

Minnesota to Enter Phase III of Reopening Plan

By Gina K. Janeiro & Hadley M. Simonett

June 8, 2020

Meet the Authors



Gina K. Janeiro

Office Managing Principal and
Office Litigation Manager
(612) 359-1766
Gina.Janeiro@jacksonlewis.com



Hadley M. Simonett

Associate
(612) 787-3505
Hadley.Simonett@jacksonlewis.com

Related Services

COVID-19

Disability, Leave and Health
Management

Fitness

Hospitality

Restaurants

Workplace Safety and Health

Governor Tim Walz continues Minnesota's march to reopen businesses by implementing Phase III of the state's [Stay Safe Plan](#). Under the Plan, first identified in [Executive Order 20-74](#), Minnesota will enter Phase III on June 10, 2020.

While the new order increases occupancy for many businesses and allows others to reopen, as with all the previous orders, any worker who is able to work from home must continue to do so.

Under previous executive orders, Governor Walz allowed certain industries to reopen, provided the businesses complied with certain requirements. (For more information, see our article, [Minnesota to Allow Al Fresco Restaurant Dining, Haircuts Beginning June 1.](#))

The new order made the following changes:

- *Personal Care Services/Salons* – Increase occupancy to 50 percent of the normal occupant capacity.
- *Restaurants and Bars* –
 - Open for indoor and outdoor service.
 - Occupancy for indoor space cannot exceed 50 percent of the normal occupant capacity, up to 250 people.
 - For outdoor space, continue to ensure at least six feet of distance between tables, employees, and traffic patterns, and occupancy cannot exceed 250 people.

All business in these industries must continue to abide by applicable guidance and requirements imposed previously.

Additionally, all critical sector businesses must develop and implement a COVID-19 Preparedness Plan by June 29, 2020, in accordance with applicable industry guidance. Additional industry guidance will be posted to the Stay Safe Minnesota website on or before June 15, 2020.

Under Governor Walz's new order, the following businesses may open in Phase III if they follow the specified requirements:

- *Gyms, Studios, and Fitness Centers* –
 - Develop and implement a COVID-19 Preparedness Plan.
 - Ensure at least six feet of distance between persons and equipment. Maintain a greater distance for treadmills and other activities with high exertion.
 - Maximum occupant capacity limited to no more than 25 percent, but not to exceed 250 persons for indoor and outdoor settings.
 - Encourage workers and patrons to wear masks.
 - Establish a regular disinfection routine and train workers.
 - Only permit group exercise classes where at least six feet of distance can be maintained, and physical contact is not permitted.

- *Indoor Events, Entertainment, and Recreation Venues* –
 - Develop and implement a COVID-19 Preparedness Plan.
 - Ensure at least six feet of distance between persons.
 - Maximum occupant capacity limited to no more than 25 percent, but not to exceed 250 persons.
 - Encourage workers and customers to wear masks.
- *Indoor and Outdoor Pools* –Must abide by state industry guidance.

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](#).

©2020 Jackson Lewis P.C. This material is provided for informational purposes only. It is not intended to constitute legal advice nor does it create a client-lawyer relationship between Jackson Lewis and any recipient. Recipients should consult with counsel before taking any actions based on the information contained within this material. This material may be considered attorney advertising in some jurisdictions. Prior results do not guarantee a similar outcome.

Focused on labor and employment law since 1958, Jackson Lewis P.C.'s 1000+ attorneys located in major cities nationwide consistently identify and respond to new ways workplace law intersects business. We help employers develop proactive strategies, strong policies and business-oriented solutions to cultivate high-functioning workforces that are engaged, stable and diverse, and share our clients' goals to emphasize inclusivity and respect for the contribution of every employee. For more information, visit <https://www.jacksonlewis.com>.