



Governor Directs Minnesotans To Stay Home

Insights

3.30.20

As part of Minnesota's continued response to the COVID-19 pandemic, Minnesota Governor Tim Walz recently released Emergency Executive Order 20-20, directing residents to limit movement outside of their homes, effective March 27 to April 10, 2020 at 5:00 p.m.

Executive Order 20-20 provides an exemption for workers who (1) work in a critical infrastructure sector as defined by the U.S. Department of Homeland Security ("CISA Guidance") **and** (2) cannot perform their work duties from home. Governor Walz's order strongly encourages virtual work, outlines other exempted activities and includes a provision that "any person who willfully violates the 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."

Essential Business Exclusions

The Order outlines numerous exemptions in critical sectors pursuant to CISA Guidance. Workers who are performing work in those sectors that can be done **only** at a place of work outside of their residence are exempted from the stay at home order. The Order is clear that all workers who can work from home through telework or virtual work **must do so**.

This list of critical sectors may be clarified, as deemed necessary by the governor and if so, will be available for public review. The following exemptions apply to travel to and from an individual's home or residence and place of work. Travel may include transportation to and from child care or school settings as necessary to ensure the safe care of children.

1. **Healthcare and public health.** This category is limited to:
 1. Healthcare and public health workers listed in the CISA Guidance.
 2. Providers of, and workers supporting, reproductive health care, childbirth services, mental health care, and substance use treatment.
 3. Workers supporting manufacturers, technicians, logistics and warehouse operators, and distributors of personal care, hygiene, and healthcare products.
 4. Workers providing 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.

5. 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. This includes personal care attendants, paid employees of government and non-profit providers, or volunteers representing government and non-profit providers.
2. **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, including all corrections personnel, state and county probation officers, and supervision agents, in addition to victims' advocates, animal control officers, humane officers, and all workers who support electronic security and life-safety services.
3. **Food and agriculture.** This category is limited to food and agriculture workers listed in the CISA Guidance, including agricultural equipment repair services. For clarity, and for the purposes of the Order, references to "beverages" include alcoholic beverages.
4. **Energy.** This category is limited to energy workers listed in the CISA Guidance.
5. **Water and wastewater.** This category is limited to water and wastewater workers listed in the CISA Guidance, including State Parks workers who maintain water and wastewater infrastructure, in addition to 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.
6. **Transportation and logistics.** This category is limited to the transportation and logistics workers listed in the CISA Guidance, in addition to:
 1. 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).
 2. Workers engaged in roadway construction, maintenance, and utility projects.
 3. Public transit workers.
 4. Bicycle shops and distribution facilities.
 5. Automobile sales that are necessary to allow for essential travel, when conducted by appointment, and only when CDC and MDH guidelines, including social distancing, can be met.
7. **Public Works.** This category is limited to public works workers listed in the CISA Guidance, in addition to construction material suppliers and workers providing services necessary to maintain construction material sources.

8. **Communications and information technology.** This category is limited to communications and information technology workers listed in the CISA Guidance, in addition to all workers who support news services of all kinds, including newspapers, radio, television, and other forms of news media.
9. **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, in addition to workers who support the following functions and services:
 1. Election support services and election administration workers
 2. 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.
 3. 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.
 4. Workers supporting building code enforcement necessary to maintain public safety and health of essential infrastructure and any construction as required in response to the COVID-19 peacetime emergency including but not limited to construction of health care facilities and essential businesses and services, or construction as required for emergency repairs and safety purposes.
10. **Critical manufacturing.** This category is limited to critical manufacturing workers listed in the CISA Guidance. This category includes iron ore mining and processing operations and supplier/vendor industries essential to such mining and processing operations.
11. **Hazardous materials.** This category is limited to hazardous materials workers listed in the CISA Guidance.
12. **Financial services.** This category includes workers at banks, credit unions, insurance companies, insurance agencies, and other financial services workers identified in the CISA Guidance.
13. **Chemical.** This category is limited to chemical workers listed in the CISA Guidance.
14. **Defense industrial base.** This category is limited to defense industrial base workers listed in the CISA Guidance.
15. **Tribal Governments.** Tribal officers and workers deemed essential by the relevant Tribal government, regardless of residence.

16. **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.
17. **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.
18. **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.
19. **The Legislative Branch.** This category is limited to personnel deemed essential by the presiding officers of each body.
20. **Federal Employees.** Nothing in the 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.
21. **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.
22. **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.
23. **Education.** Educators and other workers supporting public and private schools, as well as higher education (e.g., colleges and universities).
24. **Construction and critical trades.** This category includes workers in the skilled trades such as electricians, plumbers, HVAC and elevator technicians, and other related construction of all kind. This category also includes 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 the Order.
25. **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 listed in the Order as possible and insofar as public health guidance can be followed. This category also applies to individuals providing child care

health guidance can be followed. This category also applies to individuals providing child care for Critical Sector workers in a personal home, such as family, friend, and neighbor care required for Critical Sector workers to continue to perform their duties.

26. **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, 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 workers needed to keep apartment complex buildings and other congregate residences or homes operational and sanitary.
27. **Shelters for displaced individuals.** This category is limited 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.
28. **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.
29. **Legal services.** This category is limited to workers who are necessary to provide essential legal services. Essential legal services include:
 1. Advice and representation needed to aid the delivery of all critical government services.
 2. 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 supports, 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.
 3. Advice and representation related to the continuation of the Critical Sectors identified in the Order, including ensuring compliance with the Order, previous orders, and all applicable laws, rules, and regulations applying to Critical Sectors.
 4. 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.
30. **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.

31. **Critical Labor Union Functions.** This category includes labor union essential activities, including the administration of health and welfare funds, and monitoring the wellbeing and safety of members providing services in the Critical Sectors.
32. **Laundry services.** This category is limited to workers who support laundromats, dry cleaners, industrial laundry services, and laundry service providers for other Critical Sectors.
33. **Animal shelters and veterinarians.** This category is limited to veterinarians and workers at animal care facilities or Department of Natural Resources workers who provide food, shelter, veterinary services, and other necessities of life for animals.
34. **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.
35. **Essential Supply Stores.** This category is limited to workers at businesses that sell products, tools, materials, or supplies necessary for: (1) the above 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.

Exempt Activities

The Order states that Minnesotans may also leave their homes or residences to engage in the following activities, provided that all persons follow the guidelines set forth and maintained by the Minnesota Department of Health (“MDH Guidelines”), including but not limited to social distancing, to the maximum extent possible. Clarifications of this list will be available for public review at:

<https://www.health.state.mn.us/diseases/coronavirus/>

1. **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 the 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.
2. **Health and safety activities.** Individuals may seek emergency services, obtain medical services, supplies, and medications, and visit a health care or dental professional or facility, or a veterinarian. Individuals may also donate blood.
3. **Outdoor activities.** Individuals may engage in outdoor activities (e.g., walking, hiking, running, biking, driving for pleasure, hunting, or fishing), and may go to available public parks and other public recreation lands, consistent with remaining at least six feet apart from individuals from other households.
4. **Necessary supplies and services.** Individuals may obtain food, including delivery or carry-out services, beverages (alcoholic and non-alcoholic), and other grocery items, gasoline, supplies needed to work from home, and products needed to maintain the safety, sanitation, and essential operation of homes and residences, businesses, and personally owned vehicles, including automobiles and bicycles. Individuals may also visit and use the services of laundromats and dry cleaners.

5. **Essential intrastate and interstate 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.
6. **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 the 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.
7. **Displacement.** Individuals without a home are exempt from the restrictions in the Order, and they may move between emergency shelters, drop-in centers, and encampments. 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.
8. **Tribal Activities & Lands.** (i.) Activities by tribal members within the boundaries of their tribal reservations are exempt from the restrictions in the 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 the 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 the 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.

Conclusion

For now, we will continue to monitor the rapidly developing COVID-19 situation and provide updates as appropriate. Make sure you are subscribed to [Fisher Phillips’ Alert System](#) to get the most up-to-date information. For further information, contact your Fisher Phillips attorney or [any member of our COVID-19 Taskforce](#). You can also review our nationwide [Comprehensive and Updated FAQs for Employers on the COVID-19 Coronavirus](#) and our [FP Resource Center For Employers](#), maintained by our Taskforce.

This Legal Alert provides an overview of a specific state law. It is not intended to be, and should not be construed as, legal advice for any particular fact situation.

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