

Top 10 Tips for Identifying Essential Businesses and Complying with Stay-at-Home Orders

The Department of Homeland Security has outlined **16 critical infrastructure sectors** which represent the types of businesses that can remain operational during the COVID-19 pandemic. However, each state—in some cases, local governments—can designate what qualifies as “essential.”

Businesses should be mindful of the government regulations and potential penalties for noncompliance. We recommend working with legal counsel to understand your state’s definition of an “Essential Business” and the permissible exemptions from stay-at-home orders that may exist.

Outlined below are practical tips to follow to ensure you are complying with all applicable orders.

- 
1 Review and subscribe to notices and communications disseminated by **federal**, state, county and local governments that pertain to your business.
- 
2 Document the factual and legal bases supporting your exempt status, including your review/analysis of government orders.
- 
3 Identify critical industries in which you operate and the importance of your continued business operations to these sectors.
- 
4 Notify suppliers, manufacturers, and other key partners of your exempt status and decision to remain operational.
- 
5 Pinpoint any potential interruptions in the supply chain that could impact your continued business operations.
- 
6 Keep correspondence from companies identifying your business as essential to their operations as support for your exempt status.
- 
7 Consider notifying customers of continued operations or closures.
- 
8 Provide essential employees who must travel to work with a “safe passage” letter to show law enforcement.
- 
9 Implement and communicate a social distancing protocol for essential employees.
- 
10 Develop and communicate screening and notification measures for sick and exposed workers.