

## State Employment Law Tracker, ¶20,137D, Gov. Ivey issues statewide “Stay at Home” order to combat COVID-19 — ALABAMA — State news, (Apr. 8, 2020)

Alabama Governor Kay Ivey on April 3 issued a “Stay at Home” order to be applied statewide. The order is effective as of Saturday, April 4, at 5:00 p.m. and will expire Thursday, April 30, 2020 at 5:00 p.m.

Under the order, everyone in Alabama is ordered to stay at his or her place of residence except as necessary to perform essential activities.

The following activities are considered “essential activities”:

- (a) to obtain necessary supplies, including food and supplies to work from home;
- (b) to obtain or provide necessary services, such as medical care, automobile repair services, services related to distance learning and activities, and other services necessary to maintain a person’s or pet’s health and safety or to preserve the person’s ability to perform an essential activity;
- (c) to attend religious services, such as weddings, funerals and worship service, provided the event involves fewer than 10 people and individuals maintain a constant six-foot distance from one another; or, if a drive-in worship service, participants remain in their vehicles, all participants in each vehicle all share the same residence, and participants do not come within six feet of participants in other vehicles;
- (d) to take care of a family member, friend or pet in another household, to donate blood, or to transport family members, friends, or pets;
- (e) to perform work at “essential businesses and operations” or to perform to the following essential work-related activities:
  - (i) to maintain the value of a business, establishment, corporation or other organization, such as managing inventory, ensuring security, and processing payroll and employee benefits;
  - (ii) to enable people to work or shop remotely from their residence or to allow people to buy products through drive-by, curbside, or door-to-door delivery; or
  - (iii) to perform activities that do not require any regular interaction within six feet of another person;
- (f) to engage in outdoor activities that involve fewer than 10 people, provided the person maintains a six-foot distance from other persons;
- (g) to seek shelter, if required by his or her employment by an “essential service of business” or if his or her residence is unsafe or at imminent risk of becoming unsafe. A person may also leave his or her residence to seek help from providers of basic necessities to economically disadvantaged people, such as food pantries;
- (h) to travel, as required by law enforcement or by a court order, including the transportation of children required by a custody agreement;
- (i) to see family members. A person may leave his or her place of residence to visit the residence of other persons who are related to him or her.

Anyone leaving his or her residence must take the reasonable steps to maintain six feet of separation from other persons.

### Essential Businesses and operations

“Essential businesses and operations” means and includes:

- (a) **Government operations**, including public safety and first responders, law enforcement, fire prevention and response, courts and court personnel, military, emergency management personnel, corrections, probation and parole, child protection and child welfare, EMTs, call-center employees, all workers and vendors that support

law enforcement and emergency management operations, and other federal, state, tribal or local officials or employees;

(b) **Health care providers and caregivers**, including physicians, doctors, nurses, mental health workers, chiropractors, physical therapists, veterinarians, and other health care providers and health care services;

(c) **Infrastructure operations**, including electric, gas and water utilities, nuclear facilities and other generating facilities, telecommunications and data centers, cybersecurity operations, transportation infrastructure and businesses and transportation companies, water and waste water systems, hotels and lodging services, and RV parks;

(d) **Manufacturing facilities**, including those involved in food processing and production, the production of pharmaceuticals, food additives, medical equipment, technology, telecommunications products, automotive, healthcare, household and personal care products, and other products used by an essential business or operation;

(e) **Agricultural operations and farms**;

(f) **Essential retailers**, which is defined as supermarkets, food and beverage stores, including liquor stores and warehouse clubs, food providers, convenience stores, office-supply stores, bookstores, computer stores, pharmacies, health care supply stores, hardware stores, home improvement stores, building materials stores, stores that sell electrical, plumbing, and heating materials, gun stores, gas stations; auto, farm equipment, bicycle, motorcycle, and boat supply and repair stores, and businesses that ship or deliver groceries, food, and goods directly to residences;

(g) **Restaurants and bars**;

(h) **Essential personal services**, defined as trash collection, mail and shipping services, home repair, automotive sales and repair; warehouse, distribution and fulfillment centers, kennels, animal shelters, laundromats/laundry service, drycleaners, childcare facilities, public transportation, and providers of business services including security and payroll; funeral, cemetery, and related services;

(i) **Media operations**;

(j) **Education operations**;

(k) **Financial services**, including banks and related financial institutions, credit unions, payday lenders, businesses that process credit card and other financial transactions, and other services related to financial markets;

(l) **Professional services**, including legal, accounting, insurance and real estate services;

(m) **Providers of basic necessities to economically disadvantaged populations**, including businesses, religious and secular non-profit organizations, food banks, homeless shelters and congregate-care facilities;

(n) **Construction and construction-related services**;

(o) **Essential public services**, which is defined as services necessary to maintain the safety, sanitation and essential operations of residences and essential businesses and essential business operations, including law enforcement, fire prevention and response, firearm and ammunition manufacturers and retailers, building code enforcement, security, emergency management and response, building cleaning including disinfection, automotive sales and repair, mortuaries and cemeteries;

(p) **Military or defense operations**, including support services;

(q) **Essential services or product providers**, which is defined as vendors that provide services or products, including logistics, transportation, and technology support, child care programs and services, medical waste disposal, hazardous waste disposal, services needed to ensure the continuing operation of an essential business or operation, operation of government agencies, and to provide for the health, safety and welfare of the public;

(r) **Religious entities**, including religious and faith-based facilities, entities and groups;

(s) Federally-designated critical infrastructure, which is defined as workers and related industries identified by the U.S. Department of Homeland Security, Cybersecurity & Infrastructure Security Agency (CISA) in its “Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response,” as may be amended;

(t) **Other state-designated essential businesses and operations**, defined as businesses and operations deemed essential by the Alabama Department of Public Health or the Alabama Emergency Management Agency; and

(u) **Support operations for essential businesses and operations**, which is defined as employees, contractors, agents, suppliers, or vendors of an essential business or operation.

Essential businesses and operations must take all reasonable steps for employees and customers to avoid gatherings of 10 persons or more and to maintain a consistent six-foot distance between persons.

Essential retailers must: (1) limit occupancy to no more than 50 percent of normal occupancy load and post notice of the “emergency maximum occupancy rate” in a conspicuous place and must provide enough staff at store entrances and exits to enforce this requirement; (2) require that employees not allow customers or patrons to congregate within six feet of one another; (3) take reasonable steps to comply with guidelines on sanitation from the Centers for Disease Control and Prevention and the Alabama Department of Public Health.

Businesses may continue to operate remotely, through curbside pickup, delivery, or any other method that does not involve a customer entering its building, provided that the business takes all reasonable steps to ensure a consistent six-foot distance between persons.

The order also requires closure of entertainment venues; athletic facilities; close-contact providers, such as barber shops, hair salons, waxing salons, nail salons and spas, threading salons, body art and tattoo services, tanning salons, and message therapy establishments and services.

Any person who has tested positive for COVID-19, other than those in institutions, and except to seek medical treatment, must be quarantined to their place of residence for a period of 14 days after receiving positive test results.

Effective as of March 28, all non-work-related gatherings of 10 persons or more, or non-work-related gatherings of any size that can not maintain a consistent six-foot distance between persons, are prohibited.

Earlier mandates required the closure of beaches, senior citizen centers (except to deliver meals via curbside pick-up or delivery), schools and universities (except for certain activities listed in the order, such as work-from-home, day care services for children of essential service providers, etc.), closing of hospital and long-term care facilities to visitors, as well as postponement of non-emergency medical procedures.

In addition, all restaurants, bars, breweries and similar establishments are closed as of March 19 to on-premise consumption of food or drink. However, such establishments may offer online ordering and curbside pick-up of food. Hospital food service areas are excluded, provided they have their own social distancing plan.

The new order preempts and supersedes prior state health officer orders, as well as Jefferson and Mobile county health officers orders on COVID-19 mitigation efforts (while this order is in effect). In addition, this order preempts and supersedes county and municipal orders and ordinances that impose less stringent COVID-19-related curfew or quarantine measures.

Additional resources on COVID-19 and Alabama can be found here.