

ESSENTIAL EMPLOYEE MOVEMENT

As a number of states or municipalities adopt “stay in place” orders that restrict individual movement or business operations, the National Association of Manufacturers has worked with partners throughout the industry to shape and understand these orders and how they affect manufacturing operations.

Many of these orders have adopted designations of “essential” activities for which individuals are allowed to leave their homes — ranging from grocery shopping to working at their jobs, should their place of employment remain operational because it qualifies as an “essential” business.

As of now, many of these orders designate manufacturers as “essential” businesses that are exempt from the stay in place orders, either by way of adopting the federal CISA “essential critical infrastructure” [definition](#) and/or by adding their own language identifying manufacturing as essential. For a detailed rundown of what states and jurisdictions have done to impose restrictions, please [visit and bookmark this continually-updated resource](#).

EMPLOYEE MOVEMENT and FACILITY OPERATION

Many of the state or local orders have required that companies that remain open under the “essential” business designation practice social distancing, provide ample hand sanitizer or hand-washing infrastructure, maximize telework wherever possible and limit facilities to “minimum basic operations,” with only the minimum basic employee presence possible.

For those employees who are required to report to a facility that meets those varying guidelines that are set on a state-by-state level, many manufacturers have asked whether their employees who are reporting to work are required to produce documentation to “prove” their essential work status. As of now, we are not aware of any state or local jurisdiction that has indicated by policy or practice that they intend to stop motorists or commuters to produce justification for their movements.

Nonetheless, a number of companies have asked employees who continue to report to work in an “essential” business to carry an official letter from their employer that explains why they are reporting to work. While this does not seem explicitly necessary under many of these state orders, a number of employers have adopted this approach.

These letters typically include elements of the following information:

- Information about how the company or company facility falls within the “essential” business exemption under relevant local, state, or federal stay in place or mass gathering restrictions
- Information that identifies the employee in question as holding an essential role within the company’s operations
- Information that describes the company’s workplace practices under CDC guidance (e.g., affirmatively state how the company is practicing social distancing, providing access to hand sanitization, are enacting minimum basic operations)
- A company point of contact empowered to either verify or respond to any inquiries regarding the employee’s status or the veracity of the letter

This resource does not constitute legal advice. Companies should consult with their own legal counsel before determining how best to operate their business pursuant to federal, state and local orders affecting businesses.

SAMPLE LETTER - NOT LEGAL ADVICE

.....

[DATE]

TO: Federal, State or local law enforcement and public safety officials
FROM: [OFFICIAL COMPANY CONTACT]
SUBJECT: Safe Passage for [COMPANY NAME] Employee Providing Essential Services

To Whom it May Concern:

The bearer of this letter, [EMPLOYEE NAME], is an employee of [COMPANY NAME] and is permitted to report to work at [COMPANY FACILITY NAME OR ADDRESS] to perform essential services.

[COMPANY NAME] is considered an “essential” business that is exempt from [JURISDICTION]’s stay in place order as described by [Language from relevant state Executive Order and/or DHS-CISA guidance]. *Some companies have added an additional sentence to specify how their products or work are considered essential based on the specific elements of the state, local, or federal guidance at-issue.*

This employee performs essential work functions in support of the company’s business operations that cannot be performed remotely, and is therefore required to work on-site. Our facility complies with [JURISDICTION]’s requirements of businesses that remain operational during the stay in place order *by practicing social distancing policies, minimizing basic operations and making sanitization products readily available.* [Companies specify their compliance activities based on the requirements described within the appropriate governing order.]

[COMPANY NAME] requests that this person be given passage between their work site and their residence (or other location where they are staying during non-work hours).

For verification of this information, please contact [COMPANY CONTACT NAME, PHONE NUMBER and EMAIL ADDRESS].

Thank you,

[COMPANY SIGNER]

SAMPLE LETTER – NOT LEGAL ADVICE