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Susanne R. Young, Secretary

TO: Extended Cabinet
CC: Elected Officials and Patricia Gabel, State Court Administrator
FROM: Susanne Young, Secretary of Administration
DATE: May 3, 2020
RE: Addendum 12 to the Governor's March 13, 2020 Executive Order

Dear Colleagues and Extended Cabinet:

The Governor issued [Addendum 12](#) to the March 13 Executive Order on Friday, May 1 with an effective date of Monday, May 4. All mandated health and safety requirements ordered in the April 17, April 24 and most recent May 1 addenda remain in effect and apply to government operations. The memo regarding Addendum 12 from Secretary of Commerce Lindsay Kurrle is copied below and can also be found at: <https://accd.vermont.gov/news/update-new-work-safe-additions-stay-home-stay-safe-order>.

Please be on notice that Addendum 12 contains **amended Mandatory Health and Safety Requirements for All Business Operations applicable to state government operations, as well as a new section with ADDITIONAL HEALTH AND SAFETY CONSIDERATIONS FOR ALL BUSINESS, NON-PROFIT AND GOVERNMENT OPERATIONS**. In addition to the health and safety requirements already in practice, the following have been added:

- Use of shared workspaces, desks, offices, etc. is discouraged to the maximum extent practicable.
- Employees must observe strict social distancing of 6 feet while on the job. Businesses and non-profit or government entities shall ensure customers observe strict social distancing of 6 feet while on location, to the extent possible.
- The occupancy of designated common areas, such as break rooms and cafeterias, must be limited so that occupants maintain strict social distancing of no less than 6 feet per individual. The employer shall enforce the occupancy limit and require employees to wipe down their area after use or shall ensure cleaning of the common areas at regular intervals throughout the day.
- Businesses and non-profit and government entities may require customers or clients to wear masks.
- Face-to-face staff meetings should be limited, and physical distancing must be observed.

- Consider staggered work shifts, break times, etc. and expanding hours to reduce number of individuals working together and reduce contact with members of the public.
- To the extent possible, provide access to hand washing and/or hand sanitizer for vendors, and customers.
- Limit staff travel between multiple sites.
- Ensure a safe process to receive supplies and deliveries.
- Consider accommodations for employees at higher risk from COVID-19 infection (as currently defined by the CDC) to work remotely or have a job tasks that minimize public interaction.
- Prior to the commencement of each work shift, pre-screening and health survey shall be required to verify each employee has no symptoms of respiratory illness (fever, cough, and/or shortness of breath). At the present time non-contact thermometers are in short supply, however employers shall immediately order, and use their best efforts to obtain, thermometers in order to conduct routine temperature checks.

The above is limited to additional mandated safe work conditions included in Addendum 12 applicable to state government. For the full list of required health and safety measures that may apply to you outside of the workplace, please review the memo from Secretary Kurrle included at the end of this memo.

The requirement that all employees complete training on mandatory health and safety requirements as provided by VOSHA, or another training program that meets or exceeds the VOSHA-provided standard, by May 4, 2020, is in effect. VOSHA released a training webinar that can be accessed on the [Department of Human Resources](#) website and is available to all state employees through the [Learning Management System](#). Employers who need translations of the training materials have until May 11, 2020.

All agency and departments heads should take steps to share this new information with their supervisors and ensure compliance with Addendum 12 at your worksites. The mandatory training is required of all state employees regardless of whether they are in the workplace or at a worksite.

To be clear, this order does not authorize a return to the worksite for employees in the office settings or for those who do not carry out the functions outlined in section 1.1 below. Please visit the [ACCD website](#) for additional guidance and advice.

Kind regards,

Attachment: Copy of May 1, 2020 [memo](#) from Secretary Kurrle re: Update 3 – New Work Safe Additions to the Stay Home, Stay Safe Order.

COPY OF SECRETARY KURRELE'S MAY 1, 2020 MEMO

UPDATE ON NEW WORK SAFE ADDITIONS TO THE STAY HOME, STAY SAFE ORDER

MEMO

FROM: Lindsay Kurrle, Secretary, Agency of Commerce and Community Development
TO: Vermont Businesses and Employers
DATE: **May 1, 2020 || Modifications and new sections are in red.**
RE: Update 3 – New *Work Safe* Additions to the Stay Home, Stay Safe Order

In the days and weeks to come we will work to restart Vermont's economy in the wake of COVID-19. Understanding the need to restart the economy as soon as possible and improve our overall social wellbeing, we cannot allow for a resurgence of COVID-19 that would undermine or lose the important public health outcomes achieved to date. Our work to transition Vermont out from under the Stay Home order swiftly and responsibly will take just as much effort and goodwill as we have all expended in recent weeks. Working closely with the Health Department, the State Emergency Operations Center, and dedicated professionals across State government, we have developed, and will continue to refine, critical steps to ensure the health and safety of Vermonters and the continuity of our healthcare system.

As we move forward, **businesses and employees must understand that *how they work is essential to resuming and maintaining business operations.*** Preventing outbreaks and limiting the spread of COVID-19 is the only way to avoid future business and social disruption. The success of this phased restart will depend in large part on the ability of employers and employees to adhere to the public health, safety, and social distancing measures essential to limiting the spread of illness.

To that end, the following is required of all businesses currently operating and those re-started:

MANDATORY HEALTH & SAFETY REQUIREMENTS FOR ALL BUSINESS OPERATIONS

All businesses must follow Vermont Department of Health and CDC guidelines:

- Employees shall not report to, or be allowed to remain at, work or job site if sick or symptomatic (with fever, cough, and/or shortness of breath).

- Employees must observe strict social distancing of 6 feet while on the job. Businesses and non-profit or government entities shall ensure customers observe strict social distancing of 6 feet while on location, to the extent possible.
- Limit the occupancy of designated common areas, such as break rooms and cafeterias, so that occupants maintain strict social distancing of no less than 6 feet per individual. The employer shall enforce the occupancy limit and require employees to wipe down their area after use or shall ensure cleaning of the common areas at regular intervals throughout the day.
- Employees must wear face coverings over their nose and mouth when in the presence of others. In the case of retail cashiers, a translucent shield or “sneeze guard” is acceptable in lieu of a mask. **Businesses and non-profit and government entities may require customers or clients to wear masks.**
- Employees must have easy and frequent access to soap and water or hand sanitizer during duration of work, and handwashing or hand sanitization is required frequently including before entering, and leaving, job sites.
- All common spaces (**when open**) and equipment, including bathrooms, frequently touched surfaces and doors, tools and equipment, and vehicles must be cleaned **regularly** and, when possible, prior to transfer from one person to another, in accordance with [CDC guidance](#).
- Prior to the commencement of each work shift, pre-screening and **health survey** shall be required to verify each employee has no symptoms of respiratory illness (fever, cough, and/or shortness of breath). **At the present time non-contact thermometers are in short supply, however employers shall immediately order, and use their best efforts to obtain, thermometers in order to conduct routine temperature checks.**
- Signs must be posted at all entrances clearly indicating that no one may enter if they have symptoms of respiratory illness.
- When working inside, open doors and windows to promote air flow to the greatest extent possible and limit the number of people occupying a single indoor space.
- No more than 2 people shall occupy one vehicle when conducting work.

- No symptomatic or COVID-19 positive workers are allowed on site and any worker(s) who have contact with a worker or any other person who is diagnosed with COVID-19 are required to quarantine for 14 days.
- **All operations shall designate a health officer on-site at every shift responsible for ensuring compliance with the Executive Order and the Addenda thereto and applicable ACCD Guidance. This person shall have the authority to stop or modify activities to ensure work conforms with the mandatory health and safety requirements.**
- All business, non-profit and government operations must use remote work whenever possible.
- All employees, including those already working (except healthcare workers, first responders, and others already trained in infection control, personal protection/universal precautions), must complete, and employers must document, a training on mandatory health and safety requirements as provided by VOSHA, or another training program that meets or exceeds the VOSHA-provided standard by May 4, 2020. **Employers who need translations of the training materials have until May 11, 2020.**
- **For all mass transit CUSTOMERS/ RIDERS (in addition to the mandatory requirement for operators and staff) face coverings are mandatory on public transit conveyances and in stations and terminals, effective May 4, 2020.**

ADDITIONAL HEALTH AND SAFETY CONSIDERATIONS FOR ALL BUSINESS, NON-PROFIT AND GOVERNMENT OPERATIONS

- **Use of shared workspaces, desks, offices, etc. is discouraged to the maximum extent practicable.**
- **Face-to-face staff meetings should be limited, and physical distancing must be observed.**
- **Consider staggered work shifts, break times, etc. and expanding hours to reduce number of individuals working together and reduce contact with members of the public.**
- **To the extent possible, provide access to hand washing and/or hand sanitizer for vendors, and customers.**

- **Limit staff travel between multiple sites.**
- **Ensure a safe process to receive supplies and deliveries.**
- **Consider accommodations for employees at higher risk from COVID-19 infection (as currently defined by the CDC) to work remotely or have a job tasks that minimize public interaction.**

BUSINESS CUSTOMER & GENERAL PUBLIC MASK USE

Customers, and the public in general, are encouraged to wear face coverings any time they are interacting with others from outside their household.

PHASED RESTART

Operations deemed “essential” may continue to operate under pre-existing guidance with the addition of the mandatory health and safety requirements above.

To safely reopen certain operations impacted by the COVID-19 outbreak and not defined as essential, Governor Scott has directed the Agency of Commerce — in consultation with the Department of Health and the Department of Public Safety — to authorize, **subject to mandatory health and safety requirements listed above and additional guidance below**, the following:

Phase 1: (Originally effective April 20th, **amendments go into effect May 4, 2020)**

1.1 Outdoor Businesses, Construction Operations, Manufacturing and Distribution

- Those who exclusively or largely work outdoors (such as civil engineering, site work, exterior construction, skilled trades, public works, energy and utility work, mining, forestry, environmental monitoring, landscaping, painting, tree work, parks maintenance, recreation maintenance, delivery work, etc.) may resume operations with a maximum of **10 (ten)** total workers per location/job.
- Manufacturing and distribution operations may resume operations with a maximum of **10 (ten)** employees in any location if they are low-density and ensure employees are six feet apart at all times.

- Interior **residential** construction may occur in uninhabited structures, adhering to social distancing standards, with no more than **10 (ten)** workers maintaining social distance between them whenever possible.
- **Interior commercial construction may occur in discrete, isolated sections of buildings with dedicated entrances and sanitary (hand washing and bathroom) facilities, with no more than 10 (ten) workers maintaining social distance between them whenever possible.**
- Supporting services that were not previously deemed essential may resume operations with the minimum number of employees necessary to support curbside pick-up and delivery services; adherence to the mandatory health and safety requirements and compliance with 1.2 below required.
- At this stage workers from out-of-state must quarantine for 14 days upon arrival. Lodging is not available for non-essential out-of-state workers.

1.2 Retail Operations (clarifying existing guidance)

- Retailers, including those that operate in an outdoor setting, may conduct limited operations such as curbside pick-up, delivery services, and warehouse or distribution operations in support of curbside, or delivery.
- All orders must occur over the phone or online; no in-store transactions are allowed at this time.
- Only the minimum number of employees necessary to support curbside pick-up and delivery services are allowed at any one store, site, or location.

1.3 Low or no contact professional services

- Services operating with a single worker (such as appraisers, realtors, municipal clerks, attorneys, property managers, pet care operators, and others) may operate if they can comply with the mandatory health and safety requirements listed above, with no more than 2 persons (service provider and client) present at one time.

Phase 2: Effective April 27, 2020 (unless otherwise noted)

2.1 Outdoor retail space

- Outdoor retail operations, such as garden centers and greenhouses offering mulch, stone, plant, tree, seed sales, etc., may allow in-person shopping, but no more than one customer per 200 square feet and a maximum of 10 total people including customers and staff.
- Retailers shall take steps to schedule or stage customer visits, such as waiting in cars until ready, to ensure no congregation.
- Social distancing and facial coverings are required at all times.

2.2 Libraries (clarifying guidance)

- Libraries may operate subject to section 1.2 above, allowing for curbside pickup for lending in accordance with guidance issued by the Department of Libraries.

2.3 Farmers Markets (effective May 1)

- Farmers markets may open using limited in-person operations to ensure consumer access to quality, healthy food if:
 - They adhere to all municipal ordinances and rules and their local municipality agrees to allow opening.
 - Markets must significantly alter their business practices to eliminate crowds and reduce contact between vendors and customers including a temporary transition away from shopping and social events to primarily a food distribution using the methods prescribed in section 1.2 above.
 - Markets are directed to use a “pre-order, local food pick-up” model and to follow any additional guidance by the Agency of Agriculture, Food and Markets

Phase 3: Effective May 11, 2020

3.1 Manufacturing, Construction, and Distribution Operations

- Manufacturing, construction, and distribution operations that ceased operations for more than seven days during the state of emergency may restart with as few employees as necessary to permit full operations while maintaining compliance with the **mandatory health and safety requirements** above, and:
- After creating or adopting an industry-specific detailed reopening and training plan (template plans are available at accd.vermont.gov) that addresses, at a minimum:
- Adoption of a phased approach to reopening which provides sufficient opportunity to operate first in a low density and low contact environment before making the incremental changes needed to accommodate more moderate density activity while continuing to maintain health and safety.
- Update physical and administrative safety systems to accommodate COVID-19 VDH/CDC/VOSHA guidelines, health monitoring, including temperature checks, cleaning and sanitizing methods and physical distancing measures.
- Take appropriate measures to protect employees at greater risk of contact by virtue of their occupational role or setting.
- Businesses with fewer than 10 employees at any physical location are not required to create such a plan, however, they must follow all other health and safety guidelines above.

If your business or circumstance does not meet these criteria, additional guidance will be forthcoming.

For additional details, please review the <https://accd.vermont.gov/covid-19/business/restart>.