



# Mississippi Governor Encourages Telework For Non-Essential Businesses and Operations

Insights

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In response to the COVID-19 pandemic, Mississippi Governor Tate Reeves recently issued Executive Order No. 1463, encouraging employers to allow employees to work from home to the maximum extent possible, directing residents to avoid non-essential gatherings of more than 10 people, limiting dine-in services, and implementing visitation bans on hospitals, nursing homes, and long-term care facilities. **Notably, however, the Order does not mandate any type of “shut-down” but rather “recommends and encourages” all employers to allow employees to work from home.** It is set to remain in effect until April 17, 2020.

## What Is “Essential”?

Under the Order, Essential Businesses and/or Essential Operations are permitted to remain open, uninterrupted and operational during the COVID-19 State of Emergency. The Order states that any order, rule, regulation, or action by a governing body that imposes freedom of movement or social distancing limitations, restricts the scope of services or hours of operation of an Essential Business or Operation, or otherwise conflicts with or impedes the Order is suspended and unenforceable during the COVID-19 State of Emergency. This designation includes the following:

- **Essential Government functions** including public safety, first responders, law enforcement, courts and court personnel, military, emergency management personnel, corrections, probation and parole, child protection and welfare, EMTs, 911 call centers, and all workers and vendors that support these functions;
- **Essential healthcare operations** including hospitals and clinics, laboratory and research operations, nursing and assisted living facilities, residential health care facilities, elder care, in-home health care, manufacturers and distributors of medical supplies, medical and hazardous waste disposal; and other ancillary health services;
- **Essential infrastructure operations** including power, nuclear, utility, fuel and transmission, petroleum, supply chain companies, telecommunications and data centers, electronic security and life safety services, wireless communications, communications sales and customer support, cybersecurity, flood control, operation of dams, aviation, airports, ports, roads and highways, mass transit, automotive sales and repair, vehicle rental services, taxi and network providers (such as Uber and Lyft), freight and passenger rail, pipelines, transportation infrastructure, public and waste water, hazardous waste disposal, hotels and commercial lodging services;

- **Manufacturing operations** including food processing and production, pharmaceuticals, medical equipment, devices and supplies, technology, biotechnology, chemical products, telecommunications products, automotive production and supply, healthcare, energy, steel, fuel and petroleum, lubricants, greases and engine oils, mining, national defense, cleaning products, household products, personal care products, and any product used by an Essential Business or Operation;
- **Agriculture and farm operations** including food cultivation, livestock, cattle, poultry and seafood operations, livestock auctions, feedlots, dealers and brokers of livestock, livestock transporters, farmer's markets, feed stores, repair of agricultural equipment, gas, diesel and petroleum suppliers, aquaculture, horticulture, chemical producers and distributors, forestry operations, manufacture of lumber and paper products, meat processing facilities, rendering facilities and transporters, feed processing facilities, and veterinary services;
- **Essential retail** including supermarkets, food and beverage stores, food providers, convenience stores, pharmacies, hardware and building supply stores, gas stations, and restaurants and bars (provided that (1) not more than 10 people are gathered in the restaurant/bar or (2) for takeout or delivery purposes);
- **Essential services** including trash collection, mail services, home repair, automotive sales and repair, warehouses, distribution and fulfillment centers, laundry services;
- **Media services** including news services, television, radio, and other media services;
- **Education services** for the purposes of distance learning, critical research, or other essential functions such as preparing and transporting free and reduced meals;
- **Financial services** including banks, financial institutions, insurance, payroll, accounting, and services related to financial markets or processing financial transactions;
- **Professional services** including legal, accounting, insurance, and real estate;
- **Providers of necessities** to economically disadvantaged populations, including businesses, non-profit organizations, food banks, foster care, shelters, and congregate care facilities;
- **Construction and construction related services** including building and construction, electricians, plumbers, exterminators, cleaning and janitorial, HVACR and water heating industry, painting, moving services, skilled trades, and other related construction firms and professionals for maintaining essential infrastructure;
- **Essential services** necessary to maintain safety, sanitation, and essential operations of residences, essential businesses, and essential business operations;
- **Defense Industrial Base** including employers, contractors, subcontractors, and personnel who support the essential products and services required to meet national security commitments to the Federal Government and the U. S. Military or who perform or under contract for the Department of Defense;
- **Vendors that provide essential products and services** including logistics and technology support, child care, medical and hazardous waste disposal, and all services needed to ensure

support, child care, medical and hazardous waste disposal, and all services needed to ensure the continuing operation of Essential Business and Essential Operation;

- **Religious entities and faith-based facilities**, provide they adhere to social distancing and gathering recommendations;
- **Categories of workers and industries** identified by the S. Department of Homeland Security, Cybersecurity & Infrastructure Security Agency (CISA).
- **Categories of workers deemed essential** by the Mississippi Department of Health, Mississippi Emergency Management Agency, or any appropriate agency of the State of Mississippi.

### **Non-Essential Gatherings**

Per the Order, Mississippi residents are instructed to avoid social and non-essential gatherings of more than 10 people. This does not apply to the normal operation of airports, medical and healthcare facilities, retail shopping facilities, offices, factories, manufacturing facilities, or any Essential Business or Operation.

### **Schools**

On March 16, 2020, Gov. Reeves announced the closure of Mississippi public schools through April 17, 2020. As noted in the above Order, education services are considered and “Essential Business or Operation” and are permitted to operate for the purposes listed above.

### **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 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.

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*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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