

## Kansas Executive Stay Home Order and Exceptions Relevant to Construction Industry

Alert

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Kansas Governor Laura Kelly's [Executive Order 20-16](#) established a statewide "stay home" order in an attempt to combat the increasing spread of the coronavirus in Kansas. The order, which took effect on Monday, March 30 and will stay in effect through Sunday, April 19, directs all individuals in Kansas to stay in their homes except to perform an "essential activity."

The order includes a Kansas Essential Function Framework that breaks down essential functions into four functional areas: *Connect, Distribute, Manage and Supply*. Construction companies, suppliers and individuals perform essential functions under the Kansas Essential Function Framework if they perform the following non-exhaustive list of tasks:

- Maintain supply chains for essential functions and critical infrastructure as defined by DHS (under *Distribute*)
- Conduct cleanup or other responses to emergencies (*see Emergencies under Manage*)
- Construct or repair roads (*see Critical Infrastructure under Manage*)
- Construct, maintain or clean buildings (*see Critical Infrastructure under Manage*)
- Produce or distribute construction materials (*see Critical Infrastructure under Manage*)
- Maintain specialized manufacturing or industrial equipment (*see Critical Infrastructure under Manage*)
- Manufacture equipment used for essential functions or critical infrastructure as defined by DHS (under *Supply*)
- Construct, supply, clean or maintain single family homes or other housing (*see Provide Housing under Supply*)

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- Maintain rental property, student housing, long-term care/senior living facilities, housing shelters or charities, animal shelters, hotels, or motels (*see* Provide Housing under *Supply*)
- Produce chemicals (under *Supply*)
- Provide metals and materials (under *Supply*)

The order notes that, regardless of whether performing an essential function, it does not prohibit individuals from (i) working from home, (ii) teleworking, or (iii) traveling to and from work to pick up equipment and supplies to allow for work from home or telework. Moreover, all individuals performing essential functions must use telework capabilities to avoid meeting in person as long as doing so does not cause "significant disruption to essential functions," and any individual performing essential functions on-site or in-person must, again to the extent doing so does not cause "significant disruption," maintain a six-foot distance from others and follow other appropriate coronavirus safety protocols.

The order makes clear that no one leaving their home to perform an essential function or activity needs to carry or present any letter, ID card or other documentation to prove they are allowed to leave their home. Additionally, contrary to Executive Order 20-15, no prior government approval is required for individuals or entities that perform essential functions. This eliminates Executive Order 20-15's requirement that business performing essential functions seek an exemption from any local stay home orders. However, inquiries about whether a function is essential may be [emailed](#) or submitted via online form for guidance.

## CONTACTS

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