

COVID-19



## CORONAVIRUS: SHAWNEE COUNTY ISSUES SAFER AT HOME ORDER

March 25, 2020

By: Jeremy L. Graber and Lisa M. Bryers (Brown)

*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](#).*

During a daily press briefing on March 24, 2020, Shawnee County health officer Gianfranco Pezzino announced he had issued a Safer at Home Order for Topeka and Shawnee County to help limit the spread of Coronavirus Disease 2019 (“COVID-19”) in the community. Beginning Thursday, March 26 at 12:01 a.m., all individuals in Shawnee County must remain at home and can only leave to perform certain Essential Activities, and only Essential Businesses may remain open.

Businesses and individuals in Topeka and Shawnee County should review the Order to determine what Essential Activities and Essential Businesses are included. Whether deemed essential or not, businesses must be prepared to operate within the limitations proscribed by the Order.

### ESSENTIAL ACTIVITIES

Under the Order, individuals may leave their homes only to perform Essential Activities, including:

- Obtaining medicine or seeing a doctor or other health care provider;
- Getting necessary services or supplies for themselves, their family or household members, such as food, pet food or supplies necessary for staying at home;
- Obtaining supplies necessary for maintaining a household;
- Obtaining supplies necessary for working from home;
- Engaging in outdoor activity so long as social distancing is observed;
- Performing work providing essential services at an essential business;
- Complying with valid court or administrative orders;

# FOULSTON

ATTORNEYS AT LAW

- Caring for a family member in another household; and
- Caring for the elderly, minors, dependents, persons with disabilities or other vulnerable persons.

Individuals at high risk from COVID-19 (e.g., the elderly or those with underlying medical conditions) are strongly encouraged to remain home except when seeking medical care.

## ESSENTIAL BUSINESSES

Essential Businesses are generally those businesses which support Essential Activities through goods or services. The Order provides a list of Essential Businesses which may continue operations. These Essential Businesses include:

- Hospitals;
- Childcare facilities which operate under certain conditions to reduce the spread of potential infection;
- Government operations;
- Pharmacies, health care supply stores and health care facilities;
- Grocery stores and convenience stores;
- Agricultural stores or stores that provide essential food and goods for animals;
- Gas stations;
- Auto repair facilities;
- Garbage collection;
- Hardware stores, plumbers, electricians, exterminators, moving companies and other service providers necessary to maintain the safety, sanitation and essential operation of residences and other essential businesses;
- Educational institutions, for the purposes of facilitating distance learning;
- Laundromats, dry cleaners and laundry service providers;
- Restaurants providing food for take-out or delivery;
- Professional legal services, accounting services, real estate services, and insurance services so long as they meet certain operational requirements;
- Banks and financial institutions offering drive-through services; and
- Businesses that ship or deliver groceries, food and goods directly to residences.

All Essential Business must take measures to comply with social distancing requirements. Where possible, Essential Businesses must:

- Demonstrate six-foot distances with signage, tape, or by other means for employees and customers in line to maintain appropriate distance;
- Provide anti-microbial soap and water or hand sanitizer and sanitizing products readily available for employees and customers;
- Implement separate operating hours for elderly and vulnerable customers; and
- Post online whether the facility is open and how best to reach the facility either by phone or remotely.

## CONDUCTING BUSINESS REMOTELY

In addition to complying with social distancing requirements, the Order also requires certain Essential Businesses to take further steps to prevent the spread of COVID-19. Only individuals who are necessary for mission-essential

# FOULSTON

ATTORNEYS AT LAW

functions at banks and financial institutions as well as businesses providing professional legal services, accounting services, real estate services, and insurance services should be allowed in the facility. These businesses must conduct business remotely unless person-to-person transactions are absolutely required and there is no alternative.

It further appears that non-essential businesses may continue to operate if employees are able to work remotely from home.

## OTHER PROVISIONS

The Order prohibits all public gatherings with more than 10 people in attendance, whether indoor or outdoor.

Law enforcement personnel are directed to enforce the Safer at Home Order and a violation of the Order is a Class C Misdemeanor.

## NAVIGATING THE SAFER-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 regarding Shawnee County's stay-at-home order, 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. For more information, contact **Jeremy Graber** at 785.354.9412 or [jgrab@foulston.com](mailto:jgrab@foulston.com), or **Lisa Brown** at 785.354.9414 or [lbrown@foulston.com](mailto:lbrown@foulston.com). For more information on the firm, please visit our website at [www.foulston.com](http://www.foulston.com).

Established in 1919, Foulston Siefkin is the largest law firm in Kansas. With offices in Wichita, Kansas City, and Topeka, Foulston provides a full range of legal services to clients in the areas of administrative & regulatory; antitrust & trade regulation; appellate law; banking & financial services; business & corporate; construction; creditors' rights & bankruptcy; e-commerce; education & public entity; elder law; emerging small business; employee benefits & ERISA; employment & labor; energy; environmental; ERISA litigation; estate planning & probate; family business enterprise; franchise & distribution; government investigations & white collar defense; governmental liability; government relations & public policy; healthcare; immigration; insurance regulatory; intellectual property; litigation & disputes; long-term care; mediation/dispute resolution; mergers & 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

Sign up to receive these issue alerts straight to your inbox [here](#).

---

*This update has been prepared by Foulston Siefkin LLP for informational purposes only. It is not a legal opinion; it does not provide legal advice for any purpose; and it neither creates nor constitutes evidence of an attorney-client relationship*

## PRACTICE AREAS

---

# FOULSTON

ATTORNEYS AT LAW

- Employment & Labor
- Healthcare