

COVID-19 Preparedness Plan for Ames Center

THIS DOCUMENT IS CURRENT AS OF JULY 23, 2020 AND IS SUBJECT TO CHANGE AT ANY TIME.

Ames Center is committed to providing a safe and healthy workplace for all our workers (venue employees, contractors), clients (facility users) and patrons (ticket holders, guests). To ensure we have a safe and healthy workplace, Ames Center has developed the following COVID-19 Preparedness Plan in response to the COVID-19 pandemic. Managers and workers are all responsible for implementing this plan. Our goal is to mitigate the potential for transmission of COVID-19 in our workplaces and communities, and that requires full cooperation among our workers and management. Only through this cooperative effort can we establish and maintain the safety and health of all persons in our workplaces.

The COVID-19 Preparedness Plan is administered by Ames Center Executive Director, Brian Luther who maintains the overall authority and responsibility for the plan. However, management and workers are equally responsible for supporting, implementing, complying with and providing recommendations to further improve all aspects of this COVID-19 Preparedness Plan. Ames Center's managers and supervisors have our full support in enforcing the provisions of this plan.

Our workers are our most important assets. Ames Center is serious about safety and health and protecting its workers. Worker involvement is essential in developing and implementing a successful COVID-19 Preparedness Plan. We have involved our workers in this process by:

- Current management team consisting of Brian Luther, Executive Director; Neil Segal, Director of Business Operations; Kelsey Covart, Director of Sales & Events contributed to this plan
- This plan will remain a living document, updated regularly as new information and practices are incorporated
- Additional workers will be encouraged to provide feedback when they return to work and their input will be incorporated into this plan as deemed appropriate.

Ames Center's COVID-19 Preparedness Plan follows the industry guidance developed by the state of Minnesota for Seated Entertainment and Meeting Venues, which is based upon Centers for Disease Control and Prevention (CDC) and Minnesota Department of Health (MDH) guidelines for COVID-19, Minnesota Occupational Safety and Health Administration (MNOSHA) statutes, rules and standards, and Minnesota's relevant and current executive orders. It addresses:

- ensuring sick workers stay home and prompt identification and isolation of sick persons;
- social distancing – workers must be at least six-feet apart;
- worker hygiene and source controls;
- workplace building and ventilation protocol;
- workplace cleaning and disinfection protocol;
- drop-off, pick-up and delivery practices and protocol; and
- communications and training practices and protocol.

Ames Center has reviewed and incorporated the industry guidance applicable to our business provided by the state of Minnesota for the development of this plan, including the following industry guidance from the Event Safety Alliance (ESA), Center for Disease Control and Prevention (CDC) and the Minnesota Department of Health (MDH). Other conditions and circumstances included in the industry guidance and addressed in the plan that are specific to our business include:

- additional protections and protocols for customers, clients and patrons;
- additional protections and protocols for personal protective equipment (PPE);
- additional protections and protocol for access and assignment;
- additional protections and protocol for sanitation and hygiene;
- additional protections and protocols for work clothes and handwashing;
- additional protections and protocol for distancing and barriers;
- additional protections and protocols for managing occupancy;
- additional protocols to limit face-to-face interaction;
- additional protections for receiving or exchanging payment; and
- additional protections and protocols for certain types of businesses within an industry.

Ensure sick workers stay home and prompt identification and isolation of sick persons

Workers have been informed of and encouraged to self-monitor for signs and symptoms of COVID-19. The following policies and procedures are being implemented to assess workers' health status prior to entering the workplace and for workers to report when they are sick or experiencing symptoms.

- Workers who have symptoms should notify their supervisor immediately and stay home.
- Sick workers should not return to work until the discontinuation of home isolation is met, in consultation with healthcare providers.
- Workers who are well but who have a sick family member at home with COVID-19 should notify their supervisor and follow CDC recommended precautions.
- Upon arrival to their shift, all workers and clients complete the Daily Health Check-In that includes – temperature reading and completing a health questionnaire about possible COVID exposure and symptoms
- Workers may not report to work if their temperature exceeds 100 degrees
- If any worker showing a fever or symptoms of COVID-19, they will be sent home or isolated in the Ames Center Conference Room until they are ready to be sent home.
- Employee health information and documentation will be kept private in accordance with Equal Employment Opportunity Commission (EEOC) guidance.
- Daily Health Check Forms will be kept in a locked file for the duration of the pandemic.

Ames Center has implemented leave policies that promote workers staying at home when they are sick, when household members are sick, or when required by a health care provider to isolate or quarantine themselves or a member of their household. Above all, our number one priority is the health and welfare of our workers, clients and patrons. Workers that are not comfortable coming to work or are not able to work during this time, please contact Human Resources, and we will work together to determine the best plan based upon individual needs.

Face Covering Requirements at Ames Center

As of July 25, 2020, per the [Governor's Executive Order 20-81](#), people in Minnesota are required to wear a face covering in all indoor businesses and public indoor spaces, unless alone. Face coverings are required for all workers, clients and patrons.

Social distancing

Social distancing of at least six feet will be implemented and maintained between workers, clients and patrons in the workplace through the following engineering and administrative controls:

- Ames Center will be utilized for events only. Facility spaces such as the Lower Lobby, Art Gallery and Ticket Office will remain closed during non-event hours.
- All areas of the Ames Center will operate at no more than 25% of stated capacity. Capped at 250 patrons for individual spaces that have capacity in excess of 1,000.
- Meetings with workers, clients or patrons will take place via teleconference or adhering to strict social distancing practices if in-person
- Gatherings of workers will be limited to 10 people or less.
- Office workstations will be maintained in a social distance capacity
- Occupying shared work areas where social distancing is not feasible will be done in a staggered shift-time manner
- Flexible work schedules or working from home will be allowed whenever possible
- Employees are instructed to refrain from using other employees' equipment when possible
- Floor markings that identify 6' intervals will be used to assist with social distancing
- Event plans will identify foot traffic strategies that minimize bottlenecks and cross over with routes maintaining six feet of distance whenever possible.
- When the use of masks or social distancing is not possible, barriers will be constructed to provide adequate separation of workers, clients and patrons.
- Contactless payment will be utilized wherever possible.
- Patrons will be advised to practice social distancing as recommended by the CDC guidelines while standing in lines, waiting for restrooms and moving around the Ames Center. Areas where guests queue will be clearly marked for appropriate social distancing.
- All event set-up arrangements will allow for social distancing between guests and all event spaces will be limited to allowable occupancy as determined by the State of Minnesota. Signage will be posted to indicate capacity
- All event and administrative related equipment should not be shared and should be sanitized before and after each use. If required, shared tools and equipment will be disinfected before, during and after each shift or anytime the equipment is used by or transferred to a new employee. This includes radios, computers and other communication devices, payment terminals, kitchen implements, tools, cleaning equipment, keys and all other direct contact items used throughout the facility.
- Employees should limit car-pooling to same household member only
- Signage will be posted throughout the facility stating health and hygiene reminders.

Worker hygiene

Basic infection prevention measures are being implemented in the workplace at all times. Good hygiene etiquette will be demonstrated on signage throughout the Ames Center and supported by making tissues and trash receptacles available to all workers, clients and patrons entering the Ames Center.

- Proper hand hygiene and frequent handwashing with soap is an important infection control measure. Workers and clients are instructed to wash their hands for at least 20 seconds with soap and water frequently (every 60 minutes ideally) throughout the day but must do so at the beginning and end of their shift, prior to any mealtimes and after using the restroom.
- Workers and clients must use sanitizer when a sink is not available. Hand-sanitizer dispensers (that use sanitizers of greater than 60% alcohol) will be located at all facility entry points and contact areas of occupancy such as; administrative offices, backstage rooms and meeting areas. Hand-sanitizer can be used for hand hygiene in place of soap and water, as long as hands are not visibly soiled.
- Hand washing with soap and water must take place after any of the following activities: using the restroom, sneezing, coughing, touching their face, blowing their nose, cleaning, eating, drinking, before, during and after preparing food, before and after starting a shift, before and after going on break, and between providing assistance to guests. Employees are instructed to perform proper hygiene as recommended by the CDC guidelines.
- Workers, clients and patrons must cover their mouth and nose with their sleeve or a tissue when coughing or sneezing. Also should avoid touching their eyes, nose, and mouth with their hands.
- Workers, clients and patrons must dispose of tissues in provided trash receptacles and wash their hands immediately afterward.
- All workers are required to wear a face covering as required by Executive Order. As of July 25, 2020, per the Governor's Executive Order 20-81, people in Minnesota will be required to wear a face covering in all public indoor spaces and indoor businesses. Additionally, the Executive Order requires workers to wear face coverings when working in outdoor settings in situations where social distancing (*i.e.*, keeping at least 6 feet of physical distance from other individuals not in the same household) cannot be maintained.
- Appropriate PPE (Gloves/Masks/Face Shields/etc) will be provided to and worn by workers. Workers will be trained on proper PPE use and disposal.
- Workers uniforms, costumes, and apparel must be laundered prior to all work shifts. Laundering needs to be done on the warmest setting possible and completely dry.
- Tissues will be made available in restrooms for opening stall doors.
- Restroom supplies will continuously stocked.
- Community drinking fountains will be disabled.

Workplace building and ventilation protocol

Operation of the building in which the workplace is located, includes necessary sanitation, assessment and maintenance of building systems, including water, plumbing, electrical, and heating, ventilation and air conditioning (HVAC) systems.

- Increase outside air percentage to eliminate recirculating air whenever possible, while maintaining ideal indoor air-conditions.
- Utilize MERV-13 or next highest compatible air filter HVAC system allows, based on availability. Confirm there are no air leaks bypassing filters.
- Replace all air filters prior to re-occupancy. Replace filters based on manufacturers recommended schedule.
- Maintain Humidity levels of RH 40-60%
- Additional run times of HVAC systems have been added two hours before events and two hours after the ending of an event.
- Monitor and rebalance HVAC to provide negative air-pressure whenever possible.
- Minimize airflow blowing across people
- Continued ongoing review of best practices for proper ventilation throughout entire facility.
- Research and identify any supplemental air filtration systems to incorporate in current HVAC system.

Workplace cleaning and disinfection protocol

Regular practices of cleaning and disinfecting have been implemented, including a schedule for routine cleaning and disinfecting of work surfaces, equipment, tools and machinery, vehicles and areas in the work environment, including restrooms, break rooms, lunch rooms, meeting rooms, checkout stations, fitting rooms, and drop-off and pick-up locations. Frequent cleaning and disinfecting is being conducted of high-touch areas, including phones, keyboards, touch screens, controls, door handles, elevator panels, railings, copy machines, credit card readers, delivery equipment, etc.

- Ames Center uses cleaning products and protocols which meet or exceed CDC guidelines and Occupational Safety and Health Administration (OSHA) guidelines. Our protocols are continuously under review and will be added/modified as developments occur.
- Cleaning and sanitation will be strategically scheduled during events and checklists will be documented.
- Daily cleaning and sanitation will take place in administrative spaces and other daily occupied areas.
- Custodial department will be the primary department responsible for all cleaning and disinfecting of the facility, however, it is the responsibility of all workers and management to support a sanitary facility that is safe for all.
- Immediate cleaning and disinfecting of the Ames Center if a worker, client or patron becomes ill with COVID-19. Follow CDC Cleaning and Disinfecting Your Facility guidelines.
- Ames Center will operate for events only to ensure highest cleanliness and safety standards.

Drop-off, pick-up and delivery practices and protocol

All daily mail and deliveries are received at the loading dock with no human contact. Delivery person will call the posted phone number and will be let in the door remotely. Items being delivered will be dropped just inside the door. Deliveries will be sanitized if possible, with electromagnetic sprayers or other ways necessary.

Department specific protocols

ADMINISTRATION

Cleaning & Disinfecting

- Hand sanitizing stations are located at the entrance
- Counters and equipment will be disinfected daily and after each guest
- Administrative staff will disinfect their respective work areas daily

Social Distancing & Other Protocols

- Employees will limit guest access to administrative offices
- Appointments must be made in advance
- All guests must complete the Daily Health Check-In that includes – temperature reading and completing a health questionnaire about possible COVID exposure and symptoms

EVENTS

Cleaning & Disinfecting

- Hand sanitizing stations are located throughout the facility for easy accessibility
- Common touch surfaces will be cleaned and disinfected frequently before, during and after each event.
- All event related equipment will be disinfected after each event.
- All common areas throughout building will be disinfected after each event.

Social Distancing & Other Protocols

- Event layouts and arrangements will be arranged to ensure appropriate distancing between client and patrons.
- The facility including all rooms and spaces will comply with mandated occupancy limits.
- Seating capacities and floor plans will be reviewed on an event-by-event basis to ensure appropriate social distancing and foot traffic flow.
- All workers will be required to wear masks and additional PPE.
- Workers will limit guest access to administrative offices

FOOD & BEVERAGE

Currently suspended until further notice.

TICKET OFFICE

Ticket Office currently closed until further notice.

What patrons can do to minimize transmission

Messaging will be conducted that strongly encourages patrons follow the same health practices as workers and clients. This includes:

- Self-check of body temperature prior to arrival.
- Patrons not feeling well or showing symptoms of COVID-19 to stay home, including staying home if a household member is experiencing the same.
- Patrons and visitors must wear a face covering as required by Executive Order 20-81. More information about face covering requirements and exemptions is available on the MDH website at the Facemasks and Personal Protective Equipment (PPE) Webpage
- Patrons of “high risk” should refrain or postpone coming to the venue.
- Continuously communicate the importance of social distancing.
- Provide ticket refunds as requested.

Communications and training practices and protocol

This COVID-19 Preparedness Plan was communicated via email to the current management team on July 1, 2020, and necessary training is being provided. Additional revisions, communication and training will be ongoing prior to re-occupying the Ames Center for events. Training will be provided to all workers prior to initial assignment or reassignment.

Instructions will be communicated to all workers, including employees, temporary workers, staffing and labor-pools, independent contractors, subcontractors, vendors, outside technicians, clients and patrons about protections and protocols, including: 1) social distancing protocols and practices; 2) drop-off, pick-up, delivery; 3) practices for hygiene and respiratory etiquette; 4) requirements regarding the use of masks, face-coverings and/or face-shields by workers clients and patrons. All workers clients and patrons will also be advised not to enter the workplace if they are experiencing symptoms or have contracted COVID-19

Managers and supervisors are expected to monitor how effective the program has been implemented. All management and workers are to take an active role and collaborate in carrying out the various aspects of this plan, and update the protections, protocols, work-practices and training as necessary. This COVID-19 Preparedness Plan has been certified by Ames Center management and the plan was posted throughout the workplace and made readily available to employees prior to reopening. It will be updated as necessary by Executive Director Brian Luther.

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

Appendix B – Executive Order 20-81

This document is made available electronically by the Minnesota Legislative Reference Library as part of an ongoing digital archiving project. <http://www.leg.state.mn.us/lrl/execorders/execorders.asp>

STATE OF MINNESOTA

Executive Department



Governor Tim Walz

Emergency Executive Order 20-81

Requiring Minnesotans to Wear a Face Covering in Certain Settings to Prevent the Spread of COVID-19

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, May 13, 2020, June 12, 2020, and July 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 while we ensured that Minnesota had the resources and capacity to address a large outbreak initially required the closure of certain non-critical businesses in our economy. 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 and implemented 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, 20-63, and 20-74 allowed for the gradual reopening of certain non-critical businesses that planned for and provided safe workplaces.

The experience of other states shows that a COVID-19 surge can occur with little warning and disastrous consequences. Indeed, several states have had to reinstate limitations on businesses, gatherings, and activities as they have faced summer surges in COVID-19 cases. Although Minnesota had experienced a brief period of stable or decreasing numbers in COVID-19 cases, in the past week we have seen our cases begin to increase, with the largest single-day increase in cases in seven weeks reported on July 20, 2020. As such, we must continue to approach our reopening carefully, as the number of cases throughout the United States has increased rapidly in recent weeks. To that end, we know that certain public settings and establishments continue to pose a public health risk. In particular, the opportunities for COVID-19 transmission are elevated in confined indoor spaces, health care and congregate care facilities, settings where people gather and linger or where movement is unpredictable, and places where social distancing measures are not always possible. As we carefully consider and provide opportunities for a variety of businesses and other venues to scale up their operations, safety in these settings is a key priority.

According to the Centers for Disease Control and Prevention (“CDC”), face coverings are effective in preventing the transmission of respiratory droplets that may spread COVID-19. Recognizing the utility of face coverings to prevent wearers who are asymptomatic or pre-symptomatic, the Federal Occupational Health and Safety Administration recommends that employers encourage workers to wear face coverings at work.

Ideally, face coverings should be worn in combination with other infection control measures, including social distancing, but face coverings are especially important in settings where social distancing is difficult to maintain. As the CDC has explained, face coverings are most effective when they are worn by all individuals in public settings when around others outside of their households because many people infected with COVID-19 do not show symptoms. Consistent with this guidance, Minnesota has strongly recommended widespread use of face coverings since April. An increasing number of states are now mandating face coverings in certain settings to control the spread of COVID-19. As of July 17, 2020, 28 states, Washington D.C., and Puerto Rico have implemented a face covering requirement. With this order, we do the same to protect Minnesota.

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. Paragraph 3 of Executive Order 20-74 is rescinded as of Friday, July 24, 2020 at 11:59 p.m. All other provisions of Executive Order 20-74 remain in effect.
2. Beginning on Friday, July 24, 2020 at 11:59 p.m., Minnesotans must wear a face covering in indoor businesses and indoor public settings, as described in this order and the related industry guidance, available at the Stay Safe Minnesota website (<https://staysafe.mn.gov>), as well as any other guidance referenced in this order. Workers must also wear face coverings outdoors when it is not possible to maintain social distancing. When leaving home, Minnesotans are strongly encouraged to have a face covering with them at all times to be prepared to comply with the requirements of this Executive Order.
3. **Definitions.** For purposes of this Executive Order, the following terms are defined as follows:
 - a. A “face covering” must be worn to cover the nose and mouth completely, and can include a paper or disposable face mask, a cloth face mask, a scarf, a bandanna, a neck gaiter, or a religious face covering. Minnesotans are encouraged to refer to CDC guidance on *How to Make Cloth Face Coverings*, available at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-to-make-cloth-face-covering.html>. Medical-grade masks and respirators are sufficient face coverings, but to preserve adequate supplies, their purchase and use is discouraged for Minnesotans who do not work in a health care setting or in other occupations that require medical-grade protective equipment (*e.g.*, certain construction occupations). Masks that incorporate a valve designed to facilitate easy exhaling, mesh masks, or masks with openings, holes, visible gaps in the design or material, or vents are **not** sufficient face coverings because they allow exhaled droplets to be released into the air.
 - b. “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.
 - c. “Worker” and “workers” are broadly defined to include owners, proprietors, employees, contractors, vendors, volunteers, and interns.
 - d. “Social distancing” means individuals keeping at least 6 feet of distance from other individuals who are not members of their household.
 - e. “Household” means a group of individuals who share the same living unit.

- b. Children who are five years old and under. Those who are under two-years-old should never wear a face covering due to the risk of suffocation. Those who are at least two are encouraged to wear a face covering if they can do so in compliance with CDC guidance on *How to Wear Cloth Face Coverings*, available at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-to-wear-cloth-face-coverings.html> (*i.e.*, without frequently touching or removing the covering).
- c. Individuals at their workplace when wearing a face covering would create a job hazard for the individual or others, as determined by local, state or federal regulators or workplace safety and health standards and guidelines.

9. **Situations where face coverings are mandatory.** Except for individuals who are exempt under paragraph 8 of this Executive Order, and except for the circumstances described in paragraphs 10 through 12, Minnesotans are required to wear a face covering:

- a. In an indoor business or public indoor space, including when waiting outdoors to enter an indoor business or public indoor space.
 - i. This requirement does not apply in living units except that (1) workers entering another person's living unit for a business purpose are required to wear a face covering when doing so; and (2) visitors, patients, residents, or inmates of hospitals, shelters or drop-in centers, long-term care facilities, residential treatment facilities, residential programs licensed under Minnesota Statutes 2019, Chapter 245D, or correctional facilities must wear a face covering even when in a living unit if required by the facility.
 - ii. This requirement also does not apply in a private vehicle that is being used for private purposes.
- b. When riding on public transportation, in a taxi, in a ride-sharing vehicle, or in a vehicle that is being used for business purposes.
- c. In any other business, venue, or public space which has opted to require a face covering when it would not otherwise be required by this Executive Order.
- d. For workers only, when working outdoors in situations where social distancing cannot be maintained.
- e. When applicable industry guidance, available on the Stay Safe Minnesota website (<https://staysafe.mn.gov>) specifically requires face coverings. In some instances, face shields may be required in addition to or instead of face coverings or may be allowed as an alternative to face coverings.

10. Circumstances where mandatory face coverings may be temporarily removed.

Face coverings required under Paragraph 9 of this Executive Order may be temporarily removed under the following circumstances:

- a. When participating in organized sports in an indoor business or indoor public space while the level of exertion makes it difficult to wear a face covering.
- b. When exercising in an indoor business or public indoor space such as a gym or fitness center, while the level of exertion makes it difficult to wear a face covering, provided that social distancing is always maintained.
 - c. When testifying, speaking, or performing in an indoor business or public indoor space, in situations or settings such as theaters, news conferences, legal proceedings, governmental meetings subject to the Open Meeting Law (Minnesota Statutes 2019, Chapter 13D), presentations, or lectures, provided that social distancing is always maintained. Face shields should be considered as an alternative in these situations.
- d. During practices or performances in an indoor business or indoor public space when a face covering cannot be used while playing a musical instrument, provided that social distancing is always maintained.
- e. During activities, such as swimming or showering, where the face covering will get wet.
- f. When eating or drinking in an indoor business or indoor public space, provided that at least 6 feet of physical distance is maintained between persons who are not members of the same party.
- g. When asked to remove a face covering to verify an identity for lawful purposes.
- h. While communicating with an individual who is deaf or hard of hearing or has a disability, medical condition, or mental health condition that makes communication with that individual while wearing a face covering difficult, provided that social distancing is maintained to the extent possible between persons who are not members of the same household.
 - i. While receiving a service—including a dental examination or procedure, medical examination or procedure, or personal care service—that cannot be performed or would be difficult to perform when the individual receiving the service is wearing a face covering. Workers performing services for an individual who is allowed to temporarily remove their face covering under this provision must comply with face covering requirements in the applicable industry guidance, available at the Stay Safe Minnesota website (<https://staysafe.mn.gov>).

- j. When an individual is alone, including when alone in an office, a room, a cubicle with walls that are higher than face level when social distancing is maintained, a vehicle, or the cab of heavy equipment or machinery, or an enclosed work area. In such situations, the individual should still carry a face covering to be prepared for person-to-person interactions and to be used when no longer alone.
- k. When a public safety worker is actively engaged in a public safety role, including but not limited to law enforcement, firefighters, or emergency medical personnel, in situations where wearing a face covering would seriously interfere in the performance of their public safety responsibilities.

11. Situations where face coverings are strongly encouraged. I strongly encourage Minnesotans to wear face coverings in the following situations:

- a. During indoor or outdoor private social gatherings (*e.g.*, when visiting at a private home with friends or relatives who do not reside in the same household), particularly in settings where it is difficult or impossible to maintain social distancing.
- b. When riding in a private vehicle with a person or persons who do not reside in the same household.
- c. Inside your home, if you are infected with COVID-19 or experiencing COVID-19 symptoms and reside with others who could be infected.
 - d. When participating as an athlete in indoor or outdoor organized sporting events, to the extent possible, where social distancing is not being maintained.
- e. Except for workers required to wear face coverings under paragraph 9.d, in any outdoor business or public outdoor space when it is not possible to consistently maintain social distancing, such as when entering or exiting a business, being seated, moving around in a space with others present, using the restroom, ordering food, or waiting in line.

12. Child care, preschool, kindergarten through grade 12 schools, and higher education institutions. Child care settings and educational institutions have unique needs that do not always permit universal face coverings when indoors. Child care and schools also require additional flexibility surrounding the use of face shields, which increase visibility of facial expressions and lip movements to aid in speech perception and child development and learning. To provide for an effective developmental and educational environment, and to ensure safety for workers, students, and children, these businesses and institutions must comply with the following specific requirements on the use of face coverings and face shields. These specific requirements and recommendations apply only within the premises of the child care settings, preschool, kindergarten through grade 12 schools, and higher education institutions discussed in this paragraph 12. These specific requirements do not apply when school, child care, or higher education buildings are used for purposes

other than child care, preschool, kindergarten through grade 12 education, or higher education—in which case, they should be treated like any other indoor public space or indoor business for purposes of this Executive Order.

- a. **Child care, preschool, and pre-kindergarten.** Child care settings—defined as family and group day care homes (licensed under Minnesota Rules 2019, Chapter 9502); child care centers (licensed under Minnesota Rules 2019, Chapter 9503); certified centers (certified under Minnesota Statutes 2019, Chapter 245H); legal nonlicensed child care providers (defined under Minnesota Statutes 2019, section 119B.011, subdivision 16); certain license-exempt Head Start, public and private school programs (defined under Minnesota Statutes 2019, section 245A.03, subdivision 2(a)(5), (13), and (26)); and other Head Start, preschool and pre-kindergarten programs—serving children five-years-old and under are required to comply with face covering and face shield guidance available at <https://www.health.state.mn.us/diseases/coronavirus/schools/masks.html>.

Basic requirements for these settings are detailed below, but child care providers must consult the guidance for the full list of face covering and face shield requirements, recommendations, and exceptions. These requirements, recommendations, and exceptions should be clearly documented in COVID-19 Preparedness Plans and made available to families and staff.

- i. **Children five and under exempt.** Children five years old and under are not required to wear a face shield or face covering, and children under two should never wear a face covering due to the risk of suffocation. A child between the ages of two and five who can reliably wear a face covering or face shield in compliance with CDC guidance on *How to Wear Cloth Face Coverings* (<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-to-wear-cloth-face-coverings.html>) (*i.e.*, without frequently touching or removing the covering) may do so, except that children who are sleeping, unconscious, incapacitated, or otherwise unable to remove a face covering or face shield without assistance or who cannot tolerate a shield or covering due to a developmental, medical, or behavioral health condition should not wear a face covering or face shield.
- ii. **Workers exempt.** Workers meeting exemption criteria described in paragraph 8 of this Executive Order should not wear a face covering and should wear a face shield only if able to do so safely.
- iii. **Groupings.** To reduce the risk of exposure, child care settings should maintain consistent groups or cohorts of children and related workers and should take steps to avoid intermixing groups or cohorts of children and workers to the extent possible.

- iv. **Communal space.** Unless exempt, workers and children must wear a face covering or face shield in all indoor communal areas where groups intermix (*e.g.*, center or building hallways, lobbies, restrooms, breakrooms, etc.).
 - A. Non-exempt workers and children who are required to wear a face covering or shield may remove the covering or shield temporarily to engage in certain activities that make wearing a face shield difficult or impracticable (*e.g.*, when eating or drinking; when communicating with an individual who is deaf or hard of hearing or has a disability, medical condition, or mental health condition that makes communication with that individual while wearing a face covering difficult; when participating in certain physical activities or playing certain instruments, or when performing or presenting; during activities, such as swimming, where the face covering will get wet; or when receiving a service, such as nursing or medical service, that would be difficult or impossible to perform with a face covering), provided that social distancing is maintained to the extent possible.
 - B. Face coverings or face shields are strongly recommended outdoors for non-exempt workers and children when it is difficult or not possible to maintain social distancing.
- v. **Classrooms and in-home care.** A child care setting may allow non-exempt staff and workers to remove face coverings or face shields when in an indoor classroom or care setting (including family child care and in-home care providers) that is confined to one group or cohort. Non-exempt workers and children are strongly encouraged to wear coverings or shields in these settings to the extent possible, especially when social distancing cannot be maintained, unless wearing a covering or shield would interfere with child development.
- vi. **Optional exemption for children.** If a child care provider cares for children who are five and under, but also cares for children older than five, the business can exempt children older than five from face covering and face shield requirements only if the exemption is clearly communicated in writing with all enrolled families and included in the business's COVID-19 Preparedness Plan.
- vii. **More protective face covering policies permitted.** Nothing in this Executive Order should be construed as preventing a child care setting from developing a face covering policy that imposes more protective requirements, consistent with applicable law, than those in this Executive Order or applicable industry guidance.

b. **Kindergarten through grade 12 schools.** Kindergarten through grade 12 schools must comply with face covering and face shield guidance available at <https://www.health.state.mn.us/diseases/coronavirus/schools/k12planguide.pdf>. The basic requirements for these settings are detailed below, but these schools must consult the guidance for the full list of face covering and face shield requirements, recommendations, and exceptions.

- i. In general, unless the individual is exempt under paragraph 8.a or .c of this Executive Order or is under the age of two, all students, staff, and other persons present indoors in school buildings and district offices or riding on school transportation vehicles are required to wear a face covering. This paragraph 12.b does not apply to child care, pre-kindergarten or preschool programs on school premises, which are subject to the requirements of paragraph 12.a.
- ii. Face shields may be used as an alternative to face coverings in the following situations:
 - A. For students who are unable to tolerate a face covering due to a developmental, behavioral, or medical condition.
 - B. For teachers of all grades when a face covering would impede the educational process.
 - C. For staff providing direct support student services when a face covering would interfere with the services provided.
 - D. For students in kindergarten through grade 8 when wearing a face covering is otherwise problematic for the student.
- iii. Staff may remove face coverings when working alone, including when alone in an office, classroom, vehicle, cubicle with walls at least face level when social distancing is maintained, or other enclosed work area.
- iv. In addition, staff, students, and other persons present indoors in a school building or district office may temporarily remove face coverings in the following situations, provided that social distancing is maintained to the extent possible:
 - A. When engaged in physical activity (*e.g.*, during recess or physical education) or sporting events where the level of exertion makes wearing a face covering difficult or impracticable.
 - B. When eating or drinking.

- C. During practices or performances involving singing, acting, public speaking, or playing musical instruments that make wearing a face covering difficult or impracticable.
 - D. In response to requests to verify an identity for lawful purposes.
 - E. When communicating with an individual who is deaf or hard of hearing or has a disability, medical condition, or mental health condition that makes communication with that individual while wearing a face covering difficult.
 - F. During activities, such as swimming or showering, where the face covering will get wet.
 - G. While receiving a service—including nursing, medical, or personal care services—that cannot be performed or would be difficult to perform when the individual receiving the service is wearing a face covering. Workers performing a service for an individual who is allowed to temporarily remove their face covering under this provision must comply with the face covering requirements in the applicable Industry Guidance, available at the Stay Safe Minnesota website (<https://staysafe.mn.gov>).
- v. Except for staff, children, or other persons who are exempt under paragraph 8.a or .c of this Executive Order or are under the age of two, face coverings (or, where applicable, face shields) are strongly recommended outdoors when it is not possible to maintain social distancing or where it will likely not be possible to maintain social distancing.
- c. **Higher education institutions.** Students and staff in higher education institutions must comply with the requirements of this Executive Order, except that students and faculty are permitted to wear face shields as an alternative to face coverings in the following situations:
- i. When faculty are teaching a class or giving a lecture, or when students are participating in classroom activities, where it is important for the face to be seen (for example, certain activities in language or communications classes).
 - ii. Where a face covering may pose a hazard due to the nature of the class or activity (for example, in a laboratory component of a class).
 - iii. When staff or faculty are providing direct support student services and a face covering impedes the service being provided.

- 13. Inclusion of face covering requirements in businesses' COVID-19 Preparedness Plans.** All businesses must update their COVID-19 Preparedness Plans to include the face covering requirements of this Executive Order, including those that have been incorporated into the Industry Guidance applicable to their business available on the Stay Safe Minnesota website (<https://staysafe.mn.gov>), inform their workers how their plan has been updated, and make the revised plan available to their workers. The Industry Guidance applicable to the business may include face covering requirements that are more protective than those of this Executive Order, consistent with applicable law.
- 14. Notice of face covering requirements.** Businesses must post one or more signs that are visible to all persons—including workers, customers, and visitors—instructing them to wear face coverings as required by this Executive Order.

15. Implementation of face covering requirements by businesses.

- a. Businesses must require that all persons, including their workers, customers, and visitors, wear face coverings as required by this Executive Order.
 - b. When possible, businesses must provide accommodations to persons, including their workers and customers, who state they have a medical condition, mental health condition, or disability that makes it unreasonable for the person to maintain a face covering, such as permitting use of an alternate form of face covering (*e.g.*, face shield) or providing service options that do not require a customer to enter the business.
 - c. Businesses may not require customers to provide proof of a medical condition, mental health condition, or disability, or require customers to explain the nature of their conditions or disability.
 - d. Businesses must follow the requirements of other applicable laws with respect to whether a business may require a worker to provide documentation of a medical condition, mental health condition, or disability related to their inability to wear a face covering and what the business may ask regarding the condition or disability.
 - e. Nothing in this Executive Order requires businesses or their workers to enforce this requirement when it is unsafe to do so, or authorizes them to restrain, assault or physically remove workers or customers who refuse to comply with this Executive Order.
 - f. Nothing in this Executive Order authorizes businesses or their workers to violate other laws, including anti-discrimination laws.
- 16. More protective policies permitted.** Nothing in this Executive Order should be construed to prevent a business from developing a policy that imposes more protective requirements with respect to face coverings, consistent with applicable law, than those in this Executive Order or applicable industry guidance. This Executive

Order does not authorize landlords or property managers to require tenants and others to wear face coverings in tenants' living units. Landlords and property managers must provide a clear means for tenants and others to request a reasonable accommodation to face covering requirements in common areas.

17. Safe work. The protections noted in Executive Order 20-54 (Protecting Workers from Unsafe Working Conditions and Retaliation) remain in full force and effect. Businesses are responsible for the safety and health of their workplaces and must adhere to the requirements set out in the Industry Guidance applicable to the business, available on the Stay Safe Minnesota website (<https://staysafe.mn.gov>), Minnesota OSHA Standards, and MDH and CDC Guidelines, including the face covering requirements of this Executive Order. 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.

18. 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, requirements beyond those contained in this Executive Order, as long as the additional requirements 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 requirements. 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, consistent with applicable law, but may not take actions that are less protective of the public health.

19. Relationship with other law. Wearing a face covering in compliance with this Executive Order or local ordinances, rules, or orders is not a violation of Minnesota Statutes 2019, section 609.735.

20. Enforcement. I urge all Minnesotans to voluntarily comply with this Executive Order.

a. **Individual violations.** Any individual who willfully violates this Executive Order is guilty of a petty misdemeanor and upon conviction must be punished by a fine not to exceed \$100. This does not apply to: (1) children younger than 14 years old; or (2) students 14 years old and older who are enrolled in a school or higher education institution identified in Paragraph 12 of this Executive Order, and who are on the premises of the school or institution for educational purposes.

b. Business violations.

i. **Business compliance with this Executive Order.** As provided in paragraphs 13 through 15 of this Executive Order, a business is

compliant with this Executive Order if (1) their workers are wearing face coverings as required by this Executive Order; (2) the business has updated their COVID-19 Preparedness Plan to address the face covering requirements of this Executive Order; (3) the business has posted one or more signs that are visible to all persons—including workers, customers, and visitors—instructing them to wear face coverings as required by this Executive Order; and (4) the business makes reasonable efforts to enforce this order with respect to customers and visitors. For additional information about the steps businesses can take to ensure compliance with this order, refer to the face covering guidance and FAQs available at the Facemasks and Personal Protective Equipment webpage (<https://www.health.state.mn.us/diseases/coronavirus.html#masks>). The guidance and FAQs may also be accessed at the following webpages: <https://www.health.state.mn.us/diseases/coronavirus/facecover.html> (guidance document) and <https://www.health.state.mn.us/diseases/coronavirus/facecoverfaq.html> (FAQ document).

- ii. **Penalties for non-compliance.** Any business owner, manager, or supervisor who fails to comply with 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. In addition to these 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.
- c. **Regulatory enforcement.** State and local licensing and regulatory entities that regulate businesses for compliance with statutes, 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.
- d. **Individual rights.** 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 July 22, 2020.



Tim Walz
Governor

Filed According to Law:



Steve Simon
Secretary of State

Approved by the Executive Council on July 22, 2020:



Alice Roberts-Davis
Secretary, Executive Council

RESOLUTION

RESOLVED, by the Executive Council of the State of Minnesota, at its emergency meeting on July 22, 2020, that it approves Emergency Executive Order 20-81 pursuant to Minnesota Statutes 12.31 and 12.32.

Requiring Minnesotans to Wear a Face Covering in Certain Settings to Prevent the Spread of COVID-19

Approved by Executive Council

DATE: July 22, 2020

By: *A Roberts Davis*

Filed on July 22, 2020
Office of the
Minnesota Secretary
of State, Steve Simon