

Subject: The latest news for you

JOINT ADVISORY

URGENT ALERT

The following input is provided by Ernie Pearson, the Founding Partner in Sanford Holshouser Economic Development Consulting ("SHEDC") and a partner in the law firm of Nexsen Pruet PLLC ("NP").

[EO121-Stay-at-Home-Order-3](#)

As you probably know, Governor Cooper's Executive Order directing people to stay at home was issued last Friday at 4:00pm. It went into effect yesterday at 5:00pm. If you have not been able to see this order yet, at the link above.

No doubt, any number of companies with which you have contact are wondering and worried as to whether they can continue to operate.

The good news is that Governor Cooper left a lot of room to accommodate a wide variety of companies. In Section 2.C. of the order there is a list of thirty types of businesses which are exempted from the stay at home order. The following are a few of the exemptions that would be of the most interest to economic development professionals, in that they might be applicable to distribution and manufacturing types of operations:

- Subsection 1. Exempts any business that can "conduct operations while maintaining Social Distancing Requirements". Those requirements are spelled out in Section 2.E. of the order.
- Subsection 2 exempts businesses operating in CISA sectors. A list of these sixteen business sectors was in a Joint Advisory sent out last week by Sanford Holshouser Economic Development Consulting and Nexsen Pruet. Or this list can be accessed at <https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19>
- Subsection 26. lists a number of types of industries which are exempted, and which includes companies that supply products or services to those industries.

Other types of exempted businesses may be of interest. Consult the Executive Order for the full list.

There are a few precautionary matters which should be brought to companies' attention:

- Any business continuing to operate while this Executive Order is in place (until the end of April) must have all of its employees complying with social distancing requirements as described in the Executive Order. Any such company should conduct training on these requirements for all of its employees, and post those requirements prominently in its place(s) of business.
- Nexsen Pruet can provide an opinion of counsel as to whether a particular company fits within one or more of the exemptions. This would provide some degree of protection if any question was ever raised as to the company being covered by one of the exemption. To discuss this see the contact information at the end of this advisory.

- If it is not clear that a company is covered by an exemption, a request for a ruling on this can be made.

One last precautionary matter should be kept in mind. This Executive Order provides that any local stay at home order that is more stringent in its requirements will control. Be alert to this.

Overall, it seems that Governor Cooper did a good job in protecting public health while allowing a reasonable amount of leeway for companies to operate.

For more information contact me at the following or go to the Sanford Holshouser Economic Development Consulting website referenced below.

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