

Minnesota Stay-at-Home Order to take effect Friday, March 27 at 11:59 pm – “Critical Sectors” may continue operating

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(A subsequent order extended the business closures until May 17, 2020.)

On March 25, Minnesota Governor Tim Walz issued a stay-at-home order as part of the state’s continuing effort to address the COVID-19 outbreak. The order will take effect at 11:59 pm this Friday, March 27 and stay in effect until Friday, April 10. The order is [available at this link](#).

The order permits employees who work for businesses in “Critical Sectors” to continue going to work during that time, but only if they cannot perform their jobs remotely.

The order defines Critical Sectors to include the following – but please note that the order provides specific definitions and limitations for each sector:

- chemical
- communications and information technology
- construction
- critical manufacturing
- defense industrial base
- energy
- financial services
- food and agriculture
- healthcare and public health
- hotels
- legal services
- real estate transactions
- transportation and logistics
- tribal governments
- water and wastewater
- “businesses that sell products, tools, materials, or supplies necessary for [the other]

Related People

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Related Capabilities

- Telecommunications

Critical Sectors to continue their essential operations, for workers to work from home, or for the maintenance of the safety, sanitation, and essential operation of homes or residences.”

A business may conclude that it is in a Critical Sector based on the governor’s order, the incorporated federal guidance, or a list of NAICS codes published by the Minnesota Dept. of Employment and Economic Development. Any one of those sources provides a sufficient basis.

A business that fits within a Critical Sector does **not** need to obtain documentation of that fact from the federal or state government. The business is simply deemed critical under the law and may continue operating. Employees working in the enumerated Critical Sectors “should, to the maximum extent possible” practice social distancing and proper hygiene when at work.

Willful violation of the order is a misdemeanor with a fine not to exceed \$1,000 and imprisonment for not more than 90 days.

If a company’s industry does not clearly fit within a Critical Sector, it can seek permission to continue operating through a process set forth at this [link](#).

Also, in contrast to orders in other states, there is **not** a provision for non-essential businesses to continue performing any minimum basic operations.

The order does not require that employers in Critical Sectors provide documentation to employees that they work in a Critical Sector. Nevertheless, businesses in Critical Sectors should, as a best practice, consider providing a letter to employees as proof that they are employed by and necessary for the operation of the business in a Critical Sector. Such letters may be useful in the event employees encounter issues while traveling to work.

Similarly, the order does not require that businesses obtain from customers, or provide to suppliers, any documentation of status in a Critical Sector. Nevertheless, businesses in Critical Sectors should, as a best practice, consider providing and/or obtaining letters, as applicable, to and from companies in their supply chain to demonstrate criticality to any observers.

In summary, Dorsey & Whitney attorneys have been guiding clients through these topics in states across the country since the beginning of the COVID-19 outbreak. We are standing by and ready to assist you with analyzing the order, determining whether your operations fit within a Critical Sector, seeking a designation as critical (for those not already clearly designated), providing any desired letter to employees, customers, and suppliers, and any other needs—in Minnesota and across the country.