

New Illinois COVID-19 Executive Orders Extend Stay-at-Home, Impose Added Requirements on Employers

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Amid multiple lawsuits challenging his authority to issue previous stay-at-home orders, Illinois Governor J.B. Pritzker has enacted Executive Orders [2020-32](#) and [2020-33](#), which extend Illinois' stay-at-home mandate, reissue his previous COVID-19 Executive Orders through May 29, 2020, and impose new obligations on employers.

Executive Order 2020-32

Effective May 1, 2020, Executive Order 2020-32 extends many of the same requirements as [the original stay-at-home order Governor Pritzker issued on March 20, 2020](#) including provisions on essential activities, essential travel, and social distancing.

New mandates include provisions designed to encourage social distancing and the wearing of face coverings and other personal protective equipment (PPE).

Face Covering, PPE Requirements

All individuals over two years of age and medically able to tolerate a face covering must cover their noses and mouths with a mask or other cloth face covering when “in public places or when working.” Executive Order 2020-32 requires the wearing of face coverings “in public or at work,” “in public indoor spaces such as stores,” and in other public places where individuals are “unable to maintain a six-foot social distance.”

Executive Order 2020-32 also mandates that employers provide employees with appropriate face coverings and require that employees wear face coverings when they cannot maintain a six-foot social distance at all times.

Moreover, when “the work circumstances require,” employers must provide employees “with other PPE in addition to face coverings.”

Requirements for Essential Stores

Retail stores designated as “Essential Businesses and Operations” are required, to the greatest extent possible, to:

- Provide face covering to all employees who cannot maintain a six-foot social distance at all times;
- Cap occupancy at 50% of the store's capacity or at the occupancy limits based on square footage, as set by the Department of Commerce and Economic Opportunity;
- Make store aisles one-way where practicable, identifying one-way aisles with signage or floor markings;
- Communicate with customers through signage, advertisements, and public service announcements about the social distancing requirements; and

- Discontinue the use of reusable bags.

Households must limit the number of people who enter essential stores “to the minimum necessary.”

Requirements for Non-Essential Stores

Retail stores not designated as “Essential Businesses and Operations” may operate for the limited purpose of fulfilling telephone and online orders through delivery and outside pick-up.

Additionally, employees working in stores must follow the social distancing requirements and wear a face covering when they come within six feet of a customer or another employee.

Requirements for Manufacturers

Manufacturers in operation must follow the Executive Order 2020-32’s social distancing requirements and take appropriate precautions, including by:

- Providing face coverings to all employees who cannot maintain a minimum six-foot social distance at all times;
- Staggering shifts;
- Reducing line speeds;
- Operating only essential lines and shutting down non-essential lines;
- Ensuring that all spaces where employees gather (including locker rooms and lunchrooms) allow for social distancing; and
- Downsizing operations to the extent necessary to allow for social distancing and to provide a safe workplace.

Requirements for All Businesses

All businesses are required to evaluate which employees are able to work from home and are encouraged to facilitate remote work from home when possible.

Businesses that have employees physically reporting to a worksite must post the [Workplace Health and Safety Guidance](#) issued by the Illinois Department of Public Health and Office of the Illinois Attorney General.

Additional “Essential Businesses and Operations” and “Essential Activities”

For purposes of Executive Order 2020-32, “Essential Businesses and Operations” include the same businesses included in Governor Pritzker’s [March 20, 2020 Executive Order](#), with the addition of greenhouses, garden centers, and nurseries. Fishing, boating, and golf are included as “essential activities,” so long as individuals comply with the guidelines provided by the Illinois Department of Commerce and Economic Opportunity.

Free Exercise of Religion Allowance

Executive Order 2020-32 provides that individuals may leave their residences to “engage in the free exercise of religion,” provided that such exercise complies with the social distancing requirements and the limit on gatherings of more than 10 people.

Religious organizations and places of worship “are encouraged to use online or drive-in

services to protect the health and safety of their congregants.”

This religious exemption was likely included in response to a lawsuit filed against Governor Pritzker, alleging he violated the U.S. Constitution and Illinois Constitution by declaring churches “non-essential” in his two previous stay-at-home orders.

Executive Order 2020-33

Similar to [the Executive Order that Governor Pritzker issued on April 1, 2020](#), Executive Order 2020-33 reissues and extends his previous COVID-19 Executive Orders that were set to expire on April 30, 2020.

In addition to [all the Executive Orders previously extended by Executive Order 2020-18](#), Executive Order 2020-33 continues the following Executive Orders through May 29, 2020:

- *Executive Order 2020-19*, creating immunity from civil liability for healthcare facilities, professionals, and volunteers.
- *Executive Order 2020-20*, suspending the requirement that an applicant for public assistance must provide an audio recording of their verbal attestation during a telephone application for public assistance benefits.
- *Executive Order 2020-21*, suspending certain provisions of the Illinois Unified Code of Corrections regarding the furlough of Illinois Department of Corrections inmates.
- *Executive Order 2020-22*, suspending miscellaneous requirements in Illinois’ Township Code, Funeral Directors and Embalmers Licensing Code, Child Care Act, and Health Care Worker Background Check Act.
- *Executive Order 2020-23*, limiting the authority of the Secretary of the Department of Financial and Professional Regulation.
- *Executive Order 2020-24*, in part, suspending inmate admissions to the Illinois Department of Human Services Forensic Treatment Programs from Illinois county jails.
- *Executive Order 2020-25*, in part, suspending the sections of Illinois’ Code of Civil Procedure that permit the service of a garnishment summons, wage deduction summons, or a citation to discover assets on a consumer debtor or consumer garnishee.
- *Executive Order 2020-26*, suspending specific provisions in the Hospital Licensing Act, the Hospital Report Card Act, the Department of Public Health Powers and Duties Law, the Illinois Adverse Health Care Events Reporting Law of 2005, and the Emergency Medical Services (EMS) Systems Act.
- *Executive Order 2020-27*, in part, suspending the requirement that medical science institutions hold indigent cadavers for 30 days if the cadaver tests positive for COVID-19.
- *Executive Order 2020-28*, suspending provisions in the Radiation Protection Act of 1990 regarding radiology certifications.
- *Executive Order 2020-29*, suspending certain provisions in the Illinois Insurance Code that require in-person education or exams within a certain timeframe to maintain or obtain a professional insurance license.
- *Executive Order 2020-30*, in part, providing that no person or entity may commence a residential eviction action unless the tenant poses a direct threat to the health and safety of other tenants, an immediate and severe risk to property,

or a violation of any applicable building code, health ordinance, or similar regulation.

- *Executive Order 2020-31*, in part, suspending the provision in the Illinois School Code requiring completion of certain courses prior to receiving a high school diploma for twelfth grade students who are unable to complete coursework due to COVID-19.

The COVID-19 situation remains fluid. If you need guidance in handling the complicated issues pertaining to COVID-19, please contact a Jackson Lewis attorney.

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