Minnesota's Emergency Executive Orders

On March 13, 2020, Governor Tim Walz signed a number of emergency executive orders, not one. It may be helpful to go through each one and explain the gist of each. You can then decide how you want to use this information. The bar and restaurant comments may be most relevant in any effort to help posts deal with this new world.

Emergency Executive Order 20-01 – the Governor ordered the following

1. The Minnesota Department of Health will continue to lead the coordination of the State's response to COVID 19.
2. All state agencies will work to support healthcare providers, tribal and local government, and public health organizations as they respond to COVID 19.
3. The Minnesota National Guard will ensure that it is ready to assist as needed during this peacetime emergency.
4. In consultation with the Centers for Disease Control as well as public health, medical and other experts, the Minnesota Department of Health will continue to provide guidance tht is accessible and transparent to all Minnesotans.
5. The Governor urged and advised all Minnesotans to follow Minnesota Department of Health guidance regarding hygiene, public gatherings, social distancing and healthcare use. Minnesotans should regularly check the Minnesota Department of Health's COVID 19 website.
6. All Minnesotans should continue their individual prevention efforts such as staying home when feeling sick, frequently washing their hands and monitoring information about COVID 19.

JAG Comments:

* + 1. Minnesota National Guard units and public health agencies may need a variety of items. This is an opportunity to help.

2. Minnesota's chief source of health information regarding COVID 19 is the Minnesota

Department of Health website: https://www.health.state.mn.us/diseases/coronavirus/

Emergency Executive Order 20-02 – The Governor ordered the closing of all public schools.

JAG Comments:

* + - 1. The governor did not order private schools to close but he did encourage them to do so. He probably did not have the authority to close them.
      2. Paragraph 12 of this executive order talks about emergency workers and specifically addressed the need to care for the children of emergency workers. Helping our healthcare workers, firefighters and peace officers or their children may be an area in which we can help.

Emergency Executive Order 20-03 – The Governor ordered changes at Minnesota Veterans Homes

* 1. The Commissioner of Veterans Affairs was authorized to implement a temporary visitors policy consistent with new healthcare guidelines. No ban on visitors will apply in end of life situations. The Commissioner was encouraged to support residents by finding ways to replace personal visits with phone calls,video conferencing and other means.
  2. Minnesota Veterans Homes may deny admission or readmission to any person who

meets the qualification to become a resident of a Minnesota Veterans Home unless

that person has been screened prior to entry for signs or symptoms of COVID-19,

including high fever, cough, or difficulty breathing, or contact with a person with a

confirmed diagnosis of COVID-19 in the past 30 days, or are under investigation for

COVID-19. Precautionary measures may be required for persons admitted to a

Minnesota Veterans Home. Precautionary measures include, but are not limited to,

isolation or quarantine, wearing personal protective equipment, social distancing, or

visiting in designated locations.

3. Minnesota Veterans Homes may prohibit a person to work or volunteer in a

Minnesota Veterans Home unless the person has been screened for symptoms at the

start of every shift and does not show any symptoms associated with COVID-19,

including high fever, cough, or difficulty breathing.

4. Residents of a Minnesota Veterans Home may be subject to isolation in their rooms

away from other people when one or more residents, staff, contractors, volunteers, or

visitors of that Minnesota Veterans Home are subject to MDH or local health

department recommendations or order of isolation or quarantine for COVID-19. A

resident can choose to be discharged from a facility at any time.

JAG Comment: be aware that the Governor has given considerable new authority to fight

COVID 19 in Minnesota's Veterans Homes. The Commissioner of Veterans Affairs or the

home itself may be able to deny admission or readmission, can prohibit a person to work or

volunteer unless that person has been screened and may subject residents to isolation in their

rooms.

Emergency Executive Order 20-04 – The Governor ordered the closing of bars and restaurants.

* + 1. The order directs all restaurants or establishments that serve food for on site

consumption and all bars be closed starting at 5 pm on March 17, 2020. Said establishments and bars shall remain closed until at least 5 pm on March 27, 2020. Anyone who wilfully violates this order could be charged with a misdemeanor. The maximum sentence would be 90 days of jail and/or a $1000 fine. If you have questions about this order, contact your attorney. The governor's executive order appears below.

JAG Comment: Please note that the website for the Alcohol and Gambling

Enforcement Division of the Minnesota Department of Public Safety has

announcements about the Governor's order. One of those makes this point:

bars must have an off sale license to sell alcohol that is allowed off the

premises. If you have questions about this, contact your attorney.

* + - 1. Places of public accommodation subject to this Executive Order are encouraged to

offer food and beverage using delivery service, window service, walk-up service,

drive-through service, or drive-up service, and to use precautions in doing so to

mitigate the potential transmission of COVID-19, including social distancing. In

offering food or beverage, a place of public accommodation subject to this section

may permit up to five members of the public at one time in the place of public

accommodation for the purpose of picking up their food or beverage orders, so long

as those individuals are at least six feet apart from one another while on premises.

JAG Comment: My interpretation of the Governor's Executive Order is that our posts

with restaurants or food operations can continue with some changes to sell food. Any

food operation is encouraged to offer food and beverage using delivery service, window

service, walk-up service, drive-through service, or drive-up service, and to use

precautions in doing so to mitigate the potential transmission of COVID-19, including

social distancing. I am a foodie and I am very interested in this issue. Let's get creative

and find a way to make this work.

Emergency Executive Order 20-05 – The Governor addressed the problem of unemployment compensation, and limited the burden on employers.

**1.** Effective immediately, strict compliance with Minnesota Statutes 2019, Chapter 268,

Minnesota Unemployment Insurance Law is suspended. 1

* + - * 1. For unemployment insurance benefit accounts established between March 1, 2020 and December 31, 2020, I am suspending the nonpayable week requirement under Minnesota Statutes 2019, section 268.085, subdivision 1, clause 6, which will allow workers to become eligible for unemployment benefits as quickly as possible.
        2. To further ensure that unemployment benefits are available for workers who are not able to work directly or indirectly as a result of COVID-19, I order that suitable employment under Minnesota Statutes 2019, section 268.035, subdivisions 23a (a) and (b) does not include employment that puts the health and safety of the applicant at risk or employment that puts the health and safety of other workers and the general public at risk.
        3. To further ensure that unemployment benefits are available for workers who are not able to work directly or indirectly as a result of COVID-19, I order that a leave of absence will be presumed to be involuntary in accordance with Minnesota Statutes 2019, section 268.085, subdivision 13a, when: a. A determination has been made by health authorities or by a health care professional that the presence of the applicant in the workplace would jeopardize the health of others, whether or not the applicant has actually contracted a communicable disease. b. A quarantine or isolation order has been issued to the applicant pursuant to Minnesota Statutes 2019, section 144.419 to section 144.4196. c. There is a recommendation from health authorities or by a health care professional that the applicant should self-isolate or self-quarantine due to elevated risk from COVID-19 due to being immunocompromised. d. The applicant has been instructed by their employer not to come to the employer's place of business due to an outbreak of a communicable disease. e. The applicant has received a notification from a school district, daycare, or other childcare provider that either classes are canceled or the applicant's ordinary childcare is unavailable, provided that the applicant made reasonable effort to obtain other childcare and requested time off or other accommodation from the employer and no reasonable accommodation was available.
        4. Notwithstanding Minnesota Statutes 2019, section 268.047, I order that the Minnesota Unemployment Insurance Program not use unemployment benefits paid as a result of the COVID-19 pandemic in computing the future unemployment tax rate of a taxpaying employer. This will provide immediate relief to employers impacted by the COVID-19 pandemic and will better allow their employees to access unemployment benefits. 2
        5. Notwithstanding Minnesota Statutes 2019, section 268.085, subdivision 9, I order that the Minnesota Unemployment Insurance Program waive enforcement of the five-week benefit limitation for business owners.
        6. Because strict compliance with Minnesota Statutes 2019, Chapter 268 and Minnesota Rules 2019, part 3310, will prevent, hinder, or delay necessary action under this Executive Order, those provisions, and any other provisions in Minnesota Statutes or Rules that are inconsistent with this Executive Order, are waived and suspended during the peacetime emergency declared in Executive Order 20-01. Pursuant

Emergency Executive Order 20-06 – The Governor Provides for Emergency Relief from Regulations to Motor Carriers and Drivers Operating in Minnesota

JAG Comment: Provided just so you are aware of it.

Emergency Executive Order 20-07 – The Governor ordered several administrative actions regarding State employees.

JAG Comment: This may be very relevant to State employees who work in

Minnesota Veterans Homes.

Emergency Executive Order 20-08 - The Governor issued an order amending Executive Order 20-04. It deletes spas from closing but closes tanning establishments, body art establishments, tatoo parlors, eyelash salons, beauty shops and barber shops.

Emergency Executive Order 20-09 – The Governor ordered that all non-essential surgery or procedures be postponed indeifinitely including non-emergent or elective dental care.

A non-essential surgery or procedure is a surgery or procedure that can be delayed

without undue risk to the current or future health of a patient. Examples of criteria to

consider in making this determination include:

a. Threat to the patient’s life if surgery or procedure is not performed.

b. Threat of permanent dysfunction of an extremity or organ system, including teeth

and jaws.

c. Risk of metastasis or progression of staging.

Let's finish with a warning from Minnesota' Attorney General:

Minnesota Attorney General Keith Ellison stated on March 13, 2020, that consumers need to be careful. He provided warnings, tips, and resources to Minnesota consumers so that they can be on the lookout for and protect themselves from scams related to the Coronavirus Disease 2019 (“COVID-19”).  With the number of confirmed COVID-19 cases rising in Minnesota, scammers are increasingly preying on Minnesota consumers by attempting to sell them bogus products or unproven treatments, as well as attempting to trick them into revealing their sensitive personal or financial information. Attorney General Ellison also encouraged Minnesotans to report any price-gouging related to the COVID-19 crisis to his office. 651-296-3353 (Metro) 1-800-657-3787 (Greater Minnesota)

Conclusion: Our posts are going to be facing challenges in this peacetime emergency. Some of those challenges are going to be legal. Hopefully, what I have presented here is helpful. If nothing else, you have before you the rules for operating during this peacetime emergency. If you want to read the actual executive order, go to the Goverrnor of Minnesota website and look for the News site. Friends, we got through the Korean War, the Vietnam War, and the Cold War without blowing the world up or destroying our Constitution and we will survive this, too. It ain't the plague, but it is serious stuff. The American Legion is here to help communities and veterans. We can't do either if we don't take care of each other, our communities and our American Legion.

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