

MEMORANDUM
Comfort Lake-Forest Lake Watershed District

To: Board of Managers

Date: June 19, 2020

From: Mike Kinney

Subject: Emergency Executive Order 20-74

Background/Discussion

Executive Order 20-74 requires that by June 29, 2020, all businesses, including critical businesses, fully adopt and implement a COVID-19 Preparedness Plan.

The purpose of this agenda item is for the Board to discuss the implications of Executive Order 20-74 on the District and to consider approving the attached COVID-19 Preparedness Plan which was developed by staff utilizing resources from the League of Minnesota Cities, the State of Minnesota, Rice Creek Watershed District's Preparedness Plan, and advice of legal counsel.

Upon approval of this plan I will provide review and training of this plan with staff and ensure informational posters are placed at the front door, throughout the office, and on online.

Hand sanitizer, hand soap, face masks, tissues, and other disinfectants will continue to be made available to managers and staff.

Recommended Action

Proposed Motion: Manager _____ moves to:

Approve the CLFLWD Preparedness Plan dated 6-19-2020 and authorize the Administrator to sign and implement the Plan, on advice of District counsel;

Authorize the Administrator, in consultation with the Board President and on advice of counsel, to adjust the CLFLWD Preparedness Plan as warranted by new circumstances including but not limited to changes in applicable legal directives or guidance, building management, or authorized CLFLWD work outside the home, and;

Direct the Administrator to inform the Board of Managers of CLFLWD Preparedness Plan adjustments promptly after they have been made.

Attached:

- CLFLWD COVID-19 Preparedness Plan
- Executive Order 20-74

COMFORT LAKE-FOREST LAKE WATERSHED DISTRICT COVID-19 PREPAREDNESS PLAN

Effective 6/29/2020

Under Governor Tim Walz's Executive Orders, identified businesses¹ that are in operation during the peacetime emergency are required to establish a COVID-19 Preparedness Plan.

A business's COVID-19 Preparedness Plan shall establish and explain the policies, practices and conditions necessary to meet the Centers for Disease Control and Prevention (CDC) and Minnesota Department of Health (MDH) guidelines for COVID-19, Minnesota Occupational Safety and Health Administration (OSHA) standards and Executive Order 20-74 related to worker and customer (if the business has customer-facing operations) exposure to COVID-19. The Comfort Lake-Forest Lake Watershed District (CLFLWD) plan has the strong commitment of the Board of Managers and has been developed and implemented with the participation of CLFLWD employees.

The COVID-19 Preparedness Plan must include and describe how the CLFLWD will implement, at a minimum, the following, in compliance with the guidelines and standards above:

1. Infection prevention measures (hygiene and respiratory etiquette);
2. Prompt identification and isolation of sick persons;
3. Engineering and administrative controls for social distancing;
4. Cleaning, disinfecting, decontamination and ventilation;
5. Communications and training for managers and employees necessary to implement the plan; and
6. Provision of management and supervision necessary to ensure effective ongoing implementation of the plan.

CLFLWD is committed to providing a safe and healthy workplace for all our workers, customers, and other visitors. In response to the COVID-19 pandemic and to ensure a safe and healthy workplace, CLFLWD has developed the following COVID-19 Preparedness Plan. The goal of this plan is to ensure that services are provided in a planned and safe manner that mitigates the potential transmission of COVID-19 within the CLFLWD offices and in the field.

Managers and staff are all responsible for implementing this plan; it requires the full cooperation of CLFLWD workers, management, and visitors. A cooperative effort is the only way to establish and maintain the safety and health of CLFLWD workers and workplaces.

The determination of which employees can safely return to the workplace or provide close contact services in the field and the safety protocols that are required is guided by the CDC, OSHA, MDH, Minnesota Department of Labor & Industry (DOLI), Minnesota Department of Employment and Economic Development (DEED), Washington County Public Health, Chisago County Public Health, and other health and safety guidance. The CLFLWD COVID-19 Preparedness Plan was developed using these guidelines and follows a template provided by the State of Minnesota.

CLFLWD workers are the organization's most important assets. CLFLWD is committed to the safety and health of the staff while also keeping them working on the business of the District.

¹ "Business" and "businesses" are broadly defined to include entities that employ or engage workers, including private-sector entities, public-sector entities, non-profit entities, and state, county, and local governments.

Screening and Policies for Employees Exhibiting Signs and Symptoms of COVID-19

If you are sick, stay home: Employees are expected to monitor their own health and screen themselves for COVID-19 symptoms as identified by the CDC including, but not limited to:

- Fever
- Cough
- Shortness of breath or difficulty breathing
- Chills
- Headache
- Muscle Pain
- Sore throat
- New loss of taste **or** smell

Other less common symptoms to monitor include: gastrointestinal symptoms like nausea, vomiting or diarrhea. This list of symptoms might continue to change as additional public health guidance is made available.

An employee should consult with their health care provider if they have any questions about whether they should be tested for COVID-19. If their provider determines that the employee should be tested, that provider will also recommend a testing facility or may refer the employee to the Minnesota Department of Health's list of testing facilities across the state.

An employee **MUST** inform the District Administrator, Mike Kinney, if they have a confirmed COVID-19 positive test result or a presumptive COVID-19 diagnosis from a health care provider.

If there is a confirmed COVID-19 positive test result or a presumptive COVID-19 diagnosis from a health care provider:

1. The District Administrator will alert the property manager for any necessary cleaning or disinfection of the of building common space from potential exposure.
2. Based on a judgment of potential exposure, the Administrator will determine which other District managers or staff should be informed based on best likely contact with infected persons or surfaces.

Administration will take reasonable steps to maintain anonymity of the person with the confirmed or presumptive diagnosis and to protect the privacy of the employee's health information.

Employees that have no symptoms and no confirmed/presumed diagnosis but think they have been exposed to COVID-19 (through a household member or other person who is sick/diagnosed) must follow the same procedures for informing the Administrator. The CLFLWD will follow current CDC and MDH guidelines on whether and how employees exposed will return to the workplace and cleaning/disinfecting the workspace.

Becoming Sick

If an employee begins to experience symptoms or feel sick during the workday, the employee must immediately inform District Administrator, Mike Kinney, and the employee must leave the worksite.

The employee should contact their health care provider for additional screening or testing and seek treatment if necessary. Employees should self-isolate for the period of time recommended by the health care provider and/or the public-health guidance of the CDC and MDH.

CLFLWD has implemented Temporary Policies in Response to COVID-19 Pandemic, which have been distributed to staff and should be consulted in addition to this Preparedness Plan.

CLFLWD management of illness of employees and their families will conform to legal requirements (see attached State of Minnesota guidance, "Worker Protections Related to COVID-19").

Hand Washing

Basic infection prevention measures are required for staff at CLFLWD workplaces. Workers are to wash their hands for at least 20 seconds with soap and water frequently throughout the day and especially at the beginning and end of their shift, on entering the CLFLWD workplace from a public space, prior to any mealtimes, and after using the restroom. At the time when the District office reopens to the public, all customers and visitors to the workplace will be required to wash or sanitize their hands prior to or immediately upon entering the facility. Hand-sanitizer (with greater than 60% alcohol) is available at the entrance, all common area locations in the workplace, and have been provided to each individual employee. They can be used for hand hygiene in place of soap and water as long as hands are not visibly soiled.

The District will continue to provide employees handwashing/sanitizer supplies and facilities where applicable. Workers will be allowed extra time to perform handwashing to meet this precaution. A bottle of hand sanitizer will be available at the front entrance for customers and visitors to use.

Respiratory Etiquette: Cover Your Cough or Sneeze

Workers, customers, and other visitors are instructed to cover their mouth and nose with their sleeve or a tissue when coughing or sneezing and to avoid touching their face, in particular their mouth, nose, and eyes, with their hands. Tissues should be disposed of in trash receptacles, and hands should be washed or sanitized immediately after a cough or sneeze. Respiratory etiquette will be demonstrated on posters and supported by making tissues and trash receptacles available to all workers, customers and other visitors.

"Help slow the spread of COVID-19" signs will be posted in the District office.

Social or Physical Distancing

Social distancing of six feet will be required and maintained between workers, customers and other visitors in the workplace through the following engineering and administrative controls:

- Only essential workers who cannot complete their jobs remotely will be allowed in the office at this time; the majority of staff will work remotely.
- Staff in the field will be expected to maintain a physical distance of six feet from other workers or individuals if at all possible and to wear a mask if that minimum distance cannot be met.

- The District has provided, and will continue to provide, recommended face masks to all employees at work and in the field with instructions on how they should be worn and frequency of cleaning; employees must wear masks within the office, storage unit, and building common space but may remove mask when 6-feet apart from other staff/customers/visitors, while alone and occupying their designated desk.

Cleaning, Disinfection, and Ventilation

CLFLWD is implementing regular housekeeping practices including routine cleaning and disinfecting of work surfaces, equipment, tools and machinery, vehicles, and areas in the work environment, including break rooms, lunchrooms, meeting rooms, and other shared spaces. CLFLWD staff is required to conduct this cleaning and disinfecting. CLFLWD staff must adhere to best management practices (gloves, handwashing) when retrieving and handling mail and accepting deliveries to the office. The District has provided each employee with sanitizing wipes for frequent cleaning of their workplace and common areas that they use. The District has also provided several bottle of spray sanitizer throughout the office to assist in this effort as needed.

Staff are also responsible for daily cleaning of their designated office/desk and door/entry area cleaning and disinfecting high-touch areas, such as phones, and keyboards. The shared areas of the office, conference rooms, copy machine, thermostat, kitchen, and garage will be cleaned by the user after use.

Appropriate and effective cleaning and disinfectant supplies have been purchased and are available for use in accordance with product labels, safety data sheets and manufacturer specifications and are being used with required personal protective equipment for the product.

The District is responsible for the ventilation systems. The District Administrator will ensure current HVAC systems are inspected and all filters replaced with the highest Merv rating practicable.

Field Work

The Comfort Lake-Forest Lake Watershed District operates several programs (e.g. Regulatory Program, Water Monitoring Program, Cost-Share Program) requiring field work. These programs are managed in house, and operated by District staff, contractors, and volunteers. Program activities include water sample collection, water measurements and readings (stage height, temperature, pH, dissolved oxygen, etc.), equipment installation and maintenance, inspection of earth work and construction, review of site elevation, vegetation, and hydrologic conditions.

Changes to the District's program procedures were developed with consultation from a consortium of Twin Cities water monitoring agencies, consideration of available best management practices, and staff.

Changes to Program Procedures of District Staff

District staff will adhere to social distancing and hygiene guidelines detailed in this document. Additionally, field staff will

- Clean surfaces between staff contact, including vehicle interiors, field equipment (laptop, soil auger, reference manuals, reports, boat/canoe equipment, etc.).
- Work alone except where field safety protocol direct otherwise. Field staff will confer with the Administrator as to any question about safety protocol.
- Drive in separate vehicles to monitoring sites when working alone is not possible.

Changes to Programs by District Contractors

Monitoring work conducted by District contractors will abide by the Governor's orders and guidance provided by the Minnesota Department of Employment and Economic Development (DEED). Contractors have been, and will be, asked to independently verify that their activities are consistent with the Governor's orders and other applicable standards and guidance.

Changes to Monitoring by District Volunteers

Volunteer programs are being evaluated on a case-by-case basis, based on the monitoring activity, and the potential of conducting that activity while safely abiding by MDH social distancing guidelines and also follow the Field Work section of the CLFLWD COVID-19 Preparedness Plan.

Communications and Training

This COVID-19 Preparedness Plan will be sent to all managers and staff upon approval by the CLFLWD Board of Managers and will be posted in the CLFLWD offices and on its website. Training and discussion will take place at one or more meetings of staff and managers. Additional communication and training will be ongoing at staff meetings and in regular email communications and provided to all workers who did not receive the initial training. The CLFLWD will maintain documentation of training.

Instructions, expectations, and plan details will be communicated to customers and other visitors. Information will be posted on the CLFLWD website and on signs outside the office. This information will relate to: delivery of materials, entering CLFLWD offices, social distancing requirements, required hygiene practices, and face mask requirements. Once the District office re-opens to the public, customers and visitors will also be advised not to enter the workplace if they are experiencing symptoms or have contracted COVID-19.

Managers and the District Administrator will monitor the effectiveness of this preparedness plan and continue to review, provide training, and update as necessary. This COVID-19 Preparedness Plan has been approved by Comfort Lake-Forest Lake Watershed District Board of Managers on _____.

Certified by:

Mike Kinney
District Administrator
Comfort Lake-Forest Lake Watershed District

District Office Visitors

The term visitor within this plan includes any person who is not a Comfort Lake-Forest Lake Watershed District employee or Manager.

Comfort Lake-Forest Lake Watershed District will not allow a visitor who is COVID-positive or exhibiting symptoms associated with COVID to enter the office. For more information, please visit our website.

All visitors are to practice adequate social and physical distancing and recommended hygienic measures within the CLFLWD office.

All visitors to the office are required to wear a properly fitted covering of the mouth and nose. Visitors are encouraged to bring their own coverings. If a visitor is unable to wear a face covering for a medical reason, a reasonable accommodation will be attempted on request.

Visitors will be asked to comply with these requirements and may be asked to leave the office if they do not comply.

Signs regarding these requirements will be posted on District's Office front door and in the common areas of the office, as well as the CLFLWD website.

At this time the District office is only open to the public by appointment for urgent matters that cannot be resolved remotely. Those wishing to visit the office can contact the District at 651-395-5850 or info@clflwd.org at which point staff will advise the best course of action to meet the individuals needs following the aforementioned protocols.

Appendix A – Guidance for developing a COVID-19 Preparedness Plan

General

Centers for Disease Control and Prevention (CDC): Coronavirus (COVID-19) - www.cdc.gov/coronavirus/2019-nCoV

Minnesota Department of Health (MDH): Coronavirus - www.health.state.mn.us/diseases/coronavirus

State of Minnesota: COVID-19 response - <https://mn.gov/covid19>

Businesses

CDC: Resources for businesses and employers - www.cdc.gov/coronavirus/2019-ncov/community/organizations/businesses-employers.html

CDC: General business frequently asked questions - www.cdc.gov/coronavirus/2019-ncov/community/general-business-faq.html

CDC: Building/business ventilation - www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html

MDH: Businesses and employers: COVID-19 - www.health.state.mn.us/diseases/coronavirus/businesses.html

MDH: Health screening checklist - www.health.state.mn.us/diseases/coronavirus/facilityhlthscreen.pdf

MDH: Materials for businesses and employers - www.health.state.mn.us/diseases/coronavirus/materials

Minnesota Department of Employment and Economic Development (DEED): COVID-19 information and resources - <https://mn.gov/deed/newscenter/covid/>

Minnesota Department of Labor and Industry (DLI): Updates related to COVID-19 - www.dli.mn.gov/updates

Federal OSHA - www.osha.gov

Handwashing

MDH: Handwashing video translated into multiple languages - www.youtube.com/watch?v=LdQuPGVcceg

Respiratory etiquette: Cover your cough or sneeze

CDC: www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html

CDC: www.cdc.gov/healthywater/hygiene/etiquette/coughing_sneezing.html

MDH: www.health.state.mn.us/diseases/coronavirus/prevention.html

Social Distancing

CDC: www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html

MDH: www.health.state.mn.us/diseases/coronavirus/businesses.html

Housekeeping

CDC: www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility.html

CDC: www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/disinfecting-your-home.html

CDC: www.cdc.gov/coronavirus/2019-ncov/community/organizations/cleaning-disinfection.html

Environmental Protection Agency (EPA): www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2

Employees Exhibiting Signs and Symptoms of COVID-19

CDC: www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/steps-when-sick.html

MDH: www.health.state.mn.us/diseases/coronavirus/basics.html

MDH: www.health.state.mn.us/diseases/coronavirus/facilityhlthscreen.pdf

MDH: www.health.state.mn.us/diseases/coronavirus/returntowork.pdf

State of Minnesota - <https://mn.gov/covid19/for-minnesotans/if-sick/get-tested/index.jsp>

Training

CDC: www.cdc.gov/coronavirus/2019-ncov/community/guidance-small-business.html

Federal OSHA: www.osha.gov/Publications/OSHA3990.pdf

MDH: www.health.state.mn.us/diseases/coronavirus/about.pdf



Worker protections related to COVID-19

Employees are protected by a number of state and federal laws. These protections and employers' legal obligations are discussed in more detail below. Further updates and guidance for Minnesotans about COVID-19 are available at www.mn.gov/covid19.

Use of sick leave

If your employer allows you to take time off for your own illness, your employer must also allow you to take time off to care for an ill minor child, adult child, spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent or stepparent. Your employer must allow you to use your sick time in the same manner as the employer would allow you to use the leave for yourself. Under current law, this provision may not apply to all employees and all employers.

Contact the Minnesota Department of Labor and Industry (DLI) at 651-284-5075, 800-342-5354 or dli.laborstandards@state.mn.us with questions.

The cities of Duluth, Minneapolis and St. Paul have sick and safe time ordinances that require employers to offer paid time off when employees are sick:

- [Duluth sick and safe time leave](#);
- [Minneapolis sick and safe time leave](#); and
- [St. Paul sick and safe time leave](#).

Family Medical Leave Act (FMLA)

Under the federal FMLA, covered employers must provide employees job-protected, unpaid leave for specified family and medical reasons, which may include COVID-19 where complications arise. Employees on FMLA leave are entitled to the continuation of group health insurance coverage under the same terms as existed before they took FMLA leave.

Call the U.S. Department of Labor (DOL), Wage and Hour Division, at 866-487-9243 with questions or see U.S. DOL [COVID-19 FMLA guidance](#).

Federal Families First Coronavirus Response Act (FFCRA)

The FFCRA requires certain employers to provide employees with expanded family and medical leave for specified reasons related to COVID-19. The expanded family and medical leave provisions of FFCRA apply to certain public employers and to private employers with fewer than 500 employees. Small businesses with fewer than 50

employees may qualify for exemption from the requirement to provide leave due to school closings or child care unavailability if the leave requirements would jeopardize the viability of the business as a going concern. Also, health care providers and emergency responders can be excluded.

Generally, FFCRA provides that employees of covered employers are eligible for:

- two weeks (up to 80 hours) of paid leave at the employee’s regular rate of pay (up to \$511 a day and \$5,110 in the aggregate), where the employee is unable to work because the employee is quarantined (pursuant to federal, state or local government order or advice of a health care provider) and/or experiencing COVID-19 symptoms and seeking a medical diagnosis; or
- two weeks (up to 80 hours) of paid leave at two-thirds the employee’s regular rate of pay (up to \$200 a day and \$2,000 in the aggregate), where the employee is unable to work because of a bona fide need to care for an individual subject to quarantine (pursuant to federal, state or local government order or advice of a health care provider) or to care for a child (under 18 years of age) whose school or child care provider is closed or unavailable for reasons related to COVID-19; and
- up to an additional 10 weeks of expanded family and medical leave at two-thirds the employee’s regular rate of pay (up to \$200 a day and \$10,000 in the aggregate), where an employee, who has been employed for at least 30 calendar days, is unable to work due to a bona fide need for leave to care for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19.

Call the U.S. Department of Labor, Wage and Hour Division, at 866-487-9243 with questions or visit www.dol.gov/agencies/whd/pandemic/ffcra-employee-paid-leave#_ftn3.

Employers cannot discriminate

Workers have the right to request reasonable accommodations

Individuals with disabilities have the right to request “reasonable accommodations” from employers that are subject to the Americans with Disabilities Act and/or the Minnesota Human Rights Act. If you have a disability that affects your risk for contracting COVID-19 or being harmed if you do contract the virus, you have the right to request a reasonable accommodation from your employer. Examples of reasonable accommodations include:

- teleworking;
- paid, sick, unpaid leave;
- staggered work schedules; and
- changing workstations to practice social distancing.

When requesting a reasonable accommodation, describe the nature of the accommodation requested and how it will assist you in performing the essential functions of your job.

Reminders for employers

Employers may ask employees if they are experiencing influenza-like symptoms, such as a fever, chills, a cough or a sore throat. Employers must maintain all information about employee illness as a confidential medical record in compliance with state and federal law.

During a pandemic, employers may not ask employees who do not have known or apparent influenza symptoms whether they have a medical condition the Centers for Disease Control and Prevention (CDC) says could make them vulnerable to influenza complications. Under no circumstances may an employer make decisions based on stereotypes or bias.

If employees voluntarily disclose to their employer that they have a medical condition or a disability that places them at higher risk of COVID-19 complications, the employer must keep this information confidential.

Employers may not assume employees with known medical conditions or disabilities are at heightened risk of complications from COVID-19. For more information about pandemic preparedness in the workplace and relevant legal requirement for employers, visit

www.eeoc.gov/eeoc/newsroom/wysk/wysk_ada_rehabilitation_act_coronavirus.cfm.

Contact Minnesota's Discrimination Helpline if your employer denied you a reasonable accommodation by calling 833-454-0148 or [submitting this online form](#). Translation and interpretation services are available.

Workers cannot be fired or denied the opportunity to be rehired for applying for unemployment insurance

Employers also may not discriminate against employees because they have applied for or received unemployment insurance (UI) benefits. Under the Minnesota Human Rights Act, it is unlawful for an employer to terminate or otherwise change the terms and conditions of an employee's work because that employee applied for or received UI or any other type of public assistance.

Contact Minnesota's Discrimination Helpline if your employer fired or refused to rehire you because you filed for unemployment insurance during COVID-19 by calling 833-454-0148 or [submitting this online form](#). Translation and interpretation services are available.

UI benefits

If you lose your job or had your hours greatly reduced, you should apply for UI benefits. The application process allows you to tell the UI program why you are not working. To get more information about UI or to apply for benefits, visit www.uimn.org.

Gov. Tim Walz issued a March 16, 2020, executive order to better enable workers affected by the COVID-19 pandemic to access UI benefits. For more information about this executive order and some frequently asked questions and answers, visit www.uimn.org/applicants/needtoknow/news-updates/covid-19.jsp.

Protections for workers who contract or have been exposed to COVID-19

Under a state health law, if you have contracted or been exposed to COVID-19 and the Minnesota Department of Health (MDH) recommends you stay home (isolate or quarantine yourself), your employer may not discharge, discipline or penalize you for missing work. This protection also applies if you need to care for a minor or adult family member for whom MDH recommends isolation or quarantine. (The adult family member must have a

disability or be a vulnerable adult.) This employment protection is available for 21 workdays. For more information, call the number MDH will give you with its recommendation.

Workers' compensation

If you contract a disease that arises out of and in the course of your employment, you may be entitled to workers' compensation benefits, including payment for wage loss and medical benefits. However, you must show you contracted the disease due to your employment.

If an emergency responder contracts an infectious or communicable disease they are exposed to in the course of employment outside of a hospital, the disease is presumed to be an occupational disease due to the nature of their employment.

If you are not ill, but must stay home from work because you were exposed to the virus, you are not entitled to workers' compensation benefits under current law.

A new law was enacted effective April 8, 2020, that states certain employees are presumed to have an occupational disease covered by workers' compensation. For a summary of the new law and FAQs, visit www.dli.mn.gov/updates.

Every case is fact specific. Call DLI at 800-342-5354 (press 3) if you have a question about whether you are entitled to workers' compensation benefits.

Final wages

If your employment ends and your former employer has not paid you your final wages, there are several steps you can take to ensure you are paid all the wages you are due. To learn what steps you can take to receive your final wages, visit DLI's [Making a demand for final wages webpage](#).

Changes to working conditions

Overtime mandates

If employers schedule and require employees to work overtime hours, they must pay any overtime that is earned under either state or federal law. State law provides one exception to required overtime for nurses.

Other employees may be covered by collective bargaining agreements that contain provisions allowing employees to opt out of overtime hours.

Work location changes

Employers are required to track, record and pay for all hours of work performed by employees and may, in certain circumstances, be required to reimburse employees for work-related expenses. These expenses may not be required to be reimbursed until the end of employment.

Hours worked; hours paid

Salaried exempt workers

Under limited situations when a business decides to cut business hours, the employer can reduce the salary of an exempt worker. If a salaried exempt worker misses a full day of work for reasons other than the employer stating that no work is available, the employer may deduct a proportional amount of their salary. This deduction can only be made if the employee does not complete any work activities during that day. The employer cannot deduct from a salaried exempt employee's weekly salary if the reason for an absence is that there was no work available, unless there is no work available for the entire workweek.

Volunteering

Unpaid volunteer work may be performed for nonprofit organizations or government agencies. For-profit employers are required to pay the minimum wage and overtime, among other labor standards requirements, for those completing work activities.

Workplace safety and health

To get information about workplace safety or health related to COVID-19, visit www.dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-novel-coronavirus-covid-19.

Reporting health and safety concerns at work

Your employer may not retaliate against you for reporting health and safety concerns at work. If you believe your employer retaliated against you, you may file a complaint with Minnesota OSHA (MNOSHA) Compliance within 30 days of the adverse employment action.

Refusal to work

You have the right to refuse to work under conditions that you, in good faith, reasonably believe present an imminent danger of death or serious physical harm to you. Serious physical harm may include a work illness that results in permanent disability, temporary total disability or medical treatment.

A reasonable belief of imminent danger of death or serious physical harm includes a reasonable belief of the employee that the employee has been assigned to work in an unsafe or unhealthful manner with an infectious agent. Coronavirus is considered to be an infectious agent.

Your employer may not fire you or otherwise discriminate against you for your good faith refusal to perform assigned tasks if you have asked your employer to correct the hazardous conditions but they remain uncorrected. If you have refused in good faith to perform assigned tasks, and your employer does not reassign you to other work, you may contact MNOSHA Compliance to request assistance. MNOSHA Compliance will contact your employer to try to resolve your concern. If MNOSHA Compliance determines you would have been placed in imminent danger of death or serious physical harm by performing the work, then you are entitled to receive pay for the work you would have performed.

Contact MNOSHA Compliance at osha.compliance@state.mn.us, 651-284-5050 or 877-470-6742 with questions.

COMFORT LAKE-FOREST LAKE WATERSHED DISTRICT TEMPORARY POLICIES IN RESPONSE TO COVID-19 PANDEMIC

Effective 3/26/2020

Comfort Lake-Forest Lake Watershed District (CLFLWD) values the health and safety of its employees and members of the community. In response to the COVID-19 pandemic, the District Administrator has approved the following temporary policies to be implemented effective immediately, and until withdrawn by written action of the Administrator. These policies are intended to give effect to, and will be read consistent with, the “Board Position on District Operations During the COVID-19 Pandemic” (March 26, 2020).

Employee Travel

- All non-essential employee business-related travel is prohibited, local or otherwise. Employees should contact the District Administrator if they have questions about traveling for business purposes.
- Internal District staff meetings and other work-related interactions between staff and third parties are to be conducted virtually.
- Essential field duties, as directed by the District Administrator, shall continue as necessary. Frequency may be reduced.
- Employees who are planning to travel for personal reasons, or have recently returned from a trip, should notify the District Administrator immediately.

Employee or Household Illness

- Employees who appear to have respiratory illness symptoms (e.g., cough, shortness of breath) upon arrival to work or become sick during the day will be sent home immediately.
- If an employee or a person in the employee’s household or under the care of an employee is sick, the employee should stay home until the employee’s household is symptom free for at least 72 hours. If an employee needs to stay home sick, they should notify the District Administrator as soon as practically possible. Visit www.cdc.gov for more guidance and discontinuing home isolation.

Exposure in the Workplace

- If an employee or someone an employee has come in contact with tests positive for COVID-19, they should notify the District Administrator immediately and follow the latest Center for Disease Control guidance for quarantine.
- If the District learns of a possible exposure to COVID-19 at work, all affected employees will be notified.
 - The District will protect the privacy of employees, in accordance with the Americans with Disabilities Act and other applicable laws and requirements.

Flexible Work Arrangements

- All employees will continue to be paid at their normal rate of pay, including benefits.

- All employees will work remotely, unless essential field duties or office visits are required.
- All employees will check with the District Administrator to confirm remote work setup requirements, as dictated in the District’s Teleworking policy which is hereby incorporated as Attachment A.
- Employees may be called in to work as situations change/evolve.
 - This means that all employees should be reachable and available to work during their regular work hours. If an employee has a pre-approved vacation the employee must use paid time off (PTO) for that time, unless the vacation is canceled. Employees should notify the District Administrator if they intend to cancel their vacation.
 - Employees must notify all staff if and when they will be in the office. Employees are encouraged to update their shared Outlook calendars with in-office times as well.
 - The District requires all staff to practice good hygiene and use District-provided cleaning wipes to wipe down door handles, desks, and other materials.

Sick Leave

- If an employee is unable to work because they are sick, are caring for a family member who is sick, or is directed by a medical or public official to quarantine due to exposure to COVID-19, the employee shall use PTO until they are able resume work.
- If an employee may exhaust accrued PTO hours, they should contact the District Administrator at the earliest occasion for approval of advance use of PTO hours not yet accrued. An advance of up to an amount of 80 hours may be granted. If an employee terminates employment with the District prior to reducing the advanced PTO to zero, those hours will be deducted from the employee’s last payroll amount.
- Aside from the allowance to use an advance of PTO hours, as described above, all other PTO policies and rules from the Employee Manual, herein incorporated as Attachment B, will apply.

District Administrator Responsibilities

The District Administrator is responsible for ongoing and regular communication with employees (both working and non-working) including messages from the Board of Managers. The District Administrator may require employees to submit regular status reports outlining work accomplished during this period.

ATTACHMENT A

TELEWORKING POLICY

SECTION VI. TELEWORKING

Introduction

Teleworking, or telecommuting, is the concept of working from home or another location on a full- or part-time basis. Teleworking is not a formal, universal employee benefit. Rather, it is an alternative method of meeting the needs of the District. The District Administrator has the right to refuse to avail teleworking to an employee and to terminate a teleworking arrangement at any time. Employees are not required to telework under normal circumstances, but the Administrator may require that employees do so in emergency situations. Unless circumstances require telework, employees have the right to refuse to telework if the option is made available.

Compensation and Work Hours

The employee's compensation, benefits, work status and work responsibilities will not change due to participation in the teleworking program. The amount of time the employee is expected to work per day or pay period will not change as a result of participation in the teleworking program. The employee will keep regular work hours.

Eligibility

Successful teleworkers have the support of their supervisors. Employees will be selected based on the suitability of their jobs, an evaluation of the likelihood of their being successful teleworkers, and an evaluation of their supervisor's ability to manage remote workers.

Before an employee engages in teleworking, both the employee and manager will complete a training course designed to prepare them for the teleworking experience. All teleworkers must sign an agreement. Temporary telework, especially that which is the result of extenuating circumstances, is exempt from these requirements.

Equipment/Tools

The District may provide specific tools/equipment for the employee to perform his/her current duties. This may include computer hardware, computer software, phone lines, email, voice-mail, connectivity to host applications, and other applicable equipment as deemed necessary.

The use of equipment, software, data supplies and furniture when provided by the District for use at the remote work location is limited to authorized persons and for purposes relating to District business. The District will provide for repairs to District equipment. When the employee uses her/his own equipment, the employee is responsible for maintenance and repair of equipment.

A loaner laptop may be provided when available. Loaner computers will vary in performance and configuration. Loaners must be returned upon request.

Workspace

The employee shall designate a workspace within the remote work location for placement and installation of equipment to be used while teleworking. The employee shall maintain this workspace in a safe condition, free from hazards and other dangers to the employee and equipment. The District must approve the site chosen as the employee's remote workspace. Employee is expected to submit three photos of the home workspace to management prior to implementation.

Any District materials taken home should be kept in the designated work area at home and not be made accessible to others. All employee duties to protect non-public or other District data will continue to apply in the remote work environment.

The District has the right to make on-site visits (with 48 hours advance notice) to the remote work location for purposes of determining that the site is safe and free from hazards, and to maintain, repair, inspect, or retrieve District-owned equipment, software, data or supplies.

Office Supplies

Office supplies will be provided by the District as needed. Out-of-pocket expenses for other supplies will not be reimbursed unless by prior approval of the employee's manager.

Worker's Compensation

During work hours and while performing work functions in the designated work area of the home, teleworkers are covered by worker's compensation.

Liability

The employee's home workspace will be considered an extension of the District's workspace. Therefore, the District will continue to be liable for job-related accidents that occur in the employee's home workspace during the employee's working hours.

The District will be liable for the employee's injury or illness that occurs during the employee's agreed-upon work hours to the same extent as if the employee were working on District premises. The employee's at-home work hours will conform to a schedule agreed upon by the employee and his or her supervisor. If such a schedule has not been agreed upon, the employee's work hours will be assumed to be the same as before the employee began teleworking.

The District assumes no liability for injuries occurring in the employee's home workspace outside the agreed-upon work hours or outside of the employee's employment scope.

The District is not liable for loss, destruction, or injury that may occur in or to the employee's home except as explicitly stated above. This includes injury or loss to family members, visitors, or others within or around the employee's home.

Dependent Care

Teleworking is not a substitute for dependent care. Teleworkers will not be available during District core hours to provide dependent care.

Income Tax

It will be the employee's responsibility to determine any income tax implications of maintaining a home office area. The District will not provide tax guidance nor will the District assume any additional tax liabilities. Employees are encouraged to consult with a qualified tax professional to discuss income tax implications.

Communication

Employees must be available by phone and email during core hours. All client interactions will be conducted on a client or District site, except as applicable District policy provides otherwise. Telecommuting employees will still be available for staff meetings, and other meetings deemed necessary by management.

The District will pay work-related voice and data communication charges.

Evaluation

The employee shall agree to participate in all studies, inquiries, reports and analyses relating to this program. The employee remains obligated to comply with all District rules, practices and instructions.

ATTACHMENT B

PAID TIME OFF POLICY

PAID TIME OFF (PTO)

The District has designed a program to provide time away from work with pay for full-time employees and part-time employees who work on average of 30 or more hours per week. Employees can use this paid time off plan in a number of different ways:

- As vacation
- For personal business
- For funeral leave
- For brief period(s) of illness for the employee or his/her children
- For doctor or dental appointments

The language in this Employee Policy Manual is not intended to nor does it create a contract between the District and any employee. 19

- To supplement military reserve pay

Eligibility

Full-time and part-time (work an average of 30 or more hours a week) employees begin building paid time off on the first day of the pay period following their date of hire, except if their employment date is the first working day of the pay period, in which case they begin accruing immediately. PTO must be pre-approved by the District Administrator.

Employees will be eligible to use paid time off at the beginning of the month following the completion of six months of employment, unless approved by the Administrator. In the case of a new employee who experiences a significant need during the first six months of employment, paid time off may be advanced from the account.

Part-time employees who work an average of 30 hours per week will accrue their paid time off on a prorated basis.

Part-time employees who accept full-time employment will have prior service credited on a prorated basis for determination of the paid time off accrual rate at the time of full-time employment

Time Accrual Schedule

The time accrual schedule is located in Addendum A.

PTO is accrued on a per-pay period basis and may be used following the pay period in which it was earned. Accrued paid time off will be carried forward into the next calendar year, subject to the maximum stated in Addendum B. Any unused paid time off in excess of the stated maximum will be forfeited unless approved in advance by the District Administrator.

If an employee is laid off or absent due to illness or injury, he or she will accrue PTO on a pro-rated basis for any time worked in the last pay period worked.

If an employee terminates employment before the last day of the pay period, he or she receives credit on a pro-rated basis for that pay period.

Paid time off does not accrue during the time an employee is using unpaid family and/or medical leave.

The District reserves the right to request a doctor's note to support an absence for illness.

Use of Paid Time Off

The language in this Employee Policy Manual is not intended to nor does it create a contract between the District and any employee. 20

Employees are encouraged to use paid time off and to use it wisely and keep a reserve of accrued time to use for unexpected events.

Employees must first have prior approval from the District Administrator if they plan to use paid time off, except in the case of illness.

The District Administrator will give consideration to the amount of work at that particular time and the number of employees who will be out of the District at that time. There may be times when an employee will not be able to use a paid time off day as requested.

In the case of PTO used for illness, the employee must call or email the District Administrator prior to the start of the workday to inform of the absence.

How Paid Time Off Is Paid

Employees on a medical leave of absence are required to use some or all of their paid time off days during their leave of absence, pursuant to the applicable leave policy.

If an employee terminates or is terminated after six months of employment, the accrued paid time off value will be paid to the employee. Paid time off days may not be used by the employee in lieu of notice of termination.

If an employee dies, the spouse or survivors will receive payment of the paid time off account value.

If an employee reaches the maximum days carried forward, they must use their additional accrued time off before January 1st, or it will be forfeited unless approved in advance by the Administrator.

A new employee, upon starting employment with the District, may be given credit for prior equivalent work experience in determining the accrual rate initially used for that employee. The extent of any credit for work experience shall be determined by the District Administrator. The District Administrator has the discretion to authorize time to be used prior to it being fully earned/accrued under special circumstances.

STATE OF MINNESOTA

Executive Department



Governor Tim Walz

Emergency Executive Order 20-74

Continuing to Safely Reopen Minnesota's Economy and Ensure Safe Non-Work Activities during the COVID-19 Peacetime Emergency

I, Tim Walz, Governor of the State of Minnesota, by the authority vested in me by the Constitution and applicable statutes, issue the following Executive Order:

The COVID-19 pandemic continues to present an unprecedented and rapidly evolving challenge to our State. Since the World Health Organization characterized the COVID-19 outbreak as a pandemic on March 11, 2020, confirmed cases of COVID-19 in Minnesota have rapidly increased. On March 15, 2020, Minnesota detected the first confirmed cases caused by “community spread”—infections not epidemiologically linked to overseas travel. By March 17, 2020, all fifty states had reported a confirmed case of COVID-19, and on March 21, 2020, the Minnesota Department of Health (“MDH”) announced the first confirmed fatality due to COVID-19 in Minnesota.

The President declared a national emergency related to COVID-19 on March 13, 2020. Since then, and for the first time in history, the President has approved major disaster declarations for all fifty states and the District of Columbia. In concert with these federal actions and the actions of states across the nation, Minnesota has taken proactive steps to ensure that we remain ahead of the curve. On March 13, 2020, I issued Executive Order 20-01 and declared a peacetime emergency because this pandemic, an act of nature, endangers the lives of Minnesotans, and local resources were—and continue to be—inadequate to address the threat. After notifying the Legislature, on April 13, 2020 and again on May 13, 2020, I issued Executive Orders extending the peacetime emergency declared in Executive Order 20-01.

The need to slow the spread of the virus required the closure of certain non-critical businesses in our economy. Although Minnesota's April unemployment rate was the second lowest in the country, over 700,000 Minnesotans have applied for unemployment insurance since March 16, 2020. In Executive Order 20-33, seeking to balance public health needs and economic considerations, we began planning to allow more Minnesota workers to safely return to work. We drafted guidelines and requirements for appropriate social distancing, hygiene, and public health best practices. Executive Order 20-38 expanded exemptions for outdoor recreational activities and facilities, and Executive Orders 20-40, 20-48, 20-56, and 20-63 allowed for the

gradual reopening of certain non-critical businesses that planned for and provided safe workplaces.

Our increased preparedness to treat those most vulnerable to COVID-19 allows us to continue slowly and safely reopening our economy in accordance with guidance from MDH, the Department of Employment and Economic Development (“DEED”), and the Department of Labor and Industry (“DLI”). Businesses reentering the economy must ensure compliance with the Minnesota Occupational Safety and Health Act of 1973, Minnesota Statutes 2019, Chapter 182 (“Minnesota OSHA Standards”), in addition to guidelines related to COVID-19 set forth by MDH and the Centers for Disease Control and Prevention (“MDH and CDC Guidelines”).

Despite the progress we have made since declaring the COVID-19 peacetime emergency, certain establishments—including those in which people gather and linger, those with communal facilities, and those in which close physical contact is expected—continue to pose a public health risk. We continue to carefully consider and provide opportunities for such businesses to scale up their operations.

Likewise, certain non-work activities outside of the home are conducive to social distancing and hygiene, while others raise significant public health risks. Indoor activities pose higher risks than outdoor activities. Activities resulting in increased respiration rates pose higher risk than sedentary activities. Unpredictable settings are riskier than more predictable settings. Large social gatherings for extended time periods increase the risk of transmission between households. But the risks of transmission are diminished in transitory settings, such as retail establishments, where individual interactions and contact are more limited in duration.

In Minnesota Statutes 2019, section 12.02, the Minnesota Legislature conferred upon the Governor emergency powers to “(1) ensure that preparations of this state will be adequate to deal with disasters, (2) generally protect the public peace, health, and safety, and (3) preserve the lives and property of the people of the state.” Pursuant to Minnesota Statutes 2019, section 12.21, subdivision 1, the Governor has general authority to control the state’s emergency management as well as carry out the provisions of Minnesota’s Emergency Management Act.

Minnesota Statutes 2019, section 12.21, subdivision 3(7), authorizes the Governor to cooperate with federal and state agencies in “matters pertaining to the emergency management of the state and nation.” This includes “the direction or control of . . . the conduct of persons in the state, including entrance or exit from any stricken or threatened public place, occupancy of facilities, and . . . public meetings or gatherings.” Pursuant to subdivision 3 of that same section, the Governor may “make, amend, and rescind the necessary orders and rules to carry out the provisions” of Minnesota Statutes 2019, Chapter 12. When approved by the Executive Council and filed in the Office of the Secretary of State, such orders and rules have the force and effect of law during the peacetime emergency. Any inconsistent rules or ordinances of any agency or political subdivision of the state are suspended during the pendency of the emergency

For these reasons, I order as follows:

1. Executive Order 20-63 is rescinded as of Tuesday, June 9, 2020 at 11:59 pm.

2. Paragraphs 6 through 8 of this Executive Order are effective as of Tuesday, June 9, 2020 at 11:59 pm.
3. **Masks and face coverings strongly encouraged.** I strongly encourage all Minnesotans to wear a manufactured or homemade cloth face covering when they leave their homes and travel to any public setting where social distancing measures are difficult to maintain (*e.g.*, grocery stores and pharmacies) and to follow face covering guidelines issued by MDH and the CDC until this Executive Order is rescinded. As set forth below, Minnesotans may be required to wear cloth face coverings in certain settings. Such face masks and coverings are for source control (to help limit the person wearing the covering from infecting others). They are not yet known to be protective of the wearer and therefore are not personal protective equipment.
4. **At-risk persons.** All persons currently living within the State of Minnesota who are at risk of severe illness from COVID-19, as defined by Executive Order 20-55, are strongly urged to stay at home or in their place of residence and follow the provisions of Executive Order 20-55.
5. **Definitions.**
 - a. “Home,” “homes,” “residence,” and “residences” are broadly defined to include mobile homes, hotels, motels, shared rental units, shelters, and similar facilities, to the extent they are used for lodging.
 - b. “Worker” and “workers” are broadly defined to include owners, proprietors, employees, contractors, vendors, volunteers, and interns.
 - c. “Business” and “businesses” are broadly defined to include entities that employ or engage workers, including private-sector entities, public-sector entities, non-profit entities, and state, county, and local governments.
 - d. “Critical Businesses” are all businesses whose workers qualified for a Critical Sector exemption under paragraph 6 of Executive Order 20-48.
 - e. “Non-Critical Businesses” are all businesses that are not Critical Businesses or Places of Public Accommodation.
 - f. “Place of Public Accommodation” means a business, or an educational, refreshment, entertainment, recreation facility, or an institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public. Places of Public Accommodation include, but are not limited to, the businesses identified in paragraph 7.c of this Executive Order.
 - g. “Establishments Providing Personal Care Services” are broadly defined to include tanning establishments, body art establishments, tattoo parlors,

piercing parlors, businesses offering massage therapy or similar body work, spas, salons, nail salons, cosmetology salons, esthetician salons, advanced practice esthetician salons, eyelash salons, and barber shops. This includes, but is not limited to, all salons and shops licensed by the Minnesota Board of Cosmetologist Examiners and the Minnesota Board of Barber Examiners.

6. **Activities outside of the home.** Mindful that we must continue to limit social interactions to protect public health, individuals may leave their homes for activities, subject to the requirements and guidelines set forth below. These requirements may be clarified, as deemed necessary by the Governor, to ensure the health, safety, and security of all Minnesotans. Clarifications will be available for public review at the State’s COVID-19 website (<https://mn.gov/covid19/>).
 - a. **Guidelines.** Individuals engaging in activities outside of the home must follow the requirements of this Executive Order and MDH and CDC Guidelines. Individuals engaging in outdoor recreational activities must follow the Minnesota Department of Natural Resources (“DNR”) and MDH guidelines on outdoor recreation for facilities and the public (“Outdoor Recreation Guidelines”) available at the Stay Safe Minnesota website (<https://staysafe.mn.gov>).
 - b. **Unnecessary travel strongly discouraged.** Consistent with federal guidance and to protect our neighbors, Minnesotans are encouraged to stay close to home and are strongly discouraged from engaging in unnecessary travel.
 - c. **Social gatherings.** All indoor social gatherings of more than 10 people and all outdoor social gatherings of more than 25 people are prohibited, except as set forth below. Social gatherings are groups of individuals, who are not members of the same household, congregated together for a common or coordinated social, community, or leisure purpose—even if social distancing can be maintained. This prohibition includes planned and spontaneous gatherings as well as public and private gatherings. Prohibited gatherings do not include commercial activity by workers and customers of Critical and Non-Critical Businesses and Places of Public Accommodation.
 - i. **Legislative and other governmental meetings.** The limits on gatherings in this Executive Order do not apply to legislative and other governmental meetings. Remote meetings are strongly encouraged whenever possible as permitted by state or local authority.
 - ii. **The Judicial Branch.** The limits on gatherings in this Executive Order do not apply to proceedings held by the Minnesota Judicial Branch. Proceedings held by the Judicial Branch are subject to the policies established by the chief justice and will occur as directed by court order. Individuals may appear as directed by a Minnesota state court, including to serve as a juror, appear as a party, as a witness, or

as legal counsel on behalf of a party, or otherwise to comply as directed by a court order, subpoena, or summons.

- iii. **Federal activities.** Nothing in this Executive Order will be construed to limit, prohibit, or restrict in any way the operations of the federal government or the movement of federal officials in Minnesota while acting in their official capacity, including federal judicial, legislative, and executive staff and personnel.
- iv. **Drive-in gatherings.** To enable safe congregation of people, drive-in gatherings are permitted, provided that all participants remain within their own vehicles and follow the applicable guidance available at the Stay Safe Minnesota website (<https://staysafe.mn.gov>).
- v. **Weddings, funerals, and services.** Places of worship, funeral homes, and other venues that offer gathering space for weddings, funerals, or planned services such as worship, rituals, prayer meetings, or scripture studies, may host such weddings, funerals, or services exceeding the limits set forth above, provided that they adhere to the following requirements:
 - A. In all settings, ensure a minimum of 6 feet of physical distancing between households.
 - B. In indoor settings, occupancy must not exceed 50 percent of the normal occupant capacity as determined by the fire marshal, with a maximum of 250 people in a single self-contained space.
 - C. In outdoor settings, gatherings must not exceed 250 individuals.
 - D. Develop and implement a COVID-19 Preparedness Plan in accordance with applicable guidance available at the Stay Safe Minnesota website (<https://staysafe.mn.gov>).

d. Tribal Activities and Lands.

- i. Activities by tribal members within the boundaries of their tribal reservations are exempt from the restrictions in this Executive Order but may be subject to restrictions by tribal authorities.
- ii. Activities within the boundaries of federal land held in trust for one of the 11 Minnesota Tribal Nations are exempt from the restrictions in this Executive Order but may be subject to restrictions by tribal authorities.

- iii. Activities by tribal members to exercise their federal treaty rights within the boundaries of their treaty territory (also known as “ceded territory”) are exempt from the restrictions in this Executive Order but may be subject to restrictions by applicable tribal authorities.
 - iv. Tribal members may travel to and from their tribal reservations in accordance with applicable tribal law.
7. **Workers and businesses.** Workers and businesses are subject to the requirements set forth below. These requirements may be clarified, as deemed necessary by the Governor, to ensure the health, safety, and security of all Minnesotans. Clarifications will be available for public review at the State’s COVID-19 website (<https://mn.gov/covid19/>).
- a. **Continue to work from home whenever possible.** Any worker who can work from home must do so.
 - b. **Safe work.** The protections noted in Executive Order 20-54 (Protecting Workers from Unsafe Working Conditions and Retaliation) remain in full force and effect. All work must be conducted in a manner that adheres to Minnesota OSHA Standards and MDH and CDC Guidelines, including social distancing and hygiene practices. Under existing law and authority, DLI may issue citations, civil penalties, or closure orders to places of employment with unsafe or unhealthy conditions, and DLI may penalize businesses that retaliate against employees who raise safety and health concerns.
 - c. **Places of Public Accommodation.** Places of Public Accommodation are subject to the following requirements and limitations:
 - i. **All Places of Public Accommodation remaining open or opening under this Executive Order must adhere to the requirements set forth in paragraph 7.e of this order,** including development and implementation of a COVID-19 Preparedness Plan in accordance with applicable guidance available at the Stay Safe Minnesota website (<https://staysafe.mn.gov>).
 - ii. For the purposes of this Executive Order, the following establishments and facilities are not Places of Public Accommodation:
 - A. Establishments and facilities that offer food and beverage not for on-premises consumption, including grocery stores, markets, convenience stores, pharmacies, drug stores, and food pantries, other than those portions of the Place of Public Accommodation otherwise subject to the requirements of this paragraph 7.c.

- B. Health care facilities, child care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities.
 - C. Crisis shelters, soup kitchens, or similar institutions.
 - D. Restaurants and food courts inside the secured zones of airports.
- iii. Places of Public Accommodation, which would otherwise be subject to the restrictions in this Executive Order, may be exempted from such restrictions if they have been repurposed to exclusively provide services permitted under paragraph 7.c.ii.
 - iv. Places of Public Accommodation subject to this Executive Order are encouraged to offer food and beverage using delivery service, window service, walk-up service, drive-through service, or drive-up service, and to use precautions in doing so to mitigate the potential transmission of COVID-19, including social distancing.
 - v. Barbershops, salons, and other Establishments Providing Personal Care Services may be open. Occupancy must not exceed 50 percent of the normal occupant capacity as determined by the fire marshal, with a maximum of 250 people in a single self-contained space. Workers, customers, and clients must follow face-covering requirements as set forth in the applicable guidance available at the Stay Safe Minnesota website (<https://staysafe.mn.gov>).
 - vi. Restaurants, food courts, cafes, coffeehouses, bars, taverns, brewer taprooms, micro distiller cocktail rooms, farm wineries, craft wineries, cideries, golf courses and clubs, dining clubs tobacco product shops, and other Places of Public Accommodation offering food, beverages (including alcoholic beverages), or tobacco products for on-premises consumption, may provide indoor and outdoor service, provided that they adhere to the following requirements:
 - A. Occupancy of any indoor space must not exceed 50 percent of the normal occupant capacity as determined by the fire marshal, with a maximum of 250 people in a single self-contained space.
 - B. Occupancy of any outdoor space must ensure that the number of customers at any one time is limited to the number for whom physical distancing of 6 feet can be maintained between tables, not to exceed 250 people.

- C. Workers and customers must follow face-covering requirements as set forth in the applicable guidance available at the Stay Safe Minnesota website (<https://staysafe.mn.gov>).
 - D. All establishments must follow applicable state and local laws and regulations. Local governments are encouraged to work collaboratively with establishments to allow for outdoor service.
 - E. The capacity limitation on indoor activity extends to the sale and play of lawful games as provided under Minnesota Statutes 2019, section 349.12. This does not include outdoor and on-premises sale and play.
 - F. Pursuant to Minnesota Statutes 2019, section 349.12, subdivision 3a, veterans or fraternal organizations may lend gambling funds to their general fund accounts for up to one year to pay for allowable expenses necessary to reopen such organizations' permitted premises as set forth in the guidance available at the Gambling Control Board's website (<https://mn.gov/gcb/>).
- vii. Indoor and outdoor pools may open to the general public only in accordance with industry guidance available on the Stay Safe Minnesota website (<https://staysafe.mn.gov>).
 - viii. Gymnasiums, fitness centers, recreation centers, indoor and outdoor sports facilities, indoor climbing facilities, trampoline parks indoor and outdoor exercise facilities, and exercise studios may open to the general public only in accordance with industry guidance available on the Stay Safe Minnesota website (<https://staysafe.mn.gov>).
 - ix. Venues providing indoor events, entertainment, or recreation such as theaters, cinemas, concert halls, museums, performance venues, stadiums, arcades, and bowling alleys may open to the general public only in accordance with industry guidance available on the Stay Safe Minnesota website (<https://staysafe.mn.gov>).
 - x. Venues (including racetracks) providing outdoor events, entertainment, or recreation, paintball, go-karts, mini-golf, and amusement parks may open to the general public only in accordance with industry guidance available on the Stay Safe Minnesota website (<https://staysafe.mn.gov>).
- d. **Critical Businesses.** Businesses whose workers qualified for a Critical Sector exemption under paragraph 6 of Executive Order 20-48 may continue to operate in the same manner as provided in Executive Order 20-48.

- i. Beginning on June 29, 2020, all Critical Businesses must have developed and implemented a COVID-19 Preparedness Plan as set forth in paragraph 7.e of this Executive Order and in accordance with the industry guidance currently posted to the Stay Safe Minnesota website (<https://staysafe.mn.gov>) and any additional applicable industry guidance that will be posted to the Stay Safe Minnesota website (<https://staysafe.mn.gov>) on or before June 15, 2020 as provided in paragraph 7.d.ii of this Executive Order.
 - ii. In consultation with relevant agencies, the Commissioners of Health, Employment and Economic Development, and Labor and Industry are directed to prepare and publish additional industry guidance for Critical Businesses, as necessary, no later than June 15, 2020. All such guidance will be posted to the Stay Safe Minnesota website (<https://staysafe.mn.gov>).
 - iii. For state licensed or state certified Critical Businesses that are operating under and adhering to existing policies and procedures or requirements related to health and safety, including requirements to establish and implement COVID-19 Preparedness Plans, state agencies are directed to develop guidance and template addendum plans that address unique risks and hazards of COVID-19 for their operations. Relevant agencies must publish such guidance no later than June 15, 2020. All such guidance will be posted to the Stay Safe Minnesota website (<https://staysafe.mn.gov>).
- e. **Non-Critical Businesses.** If it has not done so already, a Non-Critical Business choosing to open or remain open must establish and implement a COVID-19 Preparedness Plan (“Plan”). Each Plan must provide for the business’s implementation of guidance for their specific industry or, if there is no specific guidance, general guidance for all businesses, as well as Minnesota OSHA Standards and MDH and CDC Guidelines in their workplaces. These requirements are set forth in guidance (“Plan Guidance”) available on the Stay Safe Minnesota website (<https://staysafe.mn.gov>).
- i. **Required Plan content.** As set forth in the Plan Guidance, at a minimum, each Plan must adequately address the following areas:
 - A. **Require work from home whenever possible.** All Plans must ensure that all workers who can work from home continue to do so.
 - B. **Ensure that sick workers stay home.** All Plans must establish policies and procedures, including health screenings, that prevent sick workers from entering the workplace.

- C. **Social distancing.** All Plans must establish social distancing policies and procedures.
 - D. **Worker hygiene and source control.** All Plans must establish hygiene and source control policies for workers.
 - E. **Cleaning, disinfection, and ventilation protocols.** All Plans must establish cleaning, disinfection, and ventilation protocols for areas within the workplace.
- ii. **Customer facing businesses.** All Non-Critical Businesses that are customer facing (*i.e.*, businesses that have in-person customer interactions) must include additional Plan provisions to keep the public and workers safe as set forth in the applicable guidance available on the Stay Safe Minnesota website (<https://staysafe.mn.gov>). This includes requirements that workers and customers must maintain physical distancing of 6 feet and that store occupancy must not exceed limits set forth in the guidance. In customer facing businesses that share common areas, such as malls, all Plans must similarly include a facility occupancy that must not exceed the limits set forth in the guidance and provide an enhanced sanitizing, cleaning, and disinfecting regimen consistent with Minnesota OSHA Standards and MDH and CDC Guidelines for those common areas. All Plans must also include signage in common areas to discourage congregating.
 - iii. **Household services businesses.** All Non-Critical Businesses that provide household services (*e.g.*, housecleaning, maid services, and piano tuners) must also develop Plan provisions intended to keep customers and workers safe as set forth in the applicable guidance available on the Stay Safe Minnesota website (<https://staysafe.mn.gov>).
 - iv. **Optional template.** A template COVID-19 Preparedness Plan, which covers the above requirements, is available as part of the Plan Guidance, available on the Stay Safe Minnesota website (<https://staysafe.mn.gov>).
 - v. **Certification and signature.** Senior management responsible for implementing the Plan must sign and certify the Plan, affirming their commitment to implement and follow the Plan.
 - vi. **Dissemination and posting.** Each Non-Critical Business must provide its Plan, in writing, to all workers, and the Plan must be posted at all of the business's workplaces in locations that will allow for the Plan to be readily reviewed by all workers. Where physical posting is impracticable, the Plan can be posted electronically, provided that the Plan is received by all workers and remains available for their review.

- vii. **Training.** Each Non-Critical Business must ensure that training is provided to workers on the contents of its Plan and required procedures, so that all workers understand and are able to perform the precautions necessary to protect themselves and their co-workers. This training should be easy to understand and available in the appropriate language and literacy level for all workers. Businesses should also take steps to supervise workers and ensure that workers understand and adhere to necessary precautions to prevent COVID-19 transmission. Documentation demonstrating compliance with this training requirement must be maintained and made available to regulatory authorities and public safety officers, including DLI, upon request.
 - viii. **Compliance.** Workers and management must work together to ensure compliance with the Plan, implement all protocols, policies, and procedures, and create a safe and healthy work environment.
 - ix. **Availability to regulatory authorities and public safety officers.** Non-Critical Businesses do not need to submit their Plans for preapproval. Upon request, Non-Critical Businesses must make their Plans available to regulatory authorities and public safety officers, including DLI.
 - x. In the event of a complaint or dispute related to a Non-Critical Business's Plan, DLI is authorized to determine whether the Plan adequately implements the applicable guidance, Minnesota OSHA Standards and MDH and CDC Guidelines in its workplaces.
- f. **Youth Programs.** This Executive Order intends to allow as many summer programs for youth as can safely be provided. Youth Programs intending to operate must do so in accordance with the following requirements:
- i. "Youth Programs" means programs providing care or enrichment to children or adolescents such as day camps, summer activities, and recreational or educational classes that require registration and have on-site supervision. "Youth Programs" does not include licensed child care facilities or school-district summer learning programs.
 - ii. Youth Programs must adhere to the requirements set forth in paragraph 7.e of this Executive Order, including development and implementation of a COVID-19 Preparedness Plan in accordance with guidance for youth and student programs available on MDH's website (<https://www.health.state.mn.us/diseases/coronavirus/schools/>). COVID-19 Preparedness Plans must be distributed, available for review, and followed by participants and their parents or guardians.
 - iii. Youth Programs must comply with any public health restrictions implemented by the manager or owner of property or facilities used by

the program, including any restrictions set by school districts on the use of their facilities, and adhere to guidance for youth and student programs available on MDH's website

[\(https://www.health.state.mn.us/diseases/coronavirus/schools/\)](https://www.health.state.mn.us/diseases/coronavirus/schools/).

- g. **Organized Youth Sports.** Organized Youth Sports organizations and programs intending to operate must do so in accordance with the following requirements:
- i. “Organized Youth Sports” means any sports activity, where participants are children or adolescents, organized by an entity, association, club, or organization providing for registration of participants and oversight on a regular basis for a defined period of time. Sports activities within this definition include all sports offered by the Minnesota State High School League as well as dance, cheerleading, and other sports traditionally offered by supplemental associations or organizations.
 - ii. Entities, associations, organizations, and clubs that provide Organized Youth Sports must adhere to the requirements set forth in paragraph 7.e of this Executive Order, including development and implementation of a COVID-19 Preparedness Plan in accordance with applicable guidance for youth sports available on the Stay Safe Minnesota website (<https://staysafe.mn.gov>). COVID-19 Preparedness Plans must be distributed and available for review by participants and their parents or guardians.
 - iii. Entities, associations, organizations, and clubs that provide Organized Youth Sports must ensure that all trainers and coaches understand and follow their COVID-19 Preparedness Plan and related guidance.
 - iv. Indoor or outdoor facilities that support Organized Youth Sports must also adhere to the requirements set forth in paragraph 7.e of this Executive Order, including development and implementation of a COVID-19 Preparedness Plan in accordance with applicable guidance for youth sports available on the Stay Safe Minnesota website (<https://staysafe.mn.gov>). COVID-19 Preparedness Plans must be distributed to, available for review, and followed by entities, associations, organizations, and clubs that provide Organized Youth Sports.
- h. **Organized Adult Sports.** Organized Adult Sports organizations and programs intending to operate must do so in accordance with the following requirements:
- i. “Organized Adult Sports” means any sports activity, where participants are adults, organized by an entity, association, club, or

organization providing for registration of participants and oversight on a regular basis for a defined period of time.

- ii. Entities, associations, organizations, and clubs that provide Organized Adult Sports must adhere to the requirements set forth in paragraph 7.e of this Executive Order, including development and implementation of a COVID-19 Preparedness Plan in accordance with applicable guidance for adult sports available on the Stay Safe Minnesota website (<https://staysafe.mn.gov>). COVID-19 Preparedness Plans must be distributed and available for review by participants or guardians.
 - iii. Entities, associations, organizations, and clubs that provide Organized Adult Sports must ensure that all trainers and coaches understand their COVID-19 Preparedness Plan and related guidance.
 - iv. Indoor or outdoor facilities that support Organized Adult Sports must also adhere to the requirements set forth in paragraph 7.e of this Executive Order, including the development and implementation of a COVID-19 Preparedness Plan in accordance with applicable guidance for adult sports available on the Stay Safe Minnesota website (<https://staysafe.mn.gov>). COVID-19 Preparedness Plans must be distributed to, available for review, and followed by entities, associations, organizations, and clubs that provide Organized Adult Sports
- i. **Higher education institutions.** To the extent higher education classes cannot be provided through distance learning, higher education institutions, in consultation with their governing boards, the Office of Higher Education (“OHE”), and MDH, may offer in-person classes or activities consisting of no more than 25 people. Education and training programs not registered or licensed with OHE or part of the Minnesota State Colleges and Universities or University of Minnesota systems must follow the guidance provided by the state agency or board under which they are authorized to operate.
- i. **Higher education definitions.** For the purposes of paragraph 7.i of this Executive Order:
 - A. “Higher education institution” means all post-secondary institutions, including but not limited to institutions licensed and registered with the OHE, with a physical campus in the State.
 - B. “Staff and instructors” means all employees, contractors, and volunteers of a higher education institution, including but not limited to janitorial and cleaning professionals, secretarial and administrative professionals, instructors, instructor assistants,

researchers, research assistants, graduate assistants, faculty, and administrators.

C. “Students” means any person enrolled at a higher education institution.

D. “Activities” includes, but is not limited to, testing, short-term training programs, student services, advising, internships, clinical rotations/placements, customized training, internships, campus visits, programs, credit and non-credit classes, and all research activities and functions.

ii. **Requirements for higher education institutions.** Institutions of higher education should continue to establish and implement a higher education institution COVID-19 Preparedness Plan (“Higher Ed Plan”). Each Higher Ed Plan must provide for implementation of Minnesota OSHA Standards and MDH and CDC Guidelines in classrooms, labs, or other areas that students and staff may visit. Such requirements, which are adaptable to higher education institutions, are set forth in the general guidance available at the Stay Safe Minnesota website (<https://staysafe.mn.gov>) and other applicable guidelines.

A. **Required Higher Ed Plan content.** As set forth in the Plan Guidance, at a minimum, each Higher Ed Plan must adequately address the following areas:

1. **Require distance learning wherever possible.** Each Higher Ed Plan must require that distance learning continues for all students when possible. If in-person indoor or outdoor activities are required, such activities must be subject to limitations set forth by relevant OHE and MDH guidance.
2. **Ensure that sick students and institution staff and instructors stay home.** Each Higher Ed Plan must establish policies and procedures, including health screenings, that prevent sick students or institution staff and instructors from entering the institution for in-person or on-site activities.
3. **Social distancing.** Each Higher Ed Plan must implement social distancing policies and procedures set forth by the CDC and MDH. Such Plans must also include signage in common areas to discourage gathering. Each Higher Ed Plan should encourage all students, visitors, staff, and instructors to wear masks or face coverings.

4. **Cleaning and disinfection protocols.** Each Higher Ed Plan must establish cleaning and disinfection protocols for areas within the institution where students, staff, and instructors may visit and provide an enhanced sanitizing, cleaning, and disinfecting regimen consistent with Minnesota OSHA Standards and MDH and CDC Guidelines for common areas.
 - iii. **Certification and signature.** Institutional leadership responsible for implementing the Higher Ed Plan must sign and certify such Higher Ed Plan, affirming their commitment to implement and follow the Higher Ed Plan.
 - iv. **Dissemination and posting.** A higher education institution must make its Higher Ed Plan available according to applicable guidelines.
 - v. **Training.** Higher education institutions must ensure that training is provided to staff and instructors on the contents of their Higher Ed Plan according to applicable guidelines.

8. **Outdoor recreational activities and associated facilities.** Notwithstanding paragraph 7.c, the below facilities are permitted to be open and do business, provided that they adhere to paragraphs 6 and 7 of this Executive Order and the Outdoor Recreation Guidelines available at the Stay Safe Minnesota website (<https://staysafe.mn.gov>). **Indoor facilities** associated with outdoor recreational facilities must comply with paragraphs 6 and 7 of this Executive Order, as applicable. I encourage public outdoor recreational facilities to be open for all Minnesotans, including families and children, and direct all individuals utilizing such facilities to follow the Outdoor Recreation Guidelines. All outdoor recreational activities and facilities must also comply with Minnesota law, including but not limited to license and permit requirements, invasive species regulations, and park rules.
 - a. Minnesota State Parks, Trails, State Forests, State Recreation Areas, Wildlife Management Areas, Scientific and Natural Areas, and other State managed recreational lands.
 - b. Locally, regionally, and privately managed parks and trails.
 - c. State, regional, or local public water accesses.
 - d. Public and private marinas and docks that provide storage, docking, and mooring services to slip owners, seasonal renters, and the general public, as well as facilities that provide safety-related services including fueling, emergency dockage, and sanitary pump-out stations.
 - e. Public and private golf courses and outdoor driving ranges.
 - f. Ski areas.

- g. Off-highway vehicles, snowmobiles, and watercraft repair shops, sales facilities, and showrooms.
 - h. Lake service providers to install, repair, and remove docks, boatlifts, and other water related equipment or deliver boats.
 - i. Bait and tackle shops.
 - j. Outdoor shooting ranges and game farms.
 - k. Outdoor recreational equipment rental outlets. Equipment may be rented but only if the equipment can be effectively sanitized between uses. Such outlets must implement clear check-in and check-out procedures that minimize contact between customers and workers. Any rentals must be conducted in accordance with the Outdoor Recreation Guidelines.
 - l. Dispersed and remote camping sites in accordance with the Outdoor Recreation Guidelines. A dispersed campsite is a single campsite, not in a developed campground, used for overnight camping. A remote campsite is a designated backpack or watercraft campsite, not in a developed campground, used for overnight camping.
 - m. Public and private campgrounds that have adopted a COVID-19 Preparedness Plan in accordance with the Guidance for Campgrounds website (<https://www.dnr.state.mn.us/aboutdnr/safely-opening-outdoor-recreation.html>).
 - n. Charter boats and launches that have adopted a COVID-19 Preparedness Plan in accordance with Guidance for Charter and Launch Boats website (<https://www.dnr.state.mn.us/aboutdnr/safely-opening-outdoor-recreation.html>).
 - o. Outdoor tournaments, competitions, practices, and sports that allow for social distancing, that do not require gatherings prohibited by paragraph 6.c, and that adhere to the Outdoor Recreation Guidelines. This paragraph does not apply to activities covered by paragraphs 7.f through 7.h.
 - p. Guided and instructional activities such as guided fishing or birding that do not require gatherings prohibited by paragraph 6.c, adhere to social distancing requirements, and are conducted in accordance with the Outdoor Recreation Guidelines. This paragraph does not apply to activities covered by paragraphs 7.c.vii or 7.f.
 - q. Any other outdoor recreation activities and facilities that may be designated in the Outdoor Recreation Guidelines.
9. **Respect for workers.** Minnesotans must respect the efforts of employers and businesses to protect the safety of their workers and customers by complying with

those businesses' social distancing and hygiene instructions. Employers and businesses must post social distancing and hygiene instructions at entrances and in locations that can be easily seen by customers and visitors.

10. **Enhanced local measures permitted.** Nothing in this Executive Order or previous Executive Orders should be construed to prohibit or prevent political subdivisions from implementing, within their jurisdictions and pursuant to applicable law and authority, restrictions beyond the restrictions contained in this Executive Order, as long as those additional restrictions have a real or substantial relation to the public health crisis caused by COVID-19. Pursuant to Minnesota Statutes 2019, section 12.32, political subdivisions may not relax or reduce this Executive Order's restrictions. In other words, to the extent that they have authority to do so, cities and other political subdivisions may take actions that are more protective of the public health but may not take actions that are less protective of the public health.
11. **Enforcement.** I urge all Minnesotans to voluntarily comply with this Executive Order. Pursuant to Minnesota Statutes 2019, section 12.45, an individual who willfully violates this Executive Order is guilty of a misdemeanor and upon conviction must be punished by a fine not to exceed \$1,000 or by imprisonment for not more than 90 days. Any business owner, manager, or supervisor who requires or encourages any of their employees, contractors, vendors, volunteers, or interns to violate this Executive Order is guilty of a gross misdemeanor and upon conviction must be punished by a fine not to exceed \$3,000 or by imprisonment for not more than a year. In addition to those criminal penalties, the Attorney General, as well as city and county attorneys, may seek any civil relief available pursuant to Minnesota Statutes 2019, section 8.31, for violations of this Executive Order, including civil penalties up to \$25,000 per occurrence from businesses and injunctive relief. State and local licensing and regulatory entities that inspect businesses for compliance with rules and codes to protect the public are encouraged to assess regulated businesses' compliance with this Executive Order and use existing enforcement tools to bring businesses into compliance. Nothing in this Executive Order is intended to encourage or allow law enforcement to transgress individual constitutional rights.

Pursuant to Minnesota Statutes 2019, section 4.035, subdivision 2, and section 12.32, this Executive Order is effective immediately upon approval by the Executive Council. It remains in effect until the peacetime emergency declared in Executive Order 20-01 is terminated or until it is rescinded by proper authority.

A determination that any provision of this Executive Order is invalid will not affect the enforceability of any other provision of this Executive Order. Rather, the invalid provision will be modified to the extent necessary so that it is enforceable.

Signed on June 5, 2020.

A handwritten signature in black ink, appearing to read "T. J. Walz".

Tim Walz
Governor

Filed According to Law:

Steve Simon
Secretary of State

Approved by the Executive Council on June 5, 2020:

Alice Roberts-Davis
Secretary, Executive Council