

New Puerto Rico COVID-19 Order Mandates Health Department Reporting, Sunday Closing

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August 24, 2020

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Puerto Rico Governor Wanda Vazquez has signed Executive Order 2020-062 (EO) to extend most of the prior COVID-19 pandemic limitations and restrictions, institute important additional restrictions, set a mandatory Sunday lockdown, and require employers to notify the Puerto Rico Department of Health by email of any employee who is suspected of having COVID-19 or who has tested positive to COVID-19. The EO will be in effect from August 22, 2020, to September 11, 2020.

Although the notification requirement was adopted in a previous Executive Order, the Department of Health had not issued guidance on how to do this reporting. Now, the EO expressly instructs employers to provide the information to the following email address: covidpatronos@salud.pr.gov.

Furthermore, the Department of Health has adopted [a form](#) for completion by employers when reporting suspected or confirmed cases of COVID-19 in their workplace. The form requires employers to identify the specific preventive measures, as well as corrective action, taken to minimize contagion.

Along with the new form, the Department of Health has adopted guidelines that employers should consider when employees who have been exposed or tested positive for COVID-19 return to work. The guidelines, which the Department identifies as preliminary, refer to the Centers for Disease Control and Prevention's guidelines. Among the recommendations in the guidelines, the Department of Health advises employers to consider the following:

- (a) Actively encourage sick employees to stay at home.
- (b) Employees with symptoms related to COVID-19 should notify their supervisor and stay home.
- (c) Sick employees should not return to work until they meet the criteria for suspending isolation.
- (d) If employees appear to have symptoms related to COVID-19 or become ill at the workplace, they should be immediately separated from other employees and sent home.
- (e) An employee who is well living with a family member who is positive for COVID-19 must notify their supervisor and remain in quarantine until they meet the criteria to end the quarantine.

Failure to comply with the EO can lead to civil and criminal liability, including fines and *the closing* of the site. As a matter of fact, the Governor signed Executive Order OE-2020-064 to amend the EO to expressly grant authority to different government agencies to join efforts in monitoring compliance with the EO's requirements. This amendment expressly authorizes agencies to close businesses.

Other changes implemented include:

- Mandatory lockdown on Sundays, except to go to a hospital, supermarkets, pharmacies, hardware stores, delivery or pickup of food, and other services authorized in the EO.
- Any patient who has tested positive for COVID-19 must notify the local tracing agency and, if no local tracing agency has been adopted, the person must notify the Department of Health.
- Some establishments that receive the public (such as banks, restaurants, and malls) must limit their capacity below (or not to exceed) 25 percent. These establishments must make sure that clients maintain a distance between six and nine feet.
- Sitting areas in restaurants are closed on Sundays, only carry-out, delivery, or drive through allowed.
- Bars (including those in restaurants) and similar businesses (*i.e.*, sports bars and pubs) that serve alcohol will remain closed.
- No selling, dispensing, or consumption of alcohol after 7:00 p.m. Total prohibition on alcohol on Sundays.
- Although private and public schools are allowed to open to prepare the areas for the school semester, no in-person classes are allowed. In addition, schools must enforce use of masks, frequent hand sanitizing, and social distancing of between six and nine feet.
- Outdoor exercises are allowed, but not in groups.

Reopening orders contain extensive requirements creating compliance issues that can vary significantly depending on the specific state or local jurisdiction. Jackson Lewis attorneys are closely monitoring updates and changes to legal requirements and guidance and are available to help employers weed through the complexities involved with [state-specific or multistate-compliant plans](#).

If you have questions or need assistance, please reach out to the Jackson Lewis attorney with whom you regularly work, or any member of our [COVID-19 team](#).

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