

COVID-19 Frequently Asked Questions Governor's Executive Order 2020-32

(Stay at Home Order)

May 7, 2020

When is the Governor's Stay at Home Order Effective?

- [The Governor's Executive Order 2020-10 \(available via this link\)](#), mandating certain Illinois residents to stay at home, is effective from 5:00 p.m. on Saturday, March 21, 2020, through the duration of the Gubernatorial Disaster Proclamation, which was extended and modified through May 29, 2020, by [Executive Order 2020-32 \(available via this link\)](#).

May Individuals Leave Home for Essential Activities?

- Yes. Individuals may leave home for essential activities as designated in [Executive Order 2020-32](#).

Have the State or Federal Governments Extended the Income Tax Filing Deadline?

- On March 20, [President Trump announced](#) that the U.S. Treasury Department would be extending the deadline to file federal taxes from April 15 to July 15, without interest or penalties assessed on filers. Further guidance is available from the [Internal Revenue Service regarding this issue \(available via this link\)](#).
- The state extended the deadline to file Illinois income taxes from April 15 to July 15. Further guidance is available from the [Illinois Department of Revenue \(available via this link\)](#).

DETERMINATION AND ENFORCEMENT

Who Has Authority to Determine Whether a Business is Essential or Non-Essential?

- Businesses must follow the guidance provided or published by the Office of the Governor, the Illinois Department of Commerce and Economic Opportunity (DCEO) and state and local law enforcement regarding whether they qualify as essential.
- DCEO has provided [Essential Businesses & Operations Frequently Asked Questions \(available via this link\)](#) based on the extended and modified Stay at Home Order effective May 1, 2020.

How Will Executive Order 2020-32 be Enforced?

- It may be enforced by state and local law enforcement pursuant to, among others, Sections 7, 15, 18 and 19 of the [Illinois Emergency Management Act, 20 ILCS 3305 \(available via this link\)](#). Municipalities retain the discretion over the enforcement of [Executive Order 2020-32](#) by their personnel. Businesses must follow the guidance provided or published by the Office of the Governor, the Illinois Department of Commerce and Economic Opportunity and state and local law



enforcement regarding whether they qualify as essential; and, the Illinois Department of Public Health, local public health departments and the Workplace Rights Bureau of the Office of the Illinois Attorney General with respect to social distancing requirements. Pursuant to Section 25(b) of the [Whistleblower Act, 740 ILCS 174 \(available via this link\)](#), businesses are prohibited from retaliating against an employee for disclosing information where the employee has reasonable cause to believe that the information discloses a violation of the Order.

MUNICIPAL GOVERNMENT

What Municipal Operations May Continue Under the Stay at Home Order?

- A municipality's police, fire, public works and support personnel that are determined to be essential by the mayor may report to work. The Executive Order specifically provides that, "Each government body shall determine its Essential Governmental Functions and identify employees and/or contractors necessary to the performance of those functions."
- The Executive Order exempts personnel engaged in Essential Governmental Functions from the Stay at Home provisions. This includes all first responders, emergency management personnel, emergency dispatchers, law enforcement and any other governmental employees working for or to support essential businesses and operations.
- "Essential Governmental Functions" means all services, provided by the state or any municipality, township, county, subdivision or agency of government and contractors performing Essential Government Functions, needed to ensure the continuing operation of the government agencies or to provide for or support the health, safety and welfare of the public.
- Personnel may leave their residence to provide any services or perform any work necessary to offer, provide, operate, maintain and repair essential infrastructure, which includes construction, building management and maintenance, public works construction, local infrastructure, communications and web based services.

Will Public Parks Be Allowed to Remain Accessible?

- Yes. The Governor's Executive Order provides that individuals may leave their homes to engage in outdoor activity, while maintaining social distancing of six feet, which includes going to public parks and open outdoor recreation areas. The public may access community park properties as determined by local authorities. However, the Executive Order provides that playgrounds must be closed as they may increase the spread of the virus. Park facilities (i.e., restrooms, clubhouses and other buildings) may be deemed non-essential and are therefore closed to the public.
- Specific state parks will be open for certain activities, [as designated by the Illinois Department of Natural Resources \(available via this link\)](#).

Are Golf Courses Allowed to Remain Open?

- Yes. Golf courses will be permitted to open only when following strict [guidelines provided by the Illinois Department of Commerce and Economic Development \(available via this link\)](#).



May a Municipal Utility Shut-Off Service to Customers for Non-Payment During the State of Emergency?

- Yes. However, municipalities may want to consider implementing a moratorium on disconnections and late fees during the COVID-19 state of emergency. The Illinois Commerce Commission (ICC) has issued an [Emergency Interim Order \(available via this link\)](#) that directs private utilities under ICC jurisdiction to cease disconnections for non-payment, and to suspend the imposition of late payment fees or penalties, on an interim basis, and until May 1, 2020, or until the Governor announces the end of the COVID-19 state of emergency, whichever comes later. The extension of the Gubernatorial Disaster Proclamation will extend these restrictions through May 29, 2020.

The Executive Order Says That Boating is Permitted Pursuant to Department of Commerce and Economic Opportunity (DCEO) Guidance. What is That DCEO Guidance?

- Boating and fishing are permitted in groups of no more than two persons. [DCEO has provided guidance for boating and fishing \(available via this link\)](#).

OTHER BUSINESSES

May a Religious Organization Conduct Sufficient Operations to Offer a Streaming or Drive-in Service?

- Yes. [Executive Order 2020-32](#) encourages religious organizations and houses of worship to use online services and allows for drive-in services provided that such services comply with limits on public gatherings and social distancing requirements.

May Retail Stores not Designated as Essential Businesses and Operations Re-Open for the Limited Purposes of Fulfilling Telephone and Online Orders Through Curbside Pick-up Outside the Store and Delivery (Minimum Basic Operations)?

- Yes. Employees working in the store must follow social distancing requirements and must wear a face covering when they may come within six feet of another employee or a customer.

Are Greenhouses, Garden Centers and Nurseries Essential Businesses?

- Yes. They may operate as essential businesses, following the social distancing requirements for essential stores.

Are Pet Groomers Essential Businesses?

- Yes. They may operate as essential businesses.

Are Florists Essential Businesses?

- No. Florists are non-essential businesses, but they can process online and phone orders for curbside pickup and delivery.

Are Photographers Allowed to Operate?

- Yes, on a limited basis. Photography businesses will be permitted to operate in outdoor settings only, not to exceed the 10-person limit. Photographers must ensure that they are



maintaining minimum social distancing of six feet with clients during the photo shoot. Photography businesses may not have indoor photo shoots during the Stay at Home Order. There is no exception for special occasions, only gatherings of 10 people or less are permitted.

Are Drive-in Movie Theatres Allowed to Operate?

- Yes, on a limited basis. Cars must be parked in every other spot to ensure minimum social distancing of six feet between cars. Patrons are not allowed to sit outside of their vehicles to view the movie. To the extent possible, reservations and payments for the theatre should be made in advance, online or over the phone. To the extent possible, concessions should be ordered online or over the phone and be available for curbside pickup. Restrooms should have sufficient soap and hand sanitizer, and shall be regularly sanitized. Drive-in theatres should also follow the minimum social distancing guidelines set forth in the order.

Are Car Washes allowed to Operate?

- Yes, where workers and customers are able to safely maintain minimum social distancing, and following the other requirements of the Executive Order.

May Manufacturing Entities Continue to Operate?

- Yes, in part, but those in operation must follow social distancing requirements and take appropriate precautions. Manufacturing entities may continue to operate if they manufacture essential products and provide services for industries such as: pharmaceutical, technology, biotechnology, healthcare, chemicals and sanitization, waste pickup and disposal, agriculture, food and beverage, transportation, energy, steel and steel products, petroleum and fuel, mining, construction, national defense, communications, as well as products used by other “Essential Businesses and Operations.” Otherwise, manufacturers are limited to the “Minimum Basic Operations” requirement in the Executive Order.

Are Liquor Stores Allowed to Remain Open?

- Yes. Establishments engaged in the retail sale of alcoholic and non-alcoholic beverages are deemed essential businesses and are allowed to remain open.

Are Restaurants Allowed to Remain Open?

- Yes, in part. Restaurants and other facilities that prepare and serve food may remain open but only for consumption off-premises through such means as in-house delivery, third-party delivery, drive-thru, curbside pick-up and carry-out.
- Additionally, schools and other entities that provide food services to students or members of the public may continue to do so on the condition that the food is provided on a pick-up and takeaway basis only.

Are Barber Shops and Salons Allowed to be Open?

- No. Barber shops and salons are not included in essential businesses and operations. Specifically, fitness and exercise gyms, spas, salons, barber shops, tattoo parlors and similar facilities are not considered “healthcare and public health operations.” (Healthcare and public health operations are considered essential and may remain open.)
- As non-essential businesses, they may sell consumer products through online and telephone orders for curbside pickup or delivery only.



What About Funeral Services?

- Funeral services are deemed essential operations under the Governor’s Executive Order. However, gatherings of more than 10 people are prohibited; this prohibition includes funeral services.

Are Car Dealerships Allowed to Remain Open?

- Yes, in part. Car dealerships can remain open for repair services. They can also remain open for car sales on an appointment-only basis. Showrooms must remain closed.

Are Accountants and CPA Offices Allowed to Remain Open?

- Yes. The Executive Order defines professional services as essential businesses. “Professional Services” include legal services, accounting services, insurance services and real estate services (including appraisal and title services).

Are Banking and Other Financial Institutions Allowed to Remain Open?

- Yes. Although individuals should only leave their homes to obtain necessary services, financial institutions are included as essential businesses. The definition of “Financial Institutions” includes: banks, currency exchanges, consumer lenders, including but not limited to: payday lenders, pawnbrokers, consumer installment lenders and sales finance lenders, credit unions, appraisers, title companies, financial markets, trading and futures exchanges, affiliates of financial institutions, entities that issue bonds, related financial institutions and institutions selling financial products.

Are Janitorial and Custodial Services Considered Essential?

- Yes. Cleaning and janitorial staff for commercial and governmental properties are considered critical trades. Critical trades also include building and construction trades, plumbers, electricians, exterminators, security staff, operating engineers, HVAC, painting, and moving and relocation services.

Can Residential and Commercial Lawn Services Remain Open?

- Yes. Many landscape projects will fit under an exemption such as construction, agriculture or public works. Outdoor landscape projects generally will provide for good social distancing that poses little risk of transmission, but it still is important to ensure the ability to wash or sanitize hands and take other precautions.

Can I Take My Child to Day Care?

- An employee considered an essential worker under the Executive Order may take children to a day care that is licensed on an emergency basis for the purpose of childcare for essential workers. Licensed day care homes for up to 12 children must be closed but may reopen as an unlicensed day care home for up to six children.

