. Home-based care and services, which includes any home-based care for adults, seniors, children, or people with developmental disabilities, including nannies.
21. Residential facilities and shelters.
22. Professional services such as legal services, accounting services, insurance services, and real estate services.
23. Manufacturers, distributors, and supply chain companies that produce or supply essential products and services. This includes businesses that support or provide essential services and products to pharmaceutical, technology, healthcare, agriculture, food and beverage, transportation, energy, steel, fuel, construction, national defense, and communication industries.
24. Critical labor union functions, including the administration of health and welfare funds and checking on the safety of union members to the extent the work cannot be performed by telephone or remotely.
25. Hotels and motels.
26. Funeral services.

Checklist for Employers

Essential Businesses and Operations must comply with the social distancing requirement described in the Order, including maintaining six feet distancing for both employees and the public.

The Order further requires employers that continue to operate to take the following actions:

1. Allow as many employees as possible to work from home.

2. Actively encourage sick employees to stay home until they are free of fever for at least three full days, symptoms improved for three full days, and at least seven days passed since the symptoms first began. The Order states that employers cannot require a healthcare provider's note to validate the illness, because healthcare providers may be extremely busy and unable to timely provide medical documentation.
3. Ensure sick leave policies are up to date, flexible, and not punitive.
4. Consider encouraging employees to perform a self-assessment each day for a fever, cough, or shortness of breath.
5. Separate employees who appear to have acute respiratory illness symptoms from other employees and send them home immediately
6. Frequently perform enhanced environmental cleaning of commonly touched surfaces, such as workstations, countertops, railings, door handles, and doorknobs.
7. Be prepared to change business practices if needed to maintain critical operations.

The Governor's office also released a list of [Frequently Asked Questions](#) to provide further guidance for the public, including employers.

Stay Informed

Jackson Lewis attorneys continue to monitor [state and federal developments](#) in light of the COVID-19 pandemic. If you need guidance in handling the complicated issues pertaining to COVID-19, please contact a Jackson Lewis attorney or the dedicated [COVID-19 Task Force](#). Keep on top of how COVID-19 may affect your operations by subscribing for our [COVID-19 publications and webinar invitations](#).

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