

Wisconsin's "Safer at Home" Executive Order Goes Into Effect Wednesday, March 25

On Tuesday, March 24, Wisconsin Gov. Tony Evers issued a "Safer at Home" executive order requiring all non-essential businesses in Wisconsin to cease all operations except for "minimum basic operations" and remote working. The order goes into effect at 8:00 a.m. on Wednesday, March 25 and is scheduled to remain in effect until April 24.

The order contains exceptions that allow "Essential Businesses" to remain open provided that Essential Businesses follow social distancing practices among individuals on the business's premises to the extent possible. Additionally, Essential Businesses are encouraged to use technology to avoid meeting in person, including virtual meetings and working from home.

Essential Businesses

The following is a list of businesses that are considered "essential" under the Wisconsin order. This is not a comprehensive list, so if your business does not fall clearly within one of the following categories but you believe your business may be essential, we can help evaluate further. There is also a process to request designation as "essential" if your business is not within one of these categories.

- Providers and producers of medical services and products
- Stores that sell groceries and medicine provided that they close seating intended for food consumption, cease self-service operations and abide by social distancing requirements
- Food and beverage production, transport, manufacturing and processing, including businesses that provide food and shelter to animals
- Gas stations and auto, motorcycle, bicycle and boat supply, repair and sales
- Financial institutions, including banks, credit unions, other depository or lending institutions, licensed financial service providers and insurance providers
- Hardware stores and businesses that sell electrical, plumbing, heating and construction materials
- Critical trades, including plumbers and electricians, among others

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- Laundry services
- Restaurants for off-site consumption
- Professional services, including legal, accounting, insurance and real estate services, provided such businesses avoid meeting in person to the greatest extent possible
- Manufacturing companies, distributors and supply chain companies producing essential products and services in and for the pharmaceutical, technology, health care, chemicals and sanitization, waste pickup and disposal, agriculture, food and beverage, transportation and other essential industries
- Breweries, brewpubs, wineries, distilleries and alcohol beverage retailers for off-site consumption, provided such carryout is permitted by state law and municipal ordinance
- Businesses that supply products that individuals need to work from home
- Businesses that sell, manufacture or supply other Essential Businesses with the support and materials needed to operate

In addition to the businesses listed above, the order incorporates as "essential" any business or worker identified in the U.S. Department of Homeland Security, Cybersecurity & Infrastructure Security Agency [Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response](#) (the CISA Guidance). The CISA Guidance lists employees and businesses in the below sectors as essential.

- Health Care/Public Health
- Law Enforcement
- Food and Agriculture
- Energy
- Water and Wastewater
- Transportation and Logistics
- Public Works



- Communications and Information Technology
- Community-based Government Operations
- Hazardous Materials
- Critical Manufacturing
- Chemical
- Defense Industrial Base
- Financial Services

Each of the sectors includes a laundry list of essential employees and businesses, and if you are unsure whether your business falls within one of the essential sectors under the CISA Guidance, we can help you determine whether it does.

Application for Essential Business Designation

Importantly, the order leaves open the possibility that if your business does not fall within one of the essential categories, you may apply to the Wisconsin Economic Development Corporation (WEDC) for an essential designation. The WEDC provides a form for such application at www.wedc.org/essentialbusiness.

Minimum Basic Operations

As noted above, if your business is non-essential under the order and you do not pursue an essential business designation with the WEDC, your business may still engage in "Minimum Basic Operations." Under the order, Minimum Basic Operations include those operations that are necessary to maintain the value of the business's inventory, preserve the condition of the business's equipment, ensure security, process payroll and employee benefits and facilitate employees of the business being able to continue to work remotely.

If you are unsure whether a business action would fall within the Minimum Basic Operations, we can help you determine whether such action is a Minimum Basic Operation.

Communications

If your business can remain open under the order, consider communicating to your main vendors that you remain open, why you are an essential business, and



that your vendor may also be an essential business. You may also consider a similar correspondence to your employees to provide them with assurance that they can and should continue to travel to work. Alternatively, if your business is unable to remain open, consider communicating with employees who are responsible for your business's Minimum Basic Operations that such responsibilities must still be met.

If you have any questions about the Wisconsin order, please contact a member of the [Corporate Law Practice](#), or your Reinhart attorney.

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