

May 13, 2020

VIA EMAIL DELIVERY

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554
Attn: Audio Division, Media Bureau

Re: W236DF, Brainerd, MN
Facility ID No. 201194
Construction Permit File No. BNPFT-20171201APJ
Construction Deadline: January 12, 2021
Request for Tolling of Construction Permit

Dear Ms. Dortch:

HBI Radio Brainerd/Wadena, LLC (“Licensee”) holds the above-captioned construction permit (“Construction Permit”) for new FM translator station W236DF, Brainerd, Minnesota. By its counsel and pursuant to Sections 1.3 and 73.3598(b) of the Commission’s Rules,¹ Licensee hereby requests tolling of the construction period for the Construction Permit.

The impact of COVID-19 pandemic has forced Licensee to delay construction of the facilities authorized by the Construction Permit. On March 13, 2020, the Governor of the State of Minnesota issued an executive order (“Minnesota Executive Order”) declaring a state of emergency and other measures to help slow the spread of the COVID-19 virus. See Exhibit 1. The Minnesota Executive Order has since been extended and expanded by subsequent Executive Orders, most recently on April 30, 2020, as shown in Exhibit 2. Because of this Act of God, tolling is appropriate for a six month period, absent earlier resolution of the COVID-19 closure.

¹ 47 C.F.R. §§ 1.3, 73.3598(b).

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Section 319(b) of the Communications Act of 1934, as amended, provides that a construction permit “will be automatically forfeited if the station is not ready for operation within the time specified or within such further time as the Commission may allow, *unless prevented by causes not under the control of the grantee*.”² The Commission has established procedures for tolling the construction period for construction permits when warranted.³ Specifically, Section 73.3598(b) provides that a construction period will toll when construction is prevented for certain “causes not under the control of the permittee.”⁴ To receive tolling, a permittee must demonstrate that it could not build due to a Commission-recognized encumbrance and that the permittee has had, in total, less than three unencumbered years to construct the facility.⁵

Licensee submits that tolling of the Construction Permit would be appropriate in this case because, due to circumstances not under the control of Licensee, construction has been encumbered by delays caused by a worldwide pandemic of historic proportions. Licensee is reluctant to commit employees to this construction project during the current crisis. Similarly, in the current circumstances, the ability to schedule engineering and tower contractors to construct these new facilities is in doubt. Finally, Licensee anticipates that delays and limitations due to the pandemic will continue into the summer, and perhaps well into autumn. Given Minnesota’s long winters, the window to implement the Construction Permit is very short.

Without having the ability to construct during the summer and possibly longer, Licensee will be unable to complete construction before the expiration of the Construction Permit.

Given the unique circumstances caused by the COVID-19 pandemic, Licensee’s

² 47 U.S.C. § 319(b).

³ 47 C.F.R. § 73.3598(b); *see also* 1998 Biennial Regulatory Review – Streamlining of Mass Media Applications, Rules and Processes, Report and Order, 13 FCC Rcd 23056 ¶¶ 83-90 (1998); 1998 Biennial Regulatory Review – Streamlining of Mass Media Applications, Rules and Processes, Memorandum Opinion and Order, 14 FCC Rcd 17525 ¶¶ 31-45 (1999).

⁴ 47 C.F.R. § 73.3598(b).

⁵ *Wendell & Associates Request to Waive the Period to Construct Unbuilt Station WKNJ(AM), Harriman, New York*, Memorandum Opinion and Order, 17 FCC Rcd 18576, n.13 (2002).

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inability to implement the Construction Permit is beyond its ability to control and should be considered an “act of God,” which serves as a basis for tolling under Section 73.3598(b) of the Commission’s rules.

Licensee therefore submits that the public interest will be served by tolling the January 12, 2021 construction deadline for the Construction Permit for six months, absent earlier resolution of the COVID-19 closure.

Respectfully submitted,

WILKINSON BARKER KNAUER, LLP

/s/ David A. O’Connor

Kenneth A. Satten

David A. O’Connor

Counsel for HBI Radio Brainerd/Wadena,
LLC

cc: Tom Hutton
Victoria McCauley

EXHIBIT 1

STATE OF MINNESOTA

Executive Department



Governor Tim Walz

Emergency Executive Order 20-01

Declaring a Peacetime Emergency and Coordinating Minnesota's Strategy to Protect Minnesotans from 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 infectious disease known as COVID-19, an act of nature, has now been detected in 118 countries and territories, including the United States. COVID-19 has been reported in 42 states. There are over 1,600 confirmed cases nationwide, including fourteen in Minnesota.

The U.S. Department of Health and Human Services Secretary has declared a public health emergency for the United States to aid the nation's healthcare community in responding to COVID-19. The World Health Organization has recently assessed that this outbreak can be characterized as a pandemic.

In coordination with other state agencies, local governments, and partners in the private sector, the Minnesota Department of Health ("MDH") has been preparing for and responding to the COVID-19 pandemic in Minnesota.

On April 4, 2019, I issued Executive Order 19-22, which assigned emergency responsibilities to state agencies to respond to and assist in recovery from the effects of natural or technological emergencies, including responsibility to engage in emergency preparedness efforts. On April 4, 2019, I also issued Executive Order 19-23, which directed state agencies to engage in continuity of government and continuity of operations planning. That Executive Order established the Continuity Policy Coordination Sub-Cabinet to develop and maintain a framework for a continuity of government plan, and to oversee agency continuity of operations planning, led by Minnesota Management and Budget ("MMB").

Minnesota has taken proactive steps to ensure that we are ahead of the curve on COVID-19 prevention and response. Our State has been actively conducting continuity planning for state agency operations. MMB activated its Statewide Contingency Response Team ("SCRT"), which meets regularly to coordinate and direct state agencies to ensure priority government services continue. State agency emergency managers and continuity coordinators from the agencies have

been meeting together and sharing information related to emergency management and continuity of operations planning activities.

The State also has activated our Joint Information Center (“JIC”), led by the Department of Public Safety (“DPS”) and MDH. The JIC is responsible for sharing operational updates and keeping the public informed on COVID-19. This group convenes daily to provide consistent, coordinated, and timely information.

Agencies have activated their internal command or continuity teams and have been reviewing their emergency response and continuity plans, which are plans in place that outline how agencies will provide priority services during an emergency. Agencies have been reviewing their priority services and preparing their employees with the goal of providing uninterrupted priority services throughout an emergency.

On January 29, 2020, MDH instituted its Incident Command System (“ICS”). The ICS provides a standardized approach to the command, control, and coordination of emergency response. MDH convened a state agency COVID-19 coordinating group on March 3, 2020. DPS’s Division of Homeland Security and Emergency Management (“HSEM”) activated the State Emergency Operations Center on March 6, 2020.

MDH remains in close contact with federal, state, and local partners, and the Commissioner of Health recently convened a group of experts, including healthcare professionals (doctors, nurses, administrators, insurers), government partners (cities, counties, tribal nations), business and labor leaders, educators (child care, K-12, higher ed), public health experts, and authorities on long term care and Minnesota’s aging population. This cross-sector group provides guidance to the Commissioner on MDH’s strategies for responding to COVID-19.

As part of the response, MDH experts have been providing timely information and education to the public and stakeholders through up-to-date website information, regular press briefings, and calls for stakeholders such as schools, long-term care facilities, healthcare providers, and the business community. MDH’s COVID-19 website, with materials available in 16 languages, has been accessed by thousands of Minnesotans.

Local resources are inadequate to fully address the COVID-19 pandemic. We must continue to take this pandemic seriously, and there are sensible steps that Minnesotans and our state government can take to protect all Minnesotans by slowing the spread of COVID-19, prioritizing our healthcare resources, and safeguarding at-risk communities.

For these reasons, I declare a peacetime emergency in Minnesota and order as follows:

1. In consultation with federal, state, and local partners, tribal nations, relevant experts, and stakeholders, MDH will continue to lead the coordination of the State’s response to COVID-19.
2. HSEM will continue to assist MDH and coordinate support through the State Emergency Operations Center and in accordance with the Minnesota Emergency Operations Plan.

3. All state agencies, in cooperation with appropriate federal agencies, will work to support healthcare providers, tribal and local governments, and public health organizations as they respond to COVID-19.
4. The Minnesota National Guard will ensure that it is ready to assist as needed during this peacetime emergency.
5. In consultation with the Centers for Disease Control and Prevention, as well as public health, medical, and other experts, MDH will continue to provide guidance that is accessible and transparent to all Minnesotans, including guidance on how to best prevent and reduce community spread of COVID-19 within Minnesota and manage critical healthcare resources.
6. I encourage individual Minnesotans to help protect all Minnesotans by continuing their individual prevention efforts such as staying home when feeling sick, frequently washing their hands, and monitoring information about COVID-19.
7. I urge and advise Minnesotans to follow MDH guidance regarding hygiene, public gatherings, social distancing, and healthcare use. Minnesotans should regularly check MDH's COVID-19 webpage: <https://www.health.state.mn.us/diseases/coronavirus/>
8. As circumstances require, and pursuant to relevant law, I will issue orders and rules to protect public health and safety. All state agencies are directed to submit proposals for such orders and rules to my office.

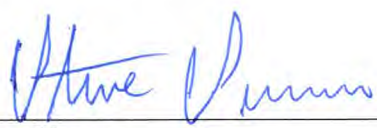
This Executive Order and declaration of peacetime emergency is effective immediately under Minnesota Statutes 2019, section 4.035, subdivision 2, and its duration is governed by Minnesota Statutes 2019, section 12.31, subdivision 2.

Signed on March 13, 2020.



Tim Walz
Governor

Filed According to Law:



Steve Simon
Secretary of State



EXHIBIT 2

STATE OF MINNESOTA

Executive Department



Governor Tim Walz

Emergency Executive Order 20-48

Extending and Modifying Stay at Home Order, Continuing Temporary Closure of Bars, Restaurants, and Other Places of Public Accommodation, and Allowing Additional Workers in Certain Non-Critical Sectors to Return to Safe Workplaces

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 presents an unprecedented challenge to our State. On March 11, 2020, the World Health Organization (“WHO”) characterized the COVID-19 outbreak as a pandemic. Despite efforts to contain COVID-19, the WHO and the Centers for Disease Control and Prevention (“CDC”) indicate that it is expected to spread. Confirmed cases of COVID-19 in Minnesota are rapidly increasing. 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.

Minnesota has taken proactive steps to ensure that we are ahead of the curve on COVID-19 prevention and response. On March 13, 2020, I issued Executive Order 20-01 and declared a peacetime emergency because this pandemic, an act of nature, threatens the lives of Minnesotans, and local resources are inadequate to address the threat. On April 13, 2020, after notifying the Legislature, I issued Executive Order 20-35, extending the peacetime emergency declared in Executive Order 20-01. Previous Executive Orders required the closure of bars, restaurants, and other places of public accommodation and directed Minnesotans to stay at home except for certain exempted activities and Critical Sector work.

Community spread of COVID-19 continues to increase in Minnesota and nationwide. Just three weeks ago, on April 8, 2020, Minnesota had 1,154 confirmed COVID-19 cases, with 271 hospitalizations and 39 fatalities. As of today, Minnesota has had 5,136 confirmed COVID-19 cases, with 1,044 hospitalizations and 343 fatalities. The United States has recorded over 1,005,000 COVID-19 cases with over 57,500 recorded fatalities. The continued presence of community spread in Minnesota and the rapid increase in COVID-19 cases and deaths require us

to continue our measures to slow the spread of this pandemic. Slowing the community spread of COVID-19 is critical to ensuring that our healthcare facilities remain able to accommodate those who require intensive medical intervention.

Executive Orders 20-20 and 20-33 permitted work in Critical Sectors based on guidance from the U.S. Department of Homeland Security. That Guidance has since been updated and revised. This order adopts and relies on the April 17, 2020 Guidance on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience in COVID-19 Response, Version 3.0 (“CISA Guidance (version 3.0)”—attached to, and incorporated into, this Executive Order). The CISA Guidance (version 3.0) identifies workers who conduct a range of operations and services that are essential to continued critical infrastructure viability. This federal guidance provides a baseline for Minnesota’s efforts to ensure critical infrastructure and services are maintained while slowing the spread of COVID-19.

Many Minnesotans, who neither work in a Critical Sector nor can work from home, have been unable to work during this pandemic. In Executive Order 20-33, seeking to balance public health needs and economic considerations, I directed the MDH Commissioner, and the Commissioners of the Minnesota Department of Employment and Economic Development (“DEED”) and the Minnesota Department of Labor and Industry (“DLI”) to begin planning to allow certain non-Critical Sector workers to return to work when it is safe to do so. I explained that such a plan must include guidelines and requirements for appropriate social distancing, hygiene, and public health best practices. In Executive Order 20-38, I expanded exemptions related to outdoor recreational activities and facilities. In Executive Order 20-40, I further allowed certain non-Critical Sector workers to return to work once their employers had planned for and provided a safe work environment. This Executive Order continues our plan to safely reopen our economy.

Businesses have the opportunity to resume work through preparation and planning that will allow for compliance with the Minnesota Occupational Safety and Health Act of 1973, Minnesota Statutes 2019, Chapter 182 (“Minnesota OSHA Standards”), in addition to guidelines related to COVID-19 set forth by the Minnesota Department of Health and the Centers for Disease Control and Prevention (“MDH and CDC Guidelines”). We will continue to monitor the level of COVID-19 cases and explore whether more workers can safely return to other workplaces.

In Minnesota Statutes 2019, section 12.02, the Minnesota Legislature conferred upon the Governor emergency powers “in order 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. Beginning on Sunday, May 3, 2020 at 11:59 pm through Sunday, May 17, 2020 at 11:59 pm, all persons currently living within the State of Minnesota are ordered to stay at home or in their place of residence except to engage in the Activities set forth below in paragraph 5 and to work in Critical Sectors and Non-Critical Exempt Businesses as forth below in paragraphs 6 and 8. Executive Orders 20-33, 20-38, 20-40, and 20-47 are rescinded as of Sunday, May 3, 2020 at 11:59 pm.
2. This Executive Order does not restrict virtual work or telework (*i.e.*, work from home). Minnesotans working in any field, including the Critical Sectors and Non-Critical Exempt Businesses set forth below, must work from their home or residence as much as possible. Any worker who can work from home must do so.
3. **Masks and face coverings.** I strongly encourage all Minnesotans to wear a manufactured or homemade cloth face covering at all times when they leave their homes and travel to any public setting where other social distancing measures are difficult to maintain (*e.g.*, grocery and other stores), and to follow face covering guidelines issued by MDH and the CDC until this order is rescinded. Such face masks and coverings are for source control – to help limit the person wearing the covering from infecting others. They are not yet known to be protective of the wearer and thus are not personal protective equipment.
4. **Definitions.** For purposes of this Executive Order, homes or residences include mobile homes, hotels, motels, shared rental units, shelters, and similar facilities, to the extent they are used for lodging. As used in this Executive Order, “workers” and “personnel” are broadly defined to include owners, proprietors, employees, contractors, vendors, volunteers, and interns. As used in this Executive Order, “Critical Sectors” is defined to include the categories found in the CISA Guidance (version 3.0) and the additional categories listed below in paragraph 6.
5. **Exemptions – Activities.** Minnesotans may leave their homes or residences to engage in the following activities, provided that all persons follow the MDH and CDC Guidelines, including but not limited to social distancing, to the maximum extent possible. **Consistent with federal guidance and to protect our neighbors, Minnesotans are encouraged to stay close to home and are strongly discouraged from engaging in unnecessary travel.** This list of Activities may be clarified, as deemed necessary by the Governor, to ensure the health, safety, and security of all Minnesotans. Clarifications will be available for public review at:
<https://mn.gov/covid19/>

- a. **Relocation to ensure safety.** Individuals whose homes or residences are unsafe or become unsafe, including individuals who have suffered or are at risk of domestic violence or for whom the safety, sanitation, or essential operations of their home or residence cannot be maintained, are allowed and urged to leave their home or residence and relocate to a safe alternative home or residence.
- b. **Health and safety activities.** Individuals may seek emergency services; obtain medical services, supplies, and medications; and visit a healthcare or dental professional or facility, or a veterinarian. Individuals may also donate blood.
- c. **Outdoor Recreational Activity.** Individuals **must not** engage in outdoor recreational activities where they will come into close proximity with others from different households. Individuals may engage in the activities listed below, provided that they follow the Minnesota Department of Natural Resources (“DNR”) and MDH guidelines on outdoor recreation and guidelines for facilities and the public (“Outdoor Recreation Guidelines”) available at DNR’s COVID-19 website (<https://www.dnr.state.mn.us/covid-19.html>):
 - i. Individuals may engage in any outdoor activity that is dependent upon or derives its principal benefit from natural surroundings and open space, including but not limited to hunting, fishing, trapping, boating, hiking, biking, golfing, and picnicking for the purposes of pleasure, rest, exercise, or relaxation, provided that the activity can be engaged in accordance with the Outdoor Recreation Guidelines, including maintaining at least six feet of separation between participants from different households. Groups **within a single household** may engage in outdoor activities or sports that do not allow for social distancing (e.g., soccer or basketball) but should not engage in such activities with members of other households.
 - ii. Outdoor recreational activities allowed by this Executive Order **do not include** performances, competitions, team events, tournaments, races, rallies, organized sports, spectator events, fairs, or any other events that involve the gathering of individuals in a manner that would preclude social distancing. For example, individuals must not partake, as participants or as spectators, in activities such as marathons, fundraising walks, fishing contests, league sports, and tournaments.
 - iii. All persons participating in outdoor recreational activities under this Executive Order must follow the Outdoor Recreation Guidelines.
 - iv. Nothing in this paragraph permits trespass upon private property, and all activities undertaken pursuant to this paragraph must be undertaken in accordance with Minnesota law, including but not limited to license

and permit requirements, invasive species regulations, and park rules. Nothing in this paragraph should be construed to abrogate existing local authority to limit or restrict activities or close facilities.

- d. **Supplies and services.** Individuals may leave their residences to:
 - i. Obtain food, including delivery or carry-out services, beverages (alcoholic and non-alcoholic), and other grocery items.
 - ii. Obtain gasoline.
 - iii. Obtain supplies needed to work from home.
 - iv. Obtain commercially available personal protective equipment and supplies and materials necessary to make homemade source control items such as face masks.
 - v. Obtain products needed to maintain the safety, sanitation, and essential operation of homes and residences, businesses, and personally owned vehicles, including automobiles and bicycles.
 - vi. Visit and use the services of laundromats and dry cleaners.
 - vii. Pick up retail products from establishments offering curbside pickup services.
- e. **Essential intrastate and interstate travel.** Minnesotans are encouraged to stay close to home and are strongly discouraged from engaging in unnecessary travel. Individuals may travel to exempted activities and may travel to return to a home or place of residence. Individuals may also travel into and out of Minnesota.
- f. **Care of others.** Individuals may care for a family member, friend, or pet in another household, and may transport family members, friends, or pets as allowed by this Executive Order, including the transport of children pursuant to existing parenting time schedules or other visitation schedules pertaining to a child in need of protective services (CHIPS) proceeding.
- g. **Displacement.** Individuals without a home are exempt from the restrictions in this Executive Order, and they may move between emergency shelters, drop-in centers, and encampments. Encampments, including both new and existing encampments, should not be subject to sweeps or disbandment by state or local governments, as such sweeps or disbandment increase the potential risk and spread of COVID-19.
 - i. Law enforcement is not prohibited from addressing trespassing or exigent circumstances (*i.e.*, those requiring immediate action to protect life, prevent injury, or preserve evidence) that occur within

encampments or among people staying outdoors. Law enforcement and other first responders should respond to trespassing and exigent circumstances as those situations require.

- ii. If a local government entity is providing sufficient alternate housing, shelter, or encampment space that complies with MDH's guidance entitled *Homeless Services Settings: Interim Guidance for Providers* and the CDC's guidance entitled *Responding to COVID-19 Among People Experiencing Unsheltered Homelessness*, or if an encampment has reached a size or status such that is a documented threat to the health, safety, or security of residents, state or local governments may restrict, limit, or close encampment spaces.
 - iii. The commissioners of the Minnesota Housing Finance Agency and the Minnesota Department of Human Services are authorized, as co-chairs of the Minnesota Interagency Council on Homelessness, to issue additional guidance as needed to clarify this provision or further address the issue of homeless encampments.
- h. **Moving or relocation.** Individuals are permitted to move to a new home or place of residence, provided they follow MDH and CDC Guidelines to the maximum extent possible.
 - i. **Voting.** Individuals are permitted and encouraged to vote in all state and local elections. Voters are also encouraged to vote by mail using an absentee ballot where feasible. Additional information from the Secretary of State is available at <https://www.sos.state.mn.us/election-administration-campaigns/elections-calendar/2020-elections-and-covid-19/>
 - j. **Funerals.** Individuals may leave their home or residence to attend funerals, whether at a place of worship, funeral home, burial site, or other similar location, provided that the gathering consists of no more than 10 attendees. The space utilized must allow for social distancing and compliance with MDH and CDC Guidelines to the maximum extent possible. Venues should make accommodations for remote attendance, if possible, for others. Individuals who are at high risk from COVID-19 are strongly encouraged to attend remotely.
 - k. **Weddings.** Individuals may leave their home or residence to be married, to serve as witnesses, or to officiate a marriage, provided that the gathering consists of no more than 10 attendees. The wedding location must allow for social distancing and compliance with MDH and CDC Guidelines to the maximum extent possible. The restrictions on places of public accommodation adopted in Executive Orders 20-04, 20-18, and this Executive Order otherwise remain in effect.
 - l. **Tribal Activities and Lands.**

- i. Activities by tribal members within the boundaries of their tribal reservations are exempt from the restrictions in this Executive Order but may be subject to restrictions by tribal authorities.
- ii. Activities within the boundaries of federal land held in trust for one of the 11 Minnesota Tribal Nations are exempt from the restrictions in this Executive Order but may be subject to restrictions by tribal authorities.
- iii. Activities by tribal members to exercise their federal treaty rights within the boundaries of their treaty territory (also known as “ceded territory”) are exempt from the restrictions in this Executive Order but may be subject to restrictions by applicable tribal authorities.
- iv. Tribal members may travel to and from their tribal reservations in accordance with applicable tribal law.

6. **Exemptions – Critical Sectors. All workers who can work from home must do so.** Workers in the following Critical Sectors, who are performing work that cannot be done at their home or residence through telework or virtual work and can be done only at a place of work outside of their home or residence, are exempted from the prohibition in paragraph 1 of this Executive Order as set forth below. **These Critical Sector exemptions apply only to travel to and from an individual’s home or residence and place of work and an individual’s performance of work duties that cannot be done at their home or residence. Travel may include transportation to and from child care or school settings as necessary to ensure the safe care of children.** This list of Critical Sectors may be clarified, as deemed necessary by the Governor, to ensure the health, safety, and security of all Minnesotans. These clarifications carry the full weight and effect of this Executive Order. Clarifications are available for public review at: <http://mn.gov/deed/critical/>

- a. **Healthcare and public health.** As applicable, healthcare and public health workers are subject to the restrictions on elective surgeries and procedures as set forth in Executive Orders 20-09 and 20-17. This category is limited to:
 - i. Healthcare and public health workers listed in the CISA Guidance (version 3.0).
 - ii. Workers providing or supporting reproductive health care, childbirth services, mental health care, and substance use treatment.
 - iii. Workers supporting manufacturers, technicians, logistics and warehouse operators, and distributors of personal care, hygiene, and healthcare products.
 - iv. Workers providing or supporting home care and human services workers from government or non-profit providers who are delivering

food, prescriptions, case management services, mental health and substance abuse therapy, or who are otherwise caring for a client.

- v. Workers providing or supporting home-based care for adults, seniors, and children, including but not limited to people who are blind, deaf, deafblind, or hard of hearing and people with disabilities, including physical disabilities, developmental disabilities, intellectual disabilities, substance use disorders, or mental illness. This includes workers who must travel to a person's home to provide care or other in-home services including meal delivery and one-on-one interpreting services for people who are blind, deaf, deafblind, or hard of hearing.
 - vi. Personal care attendants, paid employees of government and non-profit providers, or volunteers representing government and non-profit providers.
 - vii. Workers supporting the medical cannabis industry.
 - viii. Workers in adult daycares are **not** exempted.
- b. **Law enforcement, public safety, and first responders.** This category is limited to law enforcement and public safety workers and first responders listed in the CISA Guidance (version 3.0), and all corrections personnel, state and county probation officers, supervision agents, victims' advocates, animal control officers, humane officers, and all workers who support electronic security and life-safety services. This category also includes the following:
- i. Bail bond agents posting a bond.
 - ii. Workers supporting indoor gun or shooting ranges when providing qualification shooting or skills maintenance to licensed Minnesota peace officers, law enforcement officers, and federally sworn law enforcement officers assigned to work within the state of Minnesota. Workers supporting outdoor shooting ranges are exempt under paragraph 6.kk of this Executive Order.
 - iii. Workers and attendees at skills training for the state's Professional Peace Officer Education ("PPOE") providers, where such training cannot be given remotely and provided that social distancing and other mitigation strategies are employed.
 - iv. Evaluators and firefighters at skills training, including evaluation for the state's firefighter Certification Testing, where such training and evaluations cannot be given remotely.
- c. **Food and agriculture.** This category includes food and agriculture workers listed in the CISA Guidance (version 3.0). For clarity, and for the purposes of

this Executive Order, references to “beverages” include alcoholic beverages. The restrictions on restaurants, bars, and other places of public accommodation adopted in Executive Orders 20-04, 20-08, 20-18, and this Executive Order remain in effect. This category also includes:

- i. Workers supporting agricultural equipment repair service.
 - ii. Lawncare and landscaping workers.
 - iii. Workers supporting garden centers, stores, and nurseries, provided that such centers, stores, or nurseries adhere to guidance provided by the Minnesota Department of Agriculture.
 - iv. Workers supporting florists for the sale for delivery only of perishable plant stock. Workers delivering perishable plant stock are strongly encouraged to drop off product at the front door of nursing homes and hospitals to avoid contact with vulnerable populations.
 - v. Workers supporting bait harvesters.
 - vi. This category **does not** include workers supporting tobacco and vaping-product shops or cannabidiol (CBD) oil shops, but these workers may return to work if their employer qualifies as a Non-Critical Exempt Business under paragraph 8 of this Executive Order.
- d. **Energy.** This category is limited to energy workers listed in the CISA Guidance (version 3.0), workers supporting emergency response operations, and workers supporting the underground storage of natural gas.
- e. **Water and wastewater.** This category is limited to water and wastewater workers listed in the CISA Guidance (version 3.0), in addition to State Parks workers who maintain water and wastewater infrastructure, workers who perform work related to residential wells and septic tanks, and workers who supply bottled water or home filtration systems in areas where that is a health necessity.
- f. **Transportation and logistics.** This category is limited to the transportation and logistics workers listed in the CISA Guidance (version 3.0), in addition to:
- i. State, county, and local government agencies and agency workers, as well as private sector workers, who support or enable transportation functions, including engineers, dispatchers, maintenance and repair technicians (including workers at maintenance and repair shops), warehouse workers, truck stop and rest area workers, and workers that maintain and inspect infrastructure (including those that require cross-border travel).

- ii. Workers engaged in roadway construction, maintenance, and utility projects.
 - iii. Public transit workers.
 - iv. Bicycle shops and distribution facilities.
 - v. Automobile, motorcycle, recreational vehicle (RV), and all-terrain vehicle (ATV) sales, when conducted by appointment only.
 - vi. Workers who clean vehicles used for public transportation, government services, and Critical Sectors.
 - vii. Workers transporting boats.
 - viii. Workers necessary for the operation of safe harbors and marinas to provide refuge for boaters when conditions make boating on open water unsafe.
 - ix. Workers supporting car washes, but only where such car washes are limited to exterior washes, allow for payment without direct contact between workers and customers, and where customers remain in their vehicles.
- g. **Public works and infrastructure support services.** This category is limited to public works and infrastructure support services workers listed in the CISA Guidance (version 3.0), in addition to construction material suppliers and workers providing services necessary to maintain construction material sources.
- h. **Communications and information technology.** This category is limited to communications and information technology workers listed in the CISA Guidance (version 3.0) and all workers who support news services of all kinds, including newspapers, radio, television, and other forms of news media.
- i. **Other community-based government operations and essential functions.** This category is limited to the other community-based and government essential functions listed in the CISA Guidance (version 3.0), in addition to workers who support the following functions and services:
- i. Election support services and election administration workers.
 - ii. Housing, shelter, and homelessness-prevention staff of state and local agencies and organizations responsible for ensuring safe and stable housing, including workers from state and local agencies and organizations with responsibility for ensuring safe and stable housing; shelter outreach or drop-in center programs; financing affordable housing; and administering rent subsidies, homeless interventions,

operating supports, and similar supports. This includes workers necessary to provide repairs, maintenance, and operations support to residential dwellings.

- iii. Workers performing all other governmental functions which are necessary to ensure the health, safety, and welfare of the public, to preserve the essential elements of the financial system of government, and to continue priority services as determined by a political subdivision of the State. All political subdivisions of the State will determine the minimum personnel necessary to maintain these governmental operations.
 - iv. Workers supporting building code enforcement necessary to maintain public safety and health and for all ongoing construction.
 - v. Workers, including logistical and contract workers, who are critical to facilitating support of national, state, and local emergency response operations.
 - vi. Workers necessary to process applications for and issue hunting and fishing licenses, where it is impracticable for applicants to apply online.
 - vii. Workers supporting environmental compliance and assistance activities, field research, monitoring and surveying, habitat restoration, natural land and water management, and plant and animal population management.
- j. **Critical manufacturing.** This includes the critical manufacturing workers listed in the CISA Guidance (version 3.0) and the following:
- i. Workers supporting iron ore mining and processing operations and supplier/vendor industries essential to such mining and processing operations.
 - ii. Workers supporting printing operations that supply other Critical Sectors. Other printing workers are not included in this category, but such workers may return to work if their employer qualifies as a Non-Critical Exempt Business under paragraph 8 of this Executive Order.
- k. **Hazardous materials.** This category is limited to hazardous materials workers listed in the CISA Guidance (version 3.0).
- l. **Financial services.** This category is limited to financial services workers identified in the CISA Guidance (version 3.0), in addition to workers at banks, credit unions, insurance companies, and insurance agencies. Debt collection professionals and other workers supporting debt collection are not included in

this category, but such workers may return to work if their employer qualifies as a Non-Critical Exempt Business under paragraph 8 of this Executive Order.

- m. **Chemical.** This category is limited to chemical workers listed in the CISA Guidance (version 3.0).
- n. **Defense industrial base.** This category is limited to defense industrial base workers listed in the CISA Guidance (version 3.0).
- o. **Commercial facilities/essential supply stores.** Essential supply stores are strongly encouraged to offer curbside pickup or delivery of products. This category is limited to commercial facilities workers listed in the CISA Guidance (version 3.0) and the following:
 - i. Workers supporting businesses that sell products, tools, materials, or supplies necessary for: (1) Critical Sectors to continue their essential operations, (2) for workers to work from home, or (3) for the maintenance of the safety, sanitation, and essential operation of homes or residences.
 - ii. Workers supporting licensed businesses that sell or service firearms, pursuant to Minnesota Statutes 2019, section 624.7192. Indoor gun clubs and indoor gun and shooting ranges must remain closed pursuant to Executive Orders 20-04, 20-18, and this Executive Order.
 - iii. Workers at traditional retail establishments who are working only to take and fulfill online orders for pick up or delivery.
 - iv. Workers supporting the sale of essential furnishings, including beds, lift chairs, and office furniture and equipment necessary for other workers to work from home. Workers supporting sales of non-essential furnishings are not included in this category, but such workers may return to work if their employer qualifies as a Non-Critical Exempt Business under paragraph 8 of this Executive Order.
 - v. Workers supporting retailers not listed above may return to work if their employer qualifies as a Non-Critical Exempt Business under paragraph 8 of this Executive Order.
- p. **Residential/shelter facilities and services.** This category includes the residential/shelter facilities and services workers listed in the CISA Guidance (version 3.0), including workers supporting moving and relocation services, in addition to workers supporting emergency shelters, drop-in centers, and encampments, as well as outreach workers. Governmental and other entities are strongly urged to make 24-hour shelter available as soon as possible, to the maximum extent practicable, and in compliance with CDC guidance.

- q. **Laundry and hygiene products and services.** This category includes the hygiene products and services workers listed in the CISA Guidance (version 3.0) and the following:
 - i. Workers in laundromats and all laundry or dry-cleaning services.
 - ii. Workers cleaning common areas in apartment buildings and other similar common spaces.
 - iii. Workers providing housecleaning for individuals with disabilities.
 - iv. Workers doing ordinary residential housecleaning of individual homes are **not** exempt.
- r. **Tribal Governments.** Tribal officers and workers deemed essential by the relevant Tribal government, regardless of residence.
- s. **The Judicial Branch.** This category is limited to judicial officers and personnel deemed essential by the Chief Justice to ensure the continued operations of Minnesota's court system.
- t. **The Executive Branch.** This category is limited to personnel deemed necessary to continue priority services of executive branch agencies, offices, departments, divisions, boards, bureaus, councils, committees, institutions, authorities, and commissions, as well as the Minnesota State Colleges and Universities system, Minnesota State Retirement System, Public Employees Retirement Association, and Teacher's Retirement Association, as determined by the Commissioner of Management and Budget in consultation with those agencies and entities.
- u. **Executive Constitutional Offices.** This category is limited to Constitutional Officers and personnel deemed essential by the applicable Constitutional Officer to ensure the continued operations of the Constitutional Office.
- v. **The Legislative Branch.** This category is limited to personnel deemed essential by the presiding officers of each body.
- w. **Federal employees.** Nothing in this Executive Order will be construed to limit, prohibit, or restrict in any way the operations of the federal government or the movement of federal officials in Minnesota while acting in their official capacity, including federal judicial, legislative, and executive staff and personnel.
- x. **National Guard.** This category is limited to National Guard members that are on orders, to include state active duty, Title 32, or Title 10 orders and members in an Inactive Duty for Training status. At the discretion of the Adjutant General, this category also includes full-time staff of the Minnesota

National Guard or Department of Military Affairs that are necessary for the execution of the National Guard's mission.

- y. **Faith leaders and workers.** This category includes officials, workers, and leaders in houses of worship and other places of religious expression or fellowship, wherever their services may be needed. This category also includes workers necessary to plan, record, and distribute online or broadcast content to community members.
- z. **Education.** This category includes educators and other workers supporting public and private schools, as well as higher education (*e.g.*, colleges and universities). This category also includes educators and other workers providing care and food to children as provided by Executive Orders 20-19 and 20-41. Executive Orders 20-19 and 20-41 remain in effect.
- aa. **Construction and critical trades.** This category includes the following:
 - i. Workers in the skilled trades such as electricians, plumbers, HVAC and elevator technicians, and other workers supporting construction of all kind.
 - ii. Workers such as exterminators, cleaning and janitorial staff for commercial and governmental properties, moving and relocation services, security staff, operating engineers, and all other service providers who provide services that are necessary to maintain the safety, sanitation, and essential operation of homes and residences and the Critical Sectors listed in this Executive Order.
 - iii. Workers supporting major appliance sales, related parts sales, and service.
 - iv. Workers who construct, repair, and maintain decks and fences.
 - v. Workers cleaning and maintaining the exterior of residential dwellings, including power washing, exterior window cleaning, and gutter cleaning.
- bb. **Child care providers.** This category includes workers in child care centers, family child care, schools, and other facilities. Such providers are encouraged to remain open to provide child care services for workers in the Critical Sectors and Non-Critical Exempt Businesses listed in this Executive Order as possible and insofar as public health guidance can be followed. This category also applies to individuals providing child care for Critical Sector and Non-Critical Exempt Businesses workers in a personal home, such as family, friend, and neighbor care required for Critical Sector workers to continue to perform their duties.

- cc. **Hotels, residential facilities, and shelters.** This category includes workers supporting hotels and motels, facilities and shelters for adults, seniors, and children, including victims of domestic violence and people with developmental disabilities, intellectual disabilities, substance abuse disorders, or mental illness. Such facilities and shelters include halfway houses and residential treatment programs. This category also includes:
- i. Workers needed to keep apartment complex buildings and other congregate residences or homes operational and sanitary.
 - ii. Workers supporting resorts in accordance with the Outdoor Recreation Guidance.
- dd. **Charitable and social services organizations.** This category is limited to workers supporting organizations that are engaged in hunger relief work, and those that provide food, shelter, prescription delivery, mental health and substance abuse treatments, and other social services, as well as other necessities of life for individuals in need of such services, older adults who live alone, people with disabilities, and those who need assistance as a result of this emergency.
- ee. **Legal services.** This category is limited to workers who are necessary to provide essential legal services. Essential legal services include:
- i. Advice and representation needed to aid the delivery of all critical government services.
 - ii. Advice and representation required to ensure the immediate and critical health, safety, and liberties of Minnesotans, including but not limited to, end-of-life planning, immigration, essential services to elders and persons with disabilities, child support, child-protection and domestic abuse matters, protection of personal financial resources necessary to meet basic needs, prosecution or defense in ongoing criminal matters, or all matters in which individuals are held in custody pending a legal proceeding, and proceedings held in the district or appellate courts during the effective period of this order.
 - iii. Advice and representation related to the continuation of the Critical Sectors identified in this Executive Order, including ensuring compliance with this Executive Order, previous Executive Orders, and all applicable laws, rules, and regulations applying to Critical Sectors.
 - iv. Supporting housing and shelter-related efforts, including loan applications, loan processing, seeking temporary relief from residential and commercial loan or lease provisions, retention of gas, electric, or water utility services, and seeking temporary relief from residential evictions or foreclosures, or other actions intended to keep people in their homes.

- v. Process servers and legal couriers.
- ff. **Notaries.** This category is limited to notaries performing services that cannot be deferred and which cannot be accomplished via remote services under Minnesota Statutes 2019, section 358.645.
- gg. **Critical labor union functions.** This category includes labor union essential activities, including the administration of health and welfare funds and the monitoring of the wellbeing and safety of members.
- hh. **Animal care and veterinarians.** This category is limited to veterinarians and workers at animal care facilities or DNR workers who provide food, shelter, veterinary services, and other necessities of life for animals. Workers in this category are subject to the restrictions on elective surgeries and procedures as set forth in Executive Orders 20-09 and 20-17. This category also includes the following:
 - i. Workers providing care (*e.g.*, daycare or boarding) to pets in the following circumstances:
 - A. Caring for pets owned by other Critical Sector and Non-Critical Exempt Businesses workers during their shifts.
 - B. Caring for pets needing care because the owner is physically or otherwise unable to care for the animal.
 - C. Caring for pets owned by individuals who are ill or quarantined, provided that contact with the owner is limited to a one-time pick up until the illness or quarantine has passed.
 - D. Caring for pets currently boarded and circumstances prevent the owner from retrieving them.
 - ii. Workers supporting pet adoption and animal foster care are exempt, provided that (1) any paperwork and payment is done online, and (2) appropriate social distancing is observed during the adoption process.
 - iii. Workers at Class A licensed racetracks, which may open their facilities for the receiving, stabling, care and training of horses on their grounds and for preparing and providing housing for workers who care for the horses. In coordination with the Minnesota Racing Commission, the licensees must prepare and allow for the safe entry and exit of personnel necessary for the care, safety, and welfare of the horses and people. Racetracks must remain closed to members of the public.
 - iv. Workers supporting pet grooming businesses are not included in this category, but such workers may return to work if their employer

qualifies as a Non-Critical Exempt Business under paragraph 8 of this Executive Order.

- ii. **Real estate transactions.** This category is limited to workers who facilitate and finance real estate transactions and real estate services, including appraisers and title services.
- jj. **Minimum basic operations.** This category includes workers supporting minimum basic operations in businesses and other organizations. Minimum basic operations include (i) minimum necessary activities to maintain the value of the business's inventory, preserve the condition of a business's or other organization's facilities, physical plant, or equipment, ensure security, process payroll and employee benefits, or related functions; and (ii) the minimum necessary activities to facilitate remote work by workers from their residences (*e.g.*, IT personnel who allow workers to operate remotely or personnel who support remote or distance learning).
- kk. **Outdoor recreational facilities.** This category is limited to workers supporting the below publicly and privately maintained or operated outdoor recreational facilities, provided that such facilities adhere to the Outdoor Recreation Guidelines. This category includes private, state and local government workers who perform activities necessary to facilitate outdoor recreation, as allowed under this Executive Order. This category **does not include** workers engaged in services for hire such as charter boats, launches, or fishing guides, or workers at facilities that involve gatherings or people in close proximity (*e.g.*, mini golf, pools, commercial outdoor racetracks, and concert venues). To the extent that any of the facilities listed below have been closed under Executive Orders 20-04, 20-18, and 20-33, those facilities are permitted to reopen, provided that they adhere to this Executive Order and the Outdoor Recreation Guidelines. In accordance with Executive Orders 20-04, 20-18, and 20-33, **all indoor facilities** associated with outdoor recreational facilities **must remain closed** except for (a) facilities used only by workers to the extent necessary to facilitate the outdoor recreation, (b) bathroom facilities cleaned and disinfected regularly in accordance with the Outdoor Recreation Guidelines, (c) sales and service facilities allowed under subparagraph vi below, (d) facilities that provide food and beverage for off-premises consumption, as allowed in Executive Order 20-04, paragraphs 2 and 4, and (e) facilities housing businesses covered by paragraph 8 of this Executive Order.
 - i. Minnesota State Parks, Trails, State Forests, State Recreation Areas, Wildlife Management Areas, Scientific and Natural Areas, and other State managed recreational lands.
 - ii. Locally, regionally, and privately managed parks and trails.
 - iii. State, regional, or local public water accesses.

- iv. Public and private marinas and docks that provide storage, docking, and mooring services to slip owners, seasonal renters, and the general public, as well as facilities that provide safety-related services including fueling, emergency dockage, and sanitary pump-out stations.
 - v. Public and private golf courses and outdoor driving ranges.
 - vi. Ski areas.
 - vii. Off-highway vehicles, snowmobiles, and watercraft repair shops, sales facilities, and showrooms by appointment only.
 - viii. Lake service providers to install, repair, and remove docks, boatlifts, and other water related equipment or deliver boats.
 - ix. Bait shops for sale of live bait. Sale of other goods must adhere to the requirements for retail businesses in paragraph 8 of this Executive Order.
 - x. Outdoor shooting ranges and game farms.
 - xi. Outdoor recreational equipment rental outlets, but only for purposes of renting out equipment that can be effectively sanitized between uses. Such outlets must implement clear check-in and check-out procedures that minimize contact between customers and workers. Any such rentals must be conducted in accordance with the Outdoor Recreation Guidelines.
 - xii. Any other outdoor recreation facilities that may be designated in the Outdoor Recreation Guidelines.
 - xiii. All work undertaken pursuant to this paragraph must be undertaken in accordance with Minnesota law, including but not limited to license and permit requirements, invasive species regulations, and park rules.
 - xiv. All private and public campgrounds and dispersed camping sites must remain closed to recreational camping.
7. All exempted Activities and Critical Sector work activities should be conducted in a manner that adheres to Minnesota OSHA Standards and the MDH and CDC Guidelines related to COVID-19, including social distancing and hygiene. 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 employers that retaliate against employees who raise safety and health concerns.
8. **Non-Critical Exempt Businesses. All workers who can work from home must do so.** Workers in Non-Critical Exempt Businesses may return to their workplace upon the businesses' completion of the requirements set forth in this paragraph. These

exemptions apply only to travel to and from an individual's home or residence and place of work and an individual's performance of work duties that cannot be done at their home or residence. Travel may include transportation to and from child care or school settings as necessary to ensure the safe care of children. Non-Critical Exempt Businesses are those within the scope of subparagraph a of this paragraph 8 and that complete and comply with the requirements set forth in subparagraph b:

a. **Non-Critical Exempt Businesses** are limited to the following sectors:

- i. **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 paragraph 6 of this Executive Order. 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/>
- ii. **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 the extent that their employees are not exempt Critical Sector workers under paragraph 6 of this Executive Order. 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/>
- iii. **Retail businesses.** Businesses in this category include retail stores and other businesses that sell, rent, maintain and repair goods that can be picked up outside, without entering the place of business, with limited interaction between employees and customers, to the extent that such businesses' employees are not exempt Critical Sector workers under paragraph 6 of this Executive Order. Businesses that provide services such as household goods rental, maintenance services, repair services, and pet grooming are included to the extent that they can adhere to the guidelines below. Salons and barbershops are included only to conduct retail product sales, excluding sales of service chemicals not intended for retail. Salons and barbershops may not provide any services. In addition to the other requirements set forth in paragraph 8.b of this Executive Order, businesses in this category must conduct sales only by outdoor pick-up or delivery, adhering to guidance provided by DEED at <https://mn.gov/deed/safework/>

- b. **Requirements for Non-Critical Exempt Businesses.** Before workers may return to work at a Non-Critical Exempt Business under this Executive Order, the Non-Critical Exempt Business must establish and implement a COVID-19 Preparedness Plan (“Plan”). Each Plan must provide for the business’s implementation of Minnesota OSHA Standards and MDH and CDC Guidelines in their workplaces. These requirements are set forth in guidance published by DEED and DLI (“Plan Guidance”) and available at <https://mn.gov/deed/safework/>
- i. **Required Plan content.** As set forth in the Plan Guidance, at a minimum, each Plan must adequately address the following areas:
- A. **Require work from home whenever possible.** All Plans must ensure that all workers who can work from home continue to do so.
- B. **Ensure that sick workers stay home.** All Plans must establish policies and procedures, including health screenings, that prevent sick workers from entering the workplace.
- C. **Social distancing.** All Plans must establish social distancing policies and procedures.
- D. **Worker hygiene and source control.** All Plans must establish hygiene and source control policies for workers.
- E. **Cleaning and disinfection protocols.** All Plans must establish cleaning and disinfection protocols for areas within the workplace.
- ii. **Optional template.** A template COVID-19 Preparedness Plan, which covers the above requirements, is available as part of the Plan Guidance, available at <https://mn.gov/deed/safework/>
- iii. **Certification and signature.** Senior management responsible for implementing the Plan must sign and certify the Plan, affirming their commitment to implement and follow the Plan.
- iv. **Dissemination and posting.** A Non-Critical Exempt Business must provide its Plan, in writing, to all workers, and the Plan must be posted at all of the business’s workplaces in locations that will allow for the Plan to be readily reviewed by all workers. Where physical posting is impracticable, the Plan can be posted electronically, provided that the Plan is received by all workers and remains available for their review.
- v. **Training.** Non-Critical Exempt Businesses must ensure that training is provided to workers on the contents of their Plan and required procedures, so that all workers understand and are able to perform the

precautions necessary to protect themselves and their co-workers. This training should be easy to understand and available in the appropriate language and literacy level for all workers. Businesses should also take steps to supervise workers and ensure that workers understand and adhere to necessary precautions to prevent COVID-19 transmission. Documentation demonstrating compliance with this training requirement must be maintained and made available to regulatory authorities and public safety officers, including DLI, upon request.

- vi. **Compliance.** Workers and management must work together to ensure compliance with the Plan, implement all protocols, policies, and procedures, and create a safe and healthy work environment.
 - vii. **Availability to regulatory authorities and public safety officers.** Non-Critical Exempt Businesses do not need to submit their Plans for preapproval. Upon request, Non-Critical Exempt Businesses must make their Plans available to regulatory authorities and public safety officers, including DLI.
- c. In the event of a complaint or dispute related to a business's Plan, DLI is authorized to determine whether the Plan adequately implements Minnesota OSHA Standards and MDH and CDC Guidelines in its workplaces.
 - d. All work for Non-Critical Exempt Businesses must be conducted in a manner that adheres to Minnesota OSHA Standards and MDH and CDC Guidelines, including social distancing and hygiene practices. 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.
9. Except as necessary to seek medical care and obtain other necessities of life, people at high risk of severe illness from COVID-19 (*e.g.*, elderly people and those with underlying health conditions) are strongly urged to stay in their home or residence, even when the terms of this Executive Order would allow them to leave their home or residence.
10. I urge all Minnesotans to voluntarily comply with this Executive Order. Pursuant to Minnesota Statutes 2019, section 12.45, a worker who willfully violates 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. 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. In addition to those 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. Nothing in this Executive Order is intended to encourage or allow law enforcement to transgress individual constitutional rights.

11. I direct the Commissioners of Health, Employment and Economic Development, Labor and Industry, and Natural Resources to continue planning on how to allow additional non-Critical Sector workers to return to work when it is safe to do so. Such a plan must include guidelines and requirements for appropriate social distancing, hygiene, and public health best practices. I also direct other cabinet agencies to coordinate expeditiously to develop relevant guidance related to this Executive Order and to provide that guidance to the public.
12. I direct all state agencies to continue to coordinate expeditiously to develop plans to mitigate the economic effects of closures and restrictions necessitated by this peacetime emergency, including potential financial support, regulatory relief, and other executive actions.
13. The closure of bars, restaurants, and other public accommodations set forth in Executive Order 20-04, as amended by Executive Orders 20-08 and 20-18, is extended until May 17, 2020 at 11:59 pm. Barbershops and salons may conduct retail product sales in accordance with the requirements set forth in paragraph 8.
14. This Executive Order may be extended by a future Executive Order, with the approval of the Executive Council.

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 April 30, 2020.

A handwritten signature in black ink, appearing to read "T. J. Walz", written over a horizontal line.

Tim Walz
Governor

Filed According to Law:

Steve Simon
Secretary of State

Approved by the Executive Council on May 1, 2020:

Alice Roberts-Davis
Secretary, Executive Council