



Mar 24, 2020

Categories:

[Coronavirus Response](#)

[Team](#)

[Publications](#)

Authors:

[Katherine Brings Capito](#)

[Charles B. Galvin](#)

[Jared M. Tully](#)

West Virginia Joins Other States Enacting Statewide “Stay-at-Home” Orders

On Monday, Governor Jim Justice signed an order for all West Virginians to “stay at home,” making West Virginia one of a recent rash of states to close all “non-essential” or “non-life-sustaining” businesses. You can find the [full text of the order here](#).

The Department of Homeland Security’s Critical Infrastructure Guidelines

While states like Pennsylvania and New Jersey have created their own guidelines as to what businesses may continue on-site physical operations, West Virginia joins states like Ohio, Indiana and Illinois that have followed the Department of Homeland Security’s [Critical Infrastructure Memorandum](#). The memorandum, issued by DHS’s Cybersecurity and Infrastructure Security Agency (CISA), provides a list of 16 critical infrastructure sectors “whose assets, systems, and networks, whether physical or virtual, are considered so vital to the United States that their incapacitation or destruction would have a debilitating effect on security, national economic security, national public health or safety, or any combination thereof.” These sectors include:

- Healthcare/Public Health
- Law Enforcement, Public Safety, First Responders
- Food and Agriculture
- Energy
- Water and Wastewater
- Transportation and Logistics
- Public Works
- Communications and Information Technology
- Other Community-Based Government Operations and Essential Functions

- Critical Manufacturing
- Hazardous Materials
- Financial Services
- Chemical, and
- Defense Industrial Base

The CISA memorandum is intended to help state, local, and industry partners in “identifying the essential workers needed to maintain the services and functions Americans depend on daily and need to be able to operate resiliently during the COVID-19 pandemic response.” These industries are generally defined to encompass not only the businesses that fall squarely within their definitions, but also those businesses that are critical to sustaining their ongoing functions.

West Virginia’s Order

In addition to the sectors outlined by CISA, West Virginia’s order identifies several additional specific categories of essential businesses and operations. Unlike some states that have established a clear end-date, Governor Justice’s order will remain in effect indefinitely until terminated by subsequent executive order. Governor Justice announced the order, effective as of 8:00 p.m. on March 24, can be enforced by local law enforcement and by state and local regulatory and/or licensing bodies.

The 11-page order articulates three main objectives:

- A directive for West Virginians to stay at home, with certain enumerated exceptions.
- An explanation of which essential businesses in West Virginia will be allowed to stay open.
- Protocol that essential businesses must follow while remaining open to mitigate the spread of COVID-19.

Authorization to Travel

Many essential businesses around the country are providing their employees with an “Authorization to Travel”— a one-page

document that employees can keep with them in transit to and from work in the event they are restricted from travel by a local authority. If you are confident that you are an essential business, or that your business is a key provider or supporter of essential infrastructure (as outlined in the CISA memorandum) in the state in which you are situated, we suggest you provide your employees with such a document, adapted to your business, explaining how your business falls within the parameters of any applicable state and local government orders.

Our Coronavirus Response Team is Ready to Help

Frost Brown Todd has been helping clients across the country respond to similar orders so that they can balance the health and well-being of their workforce while sustaining critical supply chains and business operations that America needs. Whether you need help determining whether your company is permitted to remain open or just want to discuss your own communications with employees in this fast-changing time, we can help. We are in this fight with you.

Contact any member of our team with any questions you have.

To provide guidance and support to clients as this global public-health crisis unfolds, Frost Brown Todd has created a Coronavirus Response Team. Our attorneys are on hand to answer your questions and provide guidance on how to proactively prepare for and manage any coronavirus-related threats to your business operations and workforce.

© 2026 FBT Gibbons LLP. May be considered attorney advertising in some jurisdictions.