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# Governor Wolf Orders Closure of All Businesses That Are Not Life Sustaining; What Employers Should Know

By Zachary M. Kimmel / Mar 20, 2020

Yesterday, Pennsylvania Governor Tom Wolf invoked disaster emergency powers under the Pennsylvania Constitution by ordering all nonessential businesses to close their doors until further notice. While the Order comes days after Governor Wolf urged nonessential business such as salons, gyms, theaters, and entertainment venues to voluntarily close, the latest order demands the closure of such businesses. The Order further provides that those failing to comply by 12:01 AM on March 21, 2020 will face enforcement action, although the exact nature and extent of enforcement is unclear at this time.

To meet tomorrow's deadline and ensure compliance with the Order, employers should be aware of the following:

## **Does the Order consider my business nonessential or life sustaining?**

Employers who are unsure of whether their business falls under the "nonessential" or the "life sustaining business" category should consult the list of life sustaining businesses issued with the Order. A copy of the list can be found [here](#). If, after reviewing the list, the employer is still unsure of whether it needs to close, the employer should inquire by emailing [ra-dcedcs@pa.gov](mailto:ra-dcedcs@pa.gov) which will provide further clarification. Employers should be aware that even if their business is listed as a life sustaining business, they must still follow the social distancing practices and other mitigation measures defined by the Center of Disease Control. A copy of the CDC's mitigation practices can be found [here](#). Finally, Pennsylvania employers may seek waivers and exemptions from closure by emailing [RA-dcexemption@pa.gov](mailto:RA-dcexemption@pa.gov).

## **Does the Order require me to shut down completely?**

The order applies to the operations of a physical place of business with certain exceptions to businesses that offer carry-out, delivery, and drive-through food and beverage service. Accordingly, the order does not prohibit virtual or telework operations that can be completed in a "work from home" capacity" that conform with social distancing and other mitigation measures.

The attorneys in Clark Hill's Labor & Employment Practice Group understand that this is a trying time for business around the country and are available to assist in navigating these uncharted waters. For more information, please visit [Clark Hill's COVID-19 Resources webpage](#).