

Critical Sector Businesses Now Required to Complete COVID-19 Preparedness Plan

by Grant S. Gibeau - Thursday, June 11, 2020



Governor Walz announced on Friday, June 5, 2020, via [Emergency Executive Order 20-74](#), that all critical sector businesses must now develop and implement COVID-19 Preparedness Plans. This is a notable development since, as we reported in April in [Governor Walz Issues Executive Order Allowing Certain Businesses to Reopen](#) critical sector businesses were previously exempt from having to develop and implement such a plan.

What is a critical sector-business?

In general terms, prior Emergency Executive Orders defined a critical sector business is one whose continued operation remained necessary even during the COVID-19 emergency. Examples include employers engaged in the following sectors: healthcare, food and agriculture (such as groceries stores, farmers, and food manufacturers), energy, and transportation/logistics.

Critical Sector COVID-19 Preparedness Plan requirements are forthcoming

Under the Executive Order critical sector businesses must develop and implement COVID-19 Preparedness Plans by **June 29, 2020**. Additional guidance regarding the required content of a critical sector COVID-19 Preparedness Plan is expected in the next few days, as this same Executive Order commanded the Minnesota Department of Employment and Economic Development (“DEED”) issue guidance “no later than June 15, 2020.”

MN DEED has published a [general template COVID-19 Preparedness Plan](#) online. However, it

is currently unknown whether critical sector employers will be able to use this same template as a guide, or if there are additional elements/requirements specific to critical sector operations. Given that critical sector employers are able to remain at full operations during the ongoing pandemic (unlike other businesses which must only operate at 25% or 50% of their maximum occupancy capacity depending on the nature of the business), it is possible that different requirements will be imposed. Again, the additional guidance referenced above should be instructive.

What if my business is not a critical sector business?

For all other Minnesota businesses, i.e. non-critical sector businesses, a COVID-19 Preparedness Plan must be developed and implemented in order for those businesses to open or remain open moving forward. In addition, MN DEED has published [additional guidance](#) which is regularly updated as restrictions imposed by the State related to COVID-19 change or are relaxed, for the following specific industries:

- General Business;
- Restaurants & Bars;
- Personal Care Services/Salons;
- Places of Worship;
- Retail
- Outdoor Recreation
- Gyms, Studios, & Fitness Centers
- Drive-In Gatherings;
- Auctions;
- Swimming Pools and Aquatic Facilities;
- Recreational Indoor Entertainment Venues; and
- Seated Entertainment Venues.

For employers in these specific industries, it would be worthwhile to review any industry-specific guidance which has been issued in order to ensure that your operations are in compliance with the most-recent publication(s).

Bottom Line

Additional information regarding the specific requirements of a critical sector COVID-19 Preparedness Plan should be forthcoming in the following days. However, affected businesses would be well-served to put developing and implementing such a plan on their to-do list right now so that they can meet the deadline of June 29, 2020.