

ARIZONA GOVERNOR ISSUES EXECUTIVE ORDER DEFINING “ESSENTIAL FUNCTIONS”; NO SHELTER-IN-PLACE ORDER YET

Insights
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In response to the COVID-19 coronavirus outbreak, Arizona Governor Ducey just issued [Executive Order 2020-12](#) in which he defined “Essential Functions” in the State of Arizona and further prohibited any counties, cities, or towns from issuing any local orders requiring the closure of the defined “Essential Functions.”

ARIZONA’S ESSENTIAL FUNCTIONS

Governor Ducey designated the below categories as “Essential Functions” and mandated that employees in these sectors be permitted to continue working in Arizona if any shelter in place laws are enacted:

- Healthcare and public health operations
- Human services operations
- Essential infrastructure operations
- Essential governmental functions
- Stores that sell groceries and medicine
- Food, beverage and agriculture
- Outdoor recreation activities
- Organizations that provide charitable and social services
- Media

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- Gas stations and businesses needed for transportation
- Financial institutions
- Hardware and supply stores
- Critical trades
- Mail, post, shipping, logistics, delivery and pick-up services
- Educational institutions
- Laundry services
- Restaurants for consumption off-premises
- Supplies to work from home
- Supplies for essential business and operations
- Transportation
- Home-based care and services
- Residential facilities and shelters
- Professional and personal services
- Day care centers for employees exempted by the Executive Order
- Manufacture, distribution and supply chain for critical products and industries
- Hotels and motels
- Funeral services

WHAT THIS MEANS FOR BUSINESSES

While Governor Ducey has not yet issued a shelter-in-place order, this Executive Order leaves open the possibility of Arizona counties, cities, and/or towns implementing their own shelter in place requirements – provided that the defined “Essential Functions” are not impacted. Governor Ducey’s Order further states that any shelter-in-place orders must be consistent with advice from the Arizona Department of Health Services. The Order provides that businesses providing “Essential Functions” can allow employees to telework as a way to conduct essential

operations as long as there is no interruption in essential services or operations.

In response to this Order, businesses should take steps now to ensure continuity of business operations should a shelter-in-place order be enacted. Such steps should include ensuring that communication channels are in place for relaying any future work restrictions and considering remote working arrangements.

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 [Phoenix](#) 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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