Executive Order 2020-40

June 04, 2020

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EXECUTIVE ORDER IN RESPONSE TO COVID-19
(COVID-19 EXECUTIVE ORDER NO. 38)

WHEREAS, Coronavirus 2019 (COVID-19), a novel severe acute respiratory illness, has rapidly spread throughout Illinois in a short period of time, necessitating stringent guidance from federal, state, and local public health officials and significant measures to respond to the increasing public health disaster; and,

WHEREAS, COVID-19 can spread among people through respiratory transmissions, asymptomatic people can transit the virus, and there is currently no effective treatment or vaccine; and,

WHEREAS, on March 9, 2020, I, JB Pritzker, Governor of Illinois, declared all counties in the State of Illinois as a disaster area in response to the outbreak of COVID-19; and,

WHEREAS, on April 1, 2020, I declared all counties in the State of Illinois as a disaster area due to the exponential spread of COVID-19; and,

WHEREAS, on April 30, 2020, due to the expected continuing spread of COVID-19, the resulting health impacts across the State, and the need to address the potential shortages of hospital beds, ICU beds, ventilators, personal protective equipment and materials for testing for the virus, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on May 29, 2020, due to the thousands of lives lost to COVID-19 in Illinois, the continued increase of cases, the continued threat of shortages of hospital beds, ER beds, and ventilators, the improved but still insufficient testing capacity, and the economic devastation caused by the virus, I again declared all counties in the State of Illinois as a disaster area (together with the previous proclamations identified in this Executive Order, the Gubernatorial Disaster Proclamations); and,

WHEREAS, it is necessary and appropriate for the State of Illinois to continue to take immediate and significant measures to prevent or slow the spread of COVID-19 and protect public health during the COVID-19 outbreak; and,

WHEREAS, Restore Illinois is a five-phased plan to reopen Illinois, guided by health metrics and involving the cautious resumption of distinct business, education, and recreation activities in each phase; and,

WHEREAS, the Restore Illinois plan establishes four health regions in Illinois, each with the ability to independently move through the phased approach; and,

WHEREAS, as of June 4, 2020, all four health regions have moved into Phase 3 of the Restore Illinois plan; and,

WHEREAS, Phase 3 allows for schools to reopen and provide limited in-person instruction, in accordance with Illinois Department of Public Health (IDPH) guidance; and,

WHEREAS, Executive Order 2020-38 mandates the practice of social distancing, wearing face coverings in public spaces and whenever a six-foot social distance cannot consistently be maintained, and limiting gatherings to ten people or less; and,

WHEREAS, the Illinois State Board of Education and IDPH are issuing guidance and recommendations for schools that choose to transition to limited in-person instruction during Phase 3; and,

WHEREAS, the Child Labor Law, 820 ILCS 205/1 et seq., authorizes the City or County Superintendent of Schools, or their duly authorized agents, to issue employment certificates for minors desiring employment; and,

WHEREAS, the Child Labor Law, 820 ILCS 205/12, requires an application for an employment certificate to be submitted in person by the minor desiring employment; and,

WHEREAS, school and office closures resulting from the COVID-19 outbreak have made it difficult, and sometimes impossible, to submit and process employment certificate applications while ensuring the safety of students, families, and employees;

THEREFORE, by the powers vested in me as the Governor of the State of Illinois, pursuant to the Illinois Constitution and Sections 7(1), 7(2), 7(8), and 7(12) of the Illinois Emergency Management Agency Act, 20 ILCS 3305, and consistent with the powers in public health laws, I hereby order the following, effective June 4, 2020:

Section 1. All public and nonpublic schools in Illinois serving pre-kindergarten through 12th grade students may open for limited in-person educational purposes, such as summer school, following the completion of the regular 2019-2020 school term. All public and nonpublic schools may continue to provide food and other non-educational services. Schools must follow IDPH guidance during Phase 3 and take proactive measures to ensure the safety of students, staff, and visitors, including, but not limited to:

a. Limiting the number of people in one space to ten or fewer, consistent with public health guidance.

b. Ensuring compliance with social distancing requirements to the greatest extent possible. For purposes of this Executive Order, social distancing includes maintaining at least six-foot distance from other individuals and discouraging physical contact between individuals.

c. Ensuring appropriate hygienic practices, including washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), discouraging the sharing of personal items, and regularly cleaning high-touch surfaces.

d. Requiring the use of appropriate personal protective equipment, including the use of face coverings by students, staff, and visitors who are over age two and able to medically tolerate a face covering. Schools must provide face coverings to all employees who are not able to maintain a minimum six-foot social distance at all times and, to the extent possible, make disposable face coverings available for all students.

Section 2. During the duration of the Gubernatorial Disaster Proclamations, the provision in the Child Labor Law, 820 ILCS 205/12, requiring an applications for an employment certificate to be submitted in person by the minor desiring employment, is suspended. This statutory provision is suspended only with respect to the requirement that applications be submitted in person. The Illinois Department of Labor shall implement emergency rules to provide an alternative process for the submission and approval of applications for employment certificates issued pursuant to 820 ILCS 205/12.

Section 3. This Executive Order supersedes any contrary provision of any other prior Executive Order. Any provisions that are not contrary to those in this Executive Order shall remain in full force and effect.

Section 4. If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

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JB Pritzker, Governor

Issued by the Governor June 4, 2020
Filed by the Secretary of State June 4, 2020