

Minnesota Critical Sector Employers Must Develop and Implement Written COVID-19 Preparedness Plans by June 29 Under Latest Order from Gov. Walz

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On Friday, June 5, Minnesota Governor Tim Walz issued Executive Order 20-74 (the “Order”), his latest order modifying workplace regulations to address the COVID-19 pandemic.

Among other provisions, the Order requires that each Critical Sector business develop and implement a written COVID-19 Preparedness Plan (“Plan”) by June 29. To date, Non-Critical Businesses have had to implement Plans, but the Order represents the first time Gov. Walz has extended the requirement to Critical Sector businesses.

Critical Sector businesses are defined in Minnesota Executive Order 20-48 and include those in industries such as healthcare, food and agriculture, energy, transportation and logistics, communications and information technology, critical manufacturing, financial services, building materials, and e-commerce fulfillment, among others.

Under the Order, a Plan must be written and must contain the following provisions:

- “All Plans must ensure that all workers who can work from home continue to do so.”
- To protect employees who cannot work from home and therefore are present in the workplace, “[a]ll Plans must establish policies and procedures, including health screenings, that prevent sick workers from entering the workplace.”
- “All Plans must establish social distancing policies and procedures.”
- “All Plans must establish hygiene and source control policies for workers.” The term “source control” refers to a measure, such as a face mask, that “help[s] limit the person wearing the covering from infecting others[.]”
- “All Plans must establish cleaning, disinfection, and ventilation protocols for areas within the workplace.”
- A Plan must comply with any industry-specific guidance that the state government has posted to the following websites: staysafe.mn.gov and <https://staysafe.mn.gov/industry-guidance/index.jsp>.

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An optional template for the required plan is [available in Word via this link](#).

Beyond the required content of the Plan, there are additional requirements on employers:

- “Senior management responsible for implementing the Plan must sign and certify the Plan, affirming their commitment to implement and follow the Plan.”
- Furthermore, each business must post the plan, distribute it to workers, train workers on it, and ensure they adhere to it.
- A business does not need to obtain pre-approval from authorities for its plan, but must make the plan available to authorities upon request.

There are stiff penalties for failing to comply:

- Criminal: “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.”
- Civil: there are potential civil penalties of up to \$25,000 “per occurrence.” (The order does not specify what constitutes “an occurrence.”)

Lastly, as indicated above, Governor Walz’s latest order imposes a June 15 deadline for various state agencies to prepare and publish additional industry guidance for Critical Businesses regarding their required COVID-19 Preparedness Plans, so it is anticipated that additional guidance will be released soon.

Throughout the COVID-19 pandemic, Dorsey & Whitney attorneys have been helping companies comply with COVID-19 regulations across the country, including by developing and implementing Minnesota-specific COVID-19 Preparedness Plans. Please contact us if we can assist you.