

MINNESOTA – Back to Business – COVID-19 – Emergency Executive Order 20-40 – Issued 4/23/20

BACK TO BUSINESS

https://mn.gov/governor/assets/EO%2020-40%20Final_tcm1055-429564.pdf

GENERAL TOPIC	SUMMARY	SECTION #
Effective	General effective date is 4/24/20 (approval of Executive Council). But new exemptions are effective 4/26/20.	
General	Allowing for certain non-critical sector workers to return to work once employers have provided a safe work environment.	
Shelter in Place - Modified	Effective 4/26/20 at 11:59 pm, stay at home provisions are modified, so that workers for <u>Non-Critical Exempt Businesses</u> may return to work upon employers' completion of the requirements set forth in this order. Applies <u>only</u> to work duties that cannot be performed at residence. All workers who can work from home must do so.	1, 2
Requirements for Non-Critical Exempt Businesses	Requirements include establishment and implementation of a COVID-19 Preparedness Plan. Elements include: <ul style="list-style-type: none"> • implementation of OSHA, MDH and CDC guidelines, • requirements for work from home where possible, • policies and procedures (including health screenings) that prevent sick workers from entering workplace • social distancing, hygiene, source control, and cleaning and disinfectant protocols A template is provided at https://mn.gov/deed/safework/ . Order contains other provisions for certification, posting, training, compliance, and availability of plan to regulatory authorities. Plans do not need to be submitted for preapproval.	6, 7
Impact on other orders	Except for the additional exemptions provided by this order, Executive Order 20-33 remains in effect.	
DEFINITIONS (SUMMARY)		
Non-Critical Exempt Businesses	<p>a. Industrial and manufacturing businesses. Businesses in this category include industrial or manufacturing businesses, to the extent that such businesses' employees are not exempt Critical Sector workers under Executive Order 20-33, as amended by Executive Order 20-38. This category includes wholesale trade, warehousing, and places of employment in which goods are in the process of being created. This category does not include customer-facing retail environments associated with an industrial or manufacturing business in this category. DEED will provide additional guidance related to the businesses included in this category at https://mn.gov/deed/safework/</p> <p>b. Office-based businesses. Businesses in this category include office-based businesses where workers do their work within an office space, at their desk, and their work is primarily not customer facing, to</p>	5

Disclaimer: The information provided in this handout is general information and not designed to be and should not be relied on as your sole source of information when analyzing and resolving a specific legal issue. Each fact situation is different; the laws are constantly changing. If you have specific questions regarding a particular fact situation, we urge you to consult with legal counsel.

All product and company names are trademarks™ or registered® trademarks of their respective holders. Use of them does not imply any affiliation with or endorsement by them.

Holland & Knight

GENERAL TOPIC	SUMMARY	SECTION #
	the extent that their employees are not exempt Critical Sector workers under Executive Order 2033, as amended by Executive Order 20-38. This category does not include customer-facing retail environments associated with office-based businesses in this category. DEED will provide additional guidance related to the businesses included in this category at https://mn.gov/deed/safework/	
Critical Sectors	See categories set forth in paragraph 6 of Executive Order 20-33, as amended by Executive Order 20-38.	

DISCLAIMER: *This information is provided for convenience only, and should not be relied upon in making decisions for your business. As this is a rapidly changing area, reference should always be made to the official order and related interpretative guidance. If you have specific questions about how any particular jurisdiction's Order affects your business, or other COVID-19 topics, please contact a member of the Holland & Knight's COVID-19 Response Team – State and Local Orders and Regulations.*

Disclaimer: The information provided in this handout is general information and not designed to be and should not be relied on as your sole source of information when analyzing and resolving a specific legal issue. Each fact situation is different; the laws are constantly changing. If you have specific questions regarding a particular fact situation, we urge you to consult with legal counsel.

All product and company names are trademarks™ or registered® trademarks of their respective holders. Use of them does not imply any affiliation with or endorsement by them.