

Minnesota Governor Tim Walz Further Loosens COVID-19 Workplace Restrictions Effective May 17 at 11:59 pm – but Requires Newly-Reopening Employers to Implement Preparedness Plans

by RJ Zayed, Marcus A. Mollison, and Kirk Schuler

On Wednesday, May 13, Minnesota Governor Tim Walz issued Emergency Executive Order 20-56 (the “Order”), which will further loosen workplace restrictions effective Sunday, May 17, 2020 at 11:59 pm. Those looser restrictions will remain in effect until Sunday, May 31, 2020 at 11:59 pm – and potentially for longer if Governor Walz extends the Order.

The following is a summary of the Order’s key provisions impacting employers:

- **“Any worker who can work from home must do so.”** This requirement has been a part of all orders to date, and is still the case.
- **Critical Sector employers may continue to operate as they have been.** (Critical Sector employers include those in the healthcare, utilities, financial services, transportation, food and agriculture, communications, and critical manufacturing industries, among others.)
- Bars, restaurants, fitness gyms, salons, and other places of public accommodation must remain closed until May 31, 2020 at 11:59 pm. In the Order, Governor Walz directed the state government to develop a plan for such facilities to reopen on June 1, 2020—but he has not issued an order allowing them to do so.
- The Order defines businesses that are (a) not Critical Sector employers; and (b) not in the category of bars, restaurants, and other public accommodations that must remain closed, as “Non-Critical Businesses.”
- **Non-Critical Businesses may reopen on May 18 if they “[e]stablish and implement a COVID-19 Preparedness Plan.”**
 - Optional [template here at this link](#). Optional [checklist at this link](#).
 - Under the plan, workers who can perform their jobs from home must continue to work from home, employers must implement screenings to keep sick workers out of the workplace, employers must institute social distancing requirements, and employers must implement hygiene and cleaning protocols.
 - An employer does not need to obtain pre-approval for the plan from any authorities, but must present the plan to authorities upon request.
 - Employers must provide the plan in writing to all employees and post the plan within the workplace.

Related People

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Related Capabilities

- Telecommunications

- Employers must train all employees on the plan.
 - “Senior management responsible for implementing the plan must sign and certify the plan[.]”
 - “Employers must post social distancing and hygiene instructions at entrances and in locations that can be easily seen by customers and visitors.”
 - Non-Critical Businesses “that have in-person customer interactions” must limit occupancy to 50% of capacity determined by fire marshal and must ensure 6-foot social distancing.
- **Penalties for non-compliance with the Order’s requirements include the following:**
 - “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.”
 - Additionally, the Attorney General, city attorneys, and county attorneys may seek civil penalties of up to \$25,000 “per occurrence from businesses and injunctive relief.”

The preceding information is a summary of the key provisions impacting businesses contained in the 10-page Order. The Order contains other provisions that directly impact Minnesota residents, including a prohibition on gatherings of more than 10 people, fines of up to \$1,000 and imprisonment of not more than 90 days for individuals who violate the Order, and strong encouragement (but not a requirement) for all people to wear masks and for at-risk people to stay home.

For guidance on compliance, please contact your Dorsey & Whitney attorney or one of the attorneys below. Dorsey attorneys have been guiding businesses through the full range of COVID-19 regulation across the country, including in development and implementation of Minnesota-compliant COVID-19 Preparedness Plans, and stand ready to assist you.