Can my employer require me to come into work even though there is an order to shelter-in-place?

On April 2, 2020, the Governor of Texas issued an emergency order to shelter-in-place that applies to the whole state of Texas. Your employer can only require you to come into work if you are considered an “essential worker” under the statewide order. If you do not fit into one of the categories of “essential workers,” then your employer cannot require you to come into work during a shelter-in-place order.

**Essential workers include workers in the following industries:**

- Healthcare
- Public health
- Law enforcement, public safety, and other first responders
- Food and agriculture
- Energy
- Water and wastewater
- Transportation and logistics
- Public works and infrastructure support services
- Communications and information technology
- Other community- or government-based operations and essential functions
- Critical manufacturing
- Hazardous materials
- Financial services
- Chemical
- Defense industrial base
- Commercial facilities
- Residential/shelter facilities and services
- Hygiene products and services
- Religious services conducted in churches, congregations, and houses of worship

If your job does not fall into one of the above categories, then you cannot be required to come into work. However, you may still be required to work from home.

**What do I do if I’m not sure whether I fall into one of the categories of essential workers listed above?**

You can find some guidance on these categories of essential workers here. If you are unsure about whether you are an essential worker, it is best to talk to an attorney before refusing to go into work, to make sure you would be legally protected.

**What if my city or county has issued a shelter-in-place order that is different than the Governor’s statewide order?**

You should follow the statewide order. Local orders issued by cities and counties cannot define “essential workers” any differently than the statewide order.
What should I do if my employer requires me to go in to work even though I am not an essential worker?

There are criminal penalties for violating the shelter-in-place order. If your employer requires you to commit a criminal act in order to keep working, then you would probably qualify for unemployment if you were fired or chose to quit your job because you refused to violate the law. If you are fired or quit your job because you refused to break the law, you might also have legal claims against your employer for wrongful termination.

Also, if you are retaliated against for raising concerns as a group with your private employer about breaking an emergency shelter-in-place order, you might have legal remedies against your employer for committing an unfair labor practice. For more information about whether these rights apply to you, and how to file a complaint for an unfair labor practice, see https://www.nlrb.gov/about-nlrb/rights-we-protect/your-rights/employee-rights

Can I be fired if I am quarantined by a judge due to possible exposure to COVID-19?

Texas law makes it illegal to ignore a mandatory quarantine issued by a judge. If your employer requires you to violate a quarantine order or be fired, this would likely be a wrongful discharge.