

COVID-19



CORONAVIRUS: SEDGWICK COUNTY ISSUES STAY-AT-HOME ORDER

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Foulston has produced a series of issue alerts as we continue to monitor the evolving COVID-19 situation and provide additional guidance. Please find all updates and our latest resources available [here](#).

Today, Sedgwick County joined other local and state governments across the country by issuing a stay-at-home order to slow the spread of COVID-19. The order becomes effective at 12:01 a.m. on March 25. It is effective for 30 days, until April 23, unless rescinded or extended.

ESSENTIAL ACTIVITIES

The order directs individuals to stay at home and leave their residence only to perform “Essential Activities,” which include:

- Obtaining medical supplies and medication or visiting a health care professional;
- Obtaining supplies to work from home, food, or household consumer products;
- Engaging in outdoor activity with social distancing;
- Caring for a family member;
- Complying with valid court or administrative orders;
- Working for a Healthcare Operation, Essential Business, or business that maintains Essential Infrastructure.

The order does not require that persons have paperwork to explain their authority to go to an Essential Business.

ESSENTIAL BUSINESSES

The order further provides that all businesses and operations must cease all activities at their places of business, unless they are listed as “Essential Businesses.” However, even businesses that are not listed as Essential

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Businesses may continue operations consisting solely of employees working from home.

Essential Businesses include:

- Healthcare operations, essential infrastructure, and essential governmental functions;
- Grocery stores, food banks, liquor stores, and other establishments that engage in the retail sale of food and household consumer products such as cleaning supplies, personal care, and pet supplies, and convenience stores;
- Food cultivation, including farming, livestock, and fishing;
- Human and animal food processing facilities;
- Businesses that provide food, shelter, and social services for the economically disadvantaged;
- Newspapers, television, radio and other media services;
- Gas stations, auto supply, auto repair, and emergency road services;
- Banks and financial intuitions;
- Hardware stores;
- Plumbers, electricians, exterminators, construction, cleaning staff, security staff, painting, moving services, landscaping services, and other trades and service providers that provide services necessary to maintain safety, sanitation, and essential operations of residences, Essential Activities, and Essential Businesses;
- Mailing and shipping services;
- Educational institutions, but only for the purposes of facilitating distance learning;
- Laundromats, dry cleaners, and laundry services;
- Restaurants and other facilities that prepare and serve food or beverages, but only for drive thru, delivery or carry out and not for consumption of food or beverages on the premises;
- Businesses that supply products needed for people to work from home;
- Businesses that supply other Essential Businesses with the support or supplies necessary to operate;
- Businesses that ship or deliver groceries, food, beverages, goods or services directly to residences;
- Taxis, aircraft, commercial transportation;
- Home-based care for seniors, adults or children;
- Residential facilities and shelters for seniors, adults and children;
- Professional services such as legal services, accounting services, real estate services, insurance services;
- Childcare facilities that allow employees of Essential Businesses to work. But, to the extent possible, childcare facilities should place children in groupings of not more than 10 children, children should remain within the same group, and providers should remain with one group of children;
- Mortuary, cremation, and burial services, but funerals are limited to the restrictions on public gatherings;
- Hotel and motels, to the extent used for lodging and delivery or carry-out food services;
- Manufacturing companies, distributors, and supply chain companies supplying essential products and services in and for residences and industries such as, pharmaceutical, technology, biotechnology, healthcare, chemicals and sanitation, waste pickup and disposal, agriculture, food and beverage, transportation, aerospace, energy, steel and steel products, petroleum, lubricants and fuel, mining, construction, national defense, communication, and products and services used by Essential Businesses; and
- Leaders and employees of religious institutions.

Non-essential businesses include businesses such as: hair salons, nail salons, bingo halls, gymnasiums, fitness clubs, libraries, arcades, video game stores, pawn shops, tattoo parlors, massage businesses, movie theaters,

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general clothing stores, trampoline parks, and swimming pools.

The order is not limited to for-profit businesses and also includes non-profit organizations and educational institutions.

PUBLIC GATHERINGS

The order revises the limits on public gatherings to 10 people (compared to a previous limitation of 50 people), consistent with the Governor's prior executive order.

SOCIAL DISTANCING

Even Essential Businesses must take proactive measures to ensure compliance with social distancing requirements. These include, where possible:

- Designating six-foot spacing for employees and customers;
- Making anti-microbial soap, hand sanitizer, and sanitizing products readily available for employees and customers;
- Separating operating hours for vulnerable populations;
- Post information online about how to best reach the business and how services can be provided remotely; and
- Providing protective equipment, including gloves and masks, to employees who have frequent contact with the public.

NAVIGATING THE STAY-AT-HOME ORDER

The legal landscape is rapidly evolving as we respond to COVID-19. Businesses should remain apprised of these changes, as well as the practical concerns of their workforce. All businesses should have a communication strategy, and employees will have questions about a stay-at-home order's effect on them and their job. If you have questions about stay-at-home orders or other legal obligations related to COVID-19, you should contact knowledgeable legal counsel for guidance.

FOR MORE INFORMATION

If you have questions or want more information, contact your legal counsel. If you do not have regular counsel for such matters, Foulston Siefkin LLP would welcome the opportunity to work with you to meet your specific business needs. Foulston's employment and labor lawyers maintain a high level of expertise regarding federal and state regulations affecting employers. At the same time, Foulston's other practice groups, including the taxation, general business, healthcare, and litigation groups enhance our ability to consider the legal ramifications of these situations. For more information, contact **Boyd Byers**, 316.291.9716 or bbyers@foulston.com, or **Morgan Hammes**, 316.291.9577 or mhammes@foulston.com. For more information on the firm, please visit our website at www.foulston.com.

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acquisitions; Native American law; oil, gas & minerals; OSHA; privacy & data security; private equity & venture capital; product liability; professional malpractice; real estate; securities & corporate finance; supply chain management; tax exempt organizations; taxation; trade secret & noncompete litigation; water rights; and wind & solar energy.

RESOURCES

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PRACTICE AREAS

- Employment & Labor
- Healthcare