



# West Virginia Governor Orders Shelter in Place and Business Closures

Insights

3.24.20

Effective March 24, 2020 at 8:00 p.m., all West Virginia residents are ordered to “stay home” and limit movements outside of their homes beyond essential needs. Pursuant to Executive Order 9-20, Governor Jim Justice ordered all West Virginians to stay at home unless performing an “essential activity.” The Order remains in effect until Governor Justice terminates it by subsequent executive action.

## What is an essential activity?

The Order permits West Virginians to leave home to engage in essential activities. Essential activities include:

- Obtaining food, medicine, or similar items for yourself or family members;
- Obtaining non-elective medical care or similar “vital services” for yourself or family members;
- Traveling to and from work ***IF*** your workplace is deemed an essential business or operation;
- Traveling to and from a family member’s home; Traveling to and from the home of another person who has visitation rights under a parenting plan or similar agreement;
- Traveling to and from a place of worship; or
- Engaging in outdoor activity, so long as proper social distancing of six feet is followed and people do not exceed the 10-person limit.

## What does this mean for Essential Businesses?

Essential employers may continue to operate. Under Executive Order 9-20, the following businesses, industries, and workers are essential:

- Healthcare, public health operations, and health insurance companies;
- Grocery stores and pharmacies;
- Food and beverage manufacturers, including production, processing, and cultivation facilities;
- Restaurants and facilities that prepare and serve food and drinks, if the products are consumed off-premises;
- Schools providing food and beverages to students, if the products are consumed off-premises;

- Essential governmental functions, including first responders, emergency management personnel, dispatchers, legislators, court personnel (including jurors), corrections personnel, hazardous material responders, child protection workers, and all state employees deemed essential by their department head whether in a municipality, township, government agency, or other subdivision of the government;
- Human service organizations and childcare facilities and providers;
- Essential infrastructure companies are defined broadly to include food supply chain facilities, construction, airport operations, utility operations, waste management services, and telecommunications services;
- Coal mining and coal-fired electric generation facilities;
- Supply chain manufacturers and distribution facilities for critical products and industries, including those in the pharmaceutical, technology, biotechnology, healthcare, chemical, sanitization, waste, agricultural, food and beverage, transportation, energy, mining, construction, communications, steel, iron ore, aluminum, petroleum, propane, fuel, and national defense;
- Transportation and travel related businesses and gas stations, including airlines, taxis, ride-shares, and various related facilities;
- Financial and insurance institutions;
- Hardware and supply stores;
- Critical trades, such as plumbers, electricians, exterminators, and other service providers who are necessary to maintain the safety of residences, essential activities, and essential business operations;
- Mail and shipping services, including post offices and other business delivering groceries, food, alcoholic and non-alcoholic beverages, vehicles, goods, or services to end users;
- Religious entities, though proper social distancing is encouraged;
- Educational institutions that are facilitating distance learning, performing critical research, or are providing food services for children, so long as proper social distancing is used;
- Laundry services;
- Business supply stores that sell, manufacture, or supply products needed to work remotely;
- Businesses that sell, manufacture, or supply other Essential Business and Operations, including computers, telecommunications equipment, personal hygiene products, and firearm and ammunition suppliers and retailers, among others;
- Home-based care and services;
- Residential facilities and shelters;
- Professional services, including legal services, accounting services, insurance services, and real estate services;

- Media outlets and services;
- Hotels and motels; and
- Funeral services.

### **What does this mean for non-essential businesses?**

All non-essential businesses must temporarily cease operations, except to conduct “minimum basic operations as necessary” to:

- Maintaining the business’s inventory;
- Preserving the condition of the business’s plant and equipment;
- Ensuring security, processing payroll and benefits, and “minimum necessary activities” to facilitate to remote work.

Home-based businesses can continue to operate. Additionally, other small businesses that do not invite the general public but have five or fewer employees can continue operations if the business ensures that proper social distancing and hygiene.

All places of “public amusement,” including carnivals, zoos, museums, fairs, pool halls, malls, playgrounds, bowling alleys, theaters, and similar venues shall be closed. The Order further prohibits any gatherings of more than 10 people unless otherwise exempt by the Order.

### **Conclusion**

We will continue to monitor this rapidly developing situation and provide updates as appropriate. Make sure you are subscribed to [Fisher Phillips’ alert system](#) to gather the most up-to-date information. For further information or advice on how to satisfy notice requirements as an employer, contact your Fisher Phillips attorney, or any member of [our COVID-19 Taskforce](#). You can also review our [Comprehensive And Updated FAQs For Employers On The COVID-19 Coronavirus](#) or our [FP COVID-19 Resource Center](#).

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