



Kansas City Metro Under Stay-At-Home Order; Businesses Impacted

Insights

3.23.20

Kansas City local government authorities – the City of Kansas City, Clay, Cass and Platte Counties in Missouri, and Johnson, Wyandotte, Douglas and Leavenworth Counties in Kansas – have issued executive orders requiring all residents – except for those falling within an exception discussed below – to stay at home for 30 days beginning at 12:01 a.m. on March 24, through 12:01 a.m. on April 23. The orders carve out exceptions for “Essential Activities,” “Essential Government Functions” and “Essential Businesses.”

Essential Activities

Individuals are directed to stay at home and leave their residence only to perform any of the following “Essential Activities” as described below. People at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their residence except as necessary to seek medical care.

- To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (including, but not limited to, pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, or visiting a health care professional;
- To obtain necessary services or supplies for themselves and their family or household members, to obtain supplies they need to work from home, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supplies, fresh meats, fish, and poultry, and any other household and personal consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences;
- To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined in this Section, such as, by way of example and without limitation, walking, hiking, or running. Use of parks and other public areas are permitted. Use of playground and exercise equipment, however, is discouraged;
- To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted under the orders, including Minimum Basic Operations at a Non-Essential Business;
- To care for a family member or pet in another household

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- To work for or obtain services at any “Healthcare Operations” including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services. “Healthcare Operations” also includes veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. “Healthcare Operations” does not include activities at fitness and exercise gyms and similar facilities.
- To provide any services or perform any work necessary to the operations and maintenance of “Essential Infrastructure,” including, but not limited to, public works construction, construction of housing (in particular affordable housing or housing for individuals experiencing homelessness), airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), provided that they carry out those services or that work in compliance with Social Distancing Requirements to the extent possible.

Essential Government Functions

All first responders, public health, emergency management personnel, essential responders to the County’s emergency operations center, emergency dispatchers, court personnel, and law enforcement personnel, and others working for or to support Essential Businesses are exempt from the orders. Further, the orders do not prohibit any individual from performing or accessing “Essential Governmental Functions” provided said individuals perform these duties following the guidance of the Local Health Officer or delegated public health personnel.

Essential Governmental Functions means all services needed to ensure the continuing operation of the government agencies and provide for the health, safety and welfare of the public, including judicial functions. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements to the extent possible.

Essential Businesses

All businesses and operations, except Essential Businesses as defined below, are required to cease all activities. Businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home).

- Healthcare Operations, Essential Infrastructure and Essential Government Functions
- Grocery stores and similar operations
- Food cultivation
- Human and animal food processing facilities
- Businesses that provide services for the economically disadvantaged

- Media
- Gas stations and auto-supply and repair facilities
- Banks and financial institutions
- Hardware stores
- Service providers like plumbers, electricians, exterminators that are necessary to maintain safety, sanitation, and other essential operations
- Mail and shipping services
- Educational institutions for facilitating distance learning
- Laundry and similar services
- Railroads and rail systems
- Restaurants for delivery or carry out only
- Businesses that supply products for people to work at home
- Businesses that provide supplies or services to other Essential Businesses
- Airlines, taxis, and other transportation providers
- Home based care for seniors, adults or children
- Residential facilities and shelters
- Professional services
- Childcare facilities providing services to employees exempt from the order

Minimum Basic Operations At A Non-Essential Business

The orders, **except for those from Wyandotte, Douglas and Leavenworth Counties**, permit certain Minimum Basic Operations at businesses that have otherwise been determined to be non-essential. Generally, Minimum Basic Operations includes the following, provided that employees comply with Social Distancing Requirements, to the extent possible, while carrying out such operations:

- The minimum necessary activities to maintain the value of the business's inventory and facilities, ensure security, process payroll and employee benefits, or for related functions; and
- The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences, place of rest, or elsewhere.

Social Distancing

At a minimum, Social Distancing includes maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, regularly cleaning high-touch surfaces, and not shaking hands. Johnson, Wyandotte, Douglas and Leavenworth Counties in Kansas also require having hand sanitizer and sanitizing products readily available for employees and customers, implementing

separate operating hours for elderly and vulnerable customers; and posting online whether a facility is open and how best to reach the facility and continue services by phone or remotely.

Conclusion

For now, we will continue to monitor the rapidly developing COVID-19 situation and provide updates as appropriate. Make sure you are subscribed to [Fisher Phillips' Alert System](#) to get the most up-to-date information. For further information, contact your Fisher Phillips attorney, any attorney in [our Kansas City office](#), or [any member of our COVID-19 Taskforce](#). You can also review our nationwide [Comprehensive and Updated FAQs for Employers on the COVID-19 Coronavirus](#) and our [FP Resource Center For Employers](#), maintained by our Taskforce.

This Legal Alert provides an overview of a specific state law. It is not intended to be, and should not be construed as, legal advice for any particular fact situation

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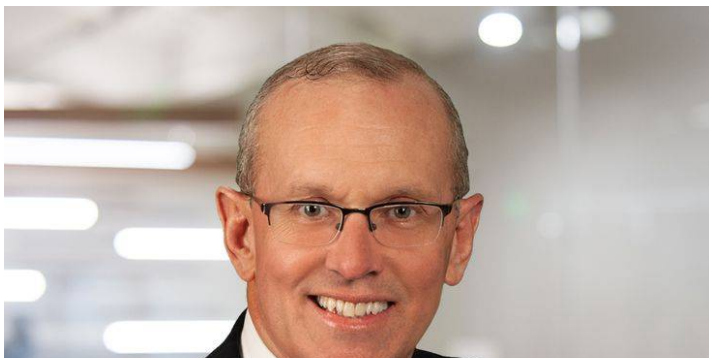


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