

Practice Update

Illinois Further Extends Disaster Declaration and Expounds on Its Exit Strategy

June 2, 2020

On May 29, 2020, Governor J.B. Pritzker further extended his Illinois disaster proclamation through Friday, June 27th. This is the third such extension of the original March 9th disaster proclamation. Amongst the extension's many working parts, the proclamation continues to expand COVID-19 testing and restrict price gouging. Specifically, regarding anti-price gouging, any increases in the selling price of goods or services, including medical supplies, protective equipment, medications and other commodities intended to assist in the prevention of or treatment and recovery of COVID-19, is prohibited in Illinois while the disaster proclamation is in effect.

Concurrently, the Governor also expounded upon his exit strategy from the public health disaster. While the Restore Illinois plan was released on May 5th, May 29th also saw the publication of Executive Order 2020-38 (Phase 3 Reopening Order) that will continue social distancing, mandate face coverings in indoor and outdoor public spaces when social distancing is not always possible, and prohibit any gathering of more than 10-people with limited exceptions. Several requirements apply for all business, such as:

1. Evaluate and encourage remote work from home;

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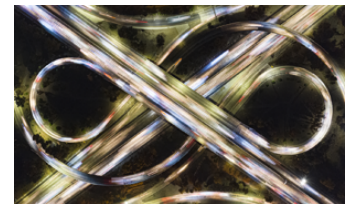
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2. Practice social distancing and wear face coverings when social distancing is not possible in all spaces where employees are present or may gather;
3. Ensure all visitors (customers, vendors, etc.) can practice social distancing, and encourage face coverings when social distancing is not possible; and
4. Prominently post the guidance from the Illinois Department of Public Health and Office of the Illinois Attorney General regarding workplace safety during the COVID-19 emergency.

In addition, industry-specific guidance and toolkits are available to help businesses operate safely and responsibly by the State of Illinois and City of Chicago. For example, (a) retail stores are capped at 50 percent capacity (unless provided otherwise by the Illinois Department of Commerce and Economic Opportunity (DCEO)) and must discontinue the use of reusable bags, (b) bars and restaurants are still prohibited from on-premises consumption, except as permitted by the DCEO and outdoor on-premises consumption as permitted by local authorities, (c) fitness and exercise gyms cannot open for general member workouts, (d) personal service facilities may open with the use of face coverings, social distancing, and capacity limits in accordance with DCEO guidance, and (e) places of public amusement must remain closed to the public. Please note that bars and restaurants in airports and hospitals, dining halls in colleges and universities, and hotel restaurants providing room service and carry-out continue to be exempt from the on-premises consumption prohibition.

Pursuant to Illinois' Whistleblower Act, 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 Phase 3 Reopening Order.

Given the constantly changing orders from federal, state and local authorities, employers should stay tuned. Akerman continues to monitor developments and can assist employers with understanding their changing obligations.

This information is intended to inform firm clients and friends about legal developments, including recent decisions of various courts and administrative bodies. Nothing in this Practice Update should be construed as legal advice or a legal opinion, and readers should not act upon the information contained in this Practice Update without seeking the advice of legal counsel. Prior results do not guarantee a similar outcome.