

# Publications

## Overview of Ohio Department of Health “Director’s Stay at Home Order”

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On March 22, 2020, the Director of the Ohio Department of Health (ODH) issued a Stay at Home Order (the Stay Home Order) which becomes effective on March 23, 2020, at 11:59 p.m. and remains in place through April 6, 2020. The Stay Home Order requires all persons in Ohio to stay at home or at their place of residence except when engaged in certain defined “Essential Activities,” “Essential Governmental Functions,” or to participate in “Essential Businesses and Operations”, all as described in the Stay Home Order. [Click here](#) for a PDF copy of the Stay Home Order.

The Stay Home Order expressly includes all of the workers identified in the U.S. Department of Homeland Security’s Cybersecurity and Infrastructure Security Agency (CISA) [published memorandum](#) regarding “essential critical infrastructure workers” (CISA Guidance) released on March 19, 2020.

Updates and copies of Ohio’s latest orders are available at the State’s official website, <https://coronavirus.ohio.gov/>. In addition, Governor DeWine, Lieutenant Governor Husted and ODH Director Acton hold daily press conferences at 2 p.m., available on <http://www.ohiochannel.org/>.

### Stay Home Order Highlights

The intent of the Stay Home Order is to maximize the number of people who self-isolate in their homes or residences. When not staying at home, people should maintain social distancing and other proactive measures (hand washing, sanitizer, no handshakes, and the like).

Essential Businesses (as described in the Stay Home Order) are encouraged to remain open but must comply with certain social distancing requirements defined in the Stay Home Order to minimize the risk to employees, including designating six foot distances, having sanitizers available, separating operating hours for vulnerable populations and allowing as many employees as possible to work from home.

For businesses, the Stay Home Order provides a long list of “Essential Business and Operations,” but also includes, for businesses that are not an Essential Business and Operation, the ability to undertake “Minimum Basic Operations” in order to provide some limited protection. While that exception does **not** permit ordinary operations, it does appear to allow a business to try to mitigate loss by allowing the business to maintain its equipment, facility and security, to process payroll, and to facilitate the minimum necessary activities to allow employees to work from home.

## Stay Home Order Details

All Ohioans are to stay at home, subject to the following exceptions:

**Essential Activities** (allowing you to leave your home, subject to social distancing and other proactive measures):

1. For health and safety (emergency services and visiting health care professionals)
2. For necessary supplies and services (groceries, household products, automotive supplies and products to maintain the safety, sanitation and operation of their home)
3. For outdoor activity (biking, running, walking, hiking)
4. For certain types of work (see Essential Business and Operations below)
5. To take care of others (family members, friends, pets)

**Essential Governmental Functions** (all services provided by the State of Ohio or any political subdivision (county, municipality, township, board, or others) needed to ensure continuing government operations or support health, safety and welfare of the public):

1. First responders, emergency dispatchers, legislators, judges, court personnel, jurors and grand jurors, law enforcement and corrections and certain other governmental employees and those supporting Essential Business and Operations
2. Employees or contractors performing Essential Government Functions as determined by each government body
3. The United States government (the Stay Home Order does not apply to the federal government)

**Essential Business and Operations** fall into several categories. Each category and the activities permitted within such category under the Order should be reviewed to determine whether a specific activity is essential. The categories include:

1. Healthcare and Public Health Operations (hospitals, clinics, pharmacies and others)
2. Human Services Operations
3. Essential Governmental Functions
4. Essential Infrastructure

5. All workers identified in the March 19, 2020 CISA Guidance
6. Grocery stores and stores that sell medicine
7. Food, beverage, licensed marijuana production and agriculture
8. Social services (food banks, shelters and similar organizations assisting disadvantaged or needy, those needing assistance due to this emergency, and people with disabilities)
9. Religious facilities and religious gatherings including weddings and funerals
10. Media
11. First Amendment protected speech
12. Gas stations and businesses supporting transportation
13. Financial and insurance institutions (banks, insurance companies, title companies etc.)
14. Hardware and supply stores
15. Critical trades (plumbers, electricians, security staff, HVAC, painting, service providers **necessary** to maintain safety, sanitation and essential operations of residences, Essential Activities and Essential Business and Operations)
16. Mail, post, shipping, logistics, delivery and pickup services
17. Educational institutions (subject to the prior school closing order)
18. Laundry services
19. Restaurants for consumption off-premises
20. Supplies to work from home (sale, manufacture or supply of products needed for people to work from home)
21. Supplies for Essential Business and Operations (computers, IT, household appliances, hardware, plumbing supplies, medical equipment, soaps and detergents and others)
22. Transportation services
23. Home-based care services (including nannies, in-home care for seniors and disabled, meal delivery)
24. Residential facilities and shelters
25. Professional services
26. Manufacture, distribution and supply chain for critical products and industries
27. Critical labor union functions
28. Hotels and motels (lodging and carry-out food)
29. Funeral services
30. Minimum Basic Operations – minimum activity necessary to:
  1. Maintain the value of the business's inventory
  2. Preserve the condition of the business's physical plant and equipment

3. Ensure security
4. Process payroll and employee benefits
5. Facilitate employees being able to work remotely from their residences

Vorys has been following these developments, including analyzing the various aspects of what constitutes Essential Activities and Essential Business and Operations. We understand that our clients have many questions regarding the Stay Home Order.

Vorys attorneys can assist you in evaluating and addressing those questions. Please contact your Vorys attorney, [Webb Vorys](#) or [Sheila Nolan Gartland](#), or Vorys Advisors, [Tom Niehaus](#), [Karen Cincione](#) or [Dave Hoeffel](#).