

COVID-19 Preparedness Plan and industry guidance FAQs

1. Which businesses need to develop a COVID-19 Preparedness Plan?

Executive Order 20-74 requires that all non-critical sector businesses are required to have a COVID-19 Preparedness Plan before re-opening and all critical sector businesses are required to have a COVID-19 Preparedness Plan by June 29, 2020. In the executive order, “business” and “businesses” are broadly defined to include entities that employ or engage workers, including private-sector entities, public-sector entities, nonprofit entities, and state, county and local governments. “Worker” and “workers” are broadly defined to include owners, proprietors, employees, contractors, vendors, volunteers and interns.

2. Are there recommendations for how to best read and apply the industry guidance?

To develop their plans, businesses must follow the general industry guidance if guidance has not been developed for their specific industry. If guidance has been developed for their specific industry, then the business must follow specific industry guidance. In certain instances, a business may be required to follow guidance developed for more than one industry. For example, a business that operates a venue with a restaurant, movie theater and bowling alley would need to follow the specific guidance that has been developed for each of those industries and the type of business.

A template has been prepared to assist businesses in developing a COVID-19 Preparedness Plan. The template aligns with the industry guidance that businesses are required to follow in developing their plans. A link to the template can be found under the General Industry tab and the tabs for specific industries. Supplementary information that may be helpful to businesses and organizations in developing their COVID-19 Preparedness Plans and “how to” information can be found at the end of each industry guidance document, at the end of the plan template and under each industry tab.

Your COVID-19 Preparedness Plan needs to include and describe how your business will implement the following components that apply to your business. The following components are included in the general industry guidance and at the beginning of each of the specific industry guidance document:

1. policies and procedures that assist in the identification of sick workers and ensure sick workers stay home;
2. implementation of engineering and administrative protocols for social distancing;
3. worker hygiene and source controls;
4. workplace building and ventilation protocols;
5. workplace cleaning and disinfecting protocols;
6. drop-off, pick-up and delivery protections and protocols; and
7. communications and training practices and protocols.

In addition to the above components, the plan needs to also include protections and protocols included in specific industry guidance, if your business is included in that industry and the components are applicable to

your business's operations. The additional specific industry protections and protocols guidance may include one or more of the following components depending on the specific industry:

1. additional protections and protocols for customers, clients, guests and visitors;
2. additional protections and protocols for personal protective equipment (PPE);
3. additional protections and protocol for access and assignment;
4. additional protections and protocol for sanitation and hygiene;
5. additional protections and protocols for work clothes and handwashing;
6. additional protections and protocol for distancing and barriers;
7. additional protections and protocols for managing occupancy;
8. additional protocols to limit face-to-face interaction;
9. additional protections for receiving or exchanging payment; and
10. additional protections and protocols for certain types of businesses within an industry.

3. How do I know which portions of the guidance are required and which are suggestions?

The provisions of the guidance that directs the business to act in a particular manner or that use the terms "ensure," "prohibit," "must" or "should" are provisions that are required. The provisions of the guidance that use terms such as "encouraged" and "consider" are recommendations. Where the provisions of the guidance use the terms "if possible," "wherever possible" or "whenever possible," the action is required if it is possible for the business to do so. For all guidance, if a provision is not applicable to the business's operations, then the action is not required for that business. For example, if all of a business's operations are performed outdoors, then the ventilation provisions would not apply to that business, or if the business has only one work crew, then assigning workers to the same work crew would not apply to that business. If businesses have questions about what is required and what is recommended, they are encouraged to contact Minnesota OSHA Workplace Safety Consultation.

4. What is the penalty for a business that does not establish a COVID-19 Preparedness Plan as required? How will the requirement be enforced?

Executive Order 20-74 states that all non-critical sector businesses are required to have a COVID-19 Preparedness Plan before re-opening and all critical sector businesses are required to have a COVID-19 Preparedness Plan by June 29, 2020. All businesses in Minnesota are encouraged to voluntarily comply with executive orders, including the requirement to have a COVID-19 Preparedness Plan. If a business does not comply with the requirement to develop and implement a COVID-19 Preparedness Plan, there are a number of different means for enforcement.

Enforcement authority and penalties are set forth in Executive Order 20-74 as follows.

- Pursuant to Minnesota Statutes 2019, section 12.45, an individual who willfully violates an 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.
- State and local licensing and regulatory entities that inspect businesses for compliance with rules and codes to protect the public can assess regulated businesses' compliance with executive orders and can use existing enforcement tools to bring businesses into compliance.

Under existing law, Minnesota OSHA (MNOSHA) Compliance has the authority to enforce MNOSHA standards and Minnesota Department of Health (MDH) and Centers for Disease Control and Prevention (CDC) guidelines as applied to workers, including social distancing and hygiene practices. MNOSHA Compliance may issue citations, civil penalties or closure orders to places of employment with unsafe or unhealthy conditions, and MNOSHA Compliance may penalize businesses that retaliate against employees who raise safety and health concerns.

Executive Order 20-54 provides that an employer's failure to develop or implement a COVID-19 Preparedness Plan is an example of an adverse work condition that, pursuant to Minnesota Statutes 2019, section 268.095, may qualify an employee who quits for unemployment insurance benefits. This would apply in a situation where a worker quits their employment because the employer has failed to develop or implement a COVID-19 Preparedness Plan, if the worker has complained to the employer about such adverse work condition and has given the employer a reasonable opportunity to correct such adverse work condition, to no avail.

5. Do I need to submit my COVID-19 Preparedness Plan for approval?

No, COVID-19 Preparedness Plans do not need to be submitted to the state for approval. COVID-19 Preparedness Plans must be communicated to workers and workers must be provided with necessary training to implement the plan. Plans must also be posted at businesses' workplaces or worksites or may be posted electronically for workers who have means to access the electronic posting.

6. Can someone help me with questions related to the development of my COVID-19 Preparedness Plan?

Yes, businesses are encouraged to contact MNOSHA Workplace Safety Consultation for assistance or questions related to the development of a COVID-19 Preparedness Plan at 651-284-5060, 800-657-3776 or osha.consultation@state.mn.us.

7. Does the industry guidance limit the number of people who can be in a work meeting or training?

Collective gatherings of workers are limited to numbers that allow for social distancing to be maintained. This applies to gatherings for training, meetings and breaks. Cloth face coverings are strongly encouraged even when social distancing is possible, especially where workers would be in an indoor, confined space for a long duration of time.

8. When does the industry guidance require workers and/or customers to wear a face covering and when is it recommended?

The CDC advises the use of simple cloth face coverings to slow the spread of the virus and to help people who are unaware they have the virus from spreading it to others. Face coverings are intended to prevent wearers who have coronavirus disease 2019 (COVID-19) without knowing it (those who are asymptomatic or pre-

symptomatic) from spreading potentially infectious respiratory droplets to others. This is known as source control.

Under certain circumstances the guidance requires that both workers and customers wear face coverings where social distancing cannot be consistently maintained and face-to-face contact is necessary to perform services (personal services). In other circumstances, where social distancing cannot be consistently maintained between workers or between workers and customers, face coverings are required for workers either at all times (restaurants and bars) or at those times when social distancing cannot be maintained (construction, grocery, manufacturing). In those circumstances the guidance currently strongly recommends customers wear face coverings. Businesses should review the guidance applicable to their business to determine whether and when face coverings are required or recommended for workers and customers. Some cities have ordinances that face coverings are required to be worn inside as well. Check the specific industry guidance and city requirements to see if face coverings are required.

9. What if a worker or customer is unable to wear a face covering?

Face shields may be an alternative for people who cannot wear masks due to medical or other conditions. (See “Moving personal protective equipment into the community: Face shields and containment of COVID-19” at <https://jamanetwork.com/journals/jama/fullarticle/2765525>). Where cloth face coverings are not appropriate in the work environment or during certain job tasks (because they could become contaminated or exacerbate heat illness), employers can provide PPE, such as face shields and/or surgical masks, instead of encouraging workers to wear cloth face coverings. Like cloth face coverings, surgical masks and face shields can help contain the wearer’s potentially infectious respiratory droplets and can help limit the spread of COVID-19 to others. (See “OSHA COVID-19 frequently asked questions: Cloth face coverings” at www.osha.gov/SLTC/covid-19/covid-19-faq.html.) Face shields also act as a barrier from respiratory droplets transmitted by another person. For personal services where a customer is required to wear a face covering but is unable to wear one, the worker is required to wear a face shield in addition to the cloth face covering.

10. Are cloth face coverings different than face masks?

Generally speaking, face masks, cloth face coverings and face coverings are referring to the same thing. They may be made of cloth or paper. Disposable masks may be surgical masks (if Food and Drug Administration (FDA) certified), but they may also be paper masks. (See Maryland Department of Labor’s “COVID-19 face masks vs. respirators: Understanding the difference” at www.dllr.state.md.us/labor/mosh/moshfacemask.pdf.)

11. What are the differences between cloth face coverings and respirators?

Cloth face coverings:

- may be commercially produced or improvised (homemade) garments, scarves, bandanas or items made from T-shirts or other fabrics;
- are worn in public over the nose and mouth to contain the wearer’s potentially infectious respiratory droplets produced when an infected person coughs, sneezes or talks and to limit the spread of the virus that causes COVID-19 to others;
- are not considered PPE;

- will not protect the wearer against airborne transmissible infectious agents due to the loose fit and lack of seal or inadequate filtration;
- are not appropriate substitutes for PPE, such as respirators (N95 respirators) or medical face masks (surgical masks), in workplaces where respirators or face masks are recommended or required to protect the wearer;
- may be used by almost any worker, although those who have trouble breathing or are otherwise unable to put on or remove a mask without assistance should not wear one; and
- may be disposable or reusable after proper washing.

Respirators (filtering facepieces):

- are used to prevent workers from inhaling small particles, including airborne transmissible or aerosolized infectious agents; and
- must be provided and used in accordance with OSHA's Respiratory Protection standard ([29 CFR 1910.134](#)):
 - must be certified by the National Institute for Occupational Safety and Health (NIOSH);
 - need proper filter material (N95 or better) and, other than for loose-fitting powered, air-purifying respirators (PAPRs), a tight fit (to prevent air leaks);
 - require proper training, fit testing, availability of appropriate medical evaluations and monitoring, cleaning and oversight by a knowledgeable staff member; and
 - when necessary to protect workers, require a respiratory protection program that is compliant with OSHA's Respiratory Protection standard ([29 CFR 1910.134](#)) – MNOSHA Workplace Safety Consultation can assist with understanding respiratory protection requirements.

12. Do the industry guidelines require employers to provide face coverings to workers?

Cloth face coverings are not considered PPE and are not intended to be used when workers need PPE for protection against exposure to occupational hazards. As such, OSHA's PPE standards do not require employers to provide them. However, employers may choose to ensure cloth face coverings are worn as a feasible means of abatement in a control plan designed to address hazards from the virus that causes COVID-19. Employers may choose to use cloth face coverings as a means of source control, such as when the transmission risk cannot be controlled through engineering or administrative controls, including social distancing. Employers may choose to provide face coverings to workers to ensure they have one to wear.