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WRITER'S E-MAIL

March 25, 2020

Dear ABC Members:

On March 24, 2020, Oklahoma Governor Kevin Stitt issued Fourth Amended Executive Order 2020-07, requiring businesses in counties experiencing community spread of COVID-19 which are not “within a critical infrastructure sector as defined by the U.S. Department of Homeland Security” to close for 21 days, beginning at 11:59 P.M. on March 25, 2020. At this time, the terms of the Executive Order **do not** require businesses engaged in construction work to cease operations.

After examining the guidance provided to date by the Department of Homeland Security, it is clear that construction work is classified as being within a critical infrastructure sector, and thus not subject to closure under the Governor’s Executive Order. The U.S. Cybersecurity and Infrastructure Security Agency—a branch of the Department of Homeland Security—issued a memorandum on March 19, 2020, which expressly stated that employees “working construction” are classified as being “essential to continued critical infrastructure.”

Until the Governor or another state or federal entity issues further guidance, ABC Members should continue operations, while following other relevant guidance and CDC recommendations to avoid the spread of COVID-19 in the workplace. ABC will continue to monitor the situation and assist its members in staying abreast of the rapidly shifting state of affairs during these uncertain times.