STATE OF VERMONT

EXECUTIVE DEPARTMENT

ADDENDUM 12 TO EXECUTIVE ORDER 01-20

[Work Smart & Stay Safe - Restart VT: Phase III]

WHEREAS, on March 7, 2020 and March 11, 2020, the Vermont Department of Health (VDH) detected the first two cases of COVID-19 in Vermont and almost two months later Vermont has experienced over 860 cases and over 45 related deaths; and

WHEREAS, on Friday, March 13, 2020, the Governor issued Executive Order 01-20, Declaration of State of Emergency in Response to COVID-19 and National Guard Call-Out ("Executive Order"), declaring a state of emergency for the State of Vermont in response to COVID-19; and

WHEREAS, the Governor, in consultation with VDH and the Vermont Agency of Human Services, has initiated aggressive and sustained efforts to protect property and public health, and to ensure public safety in this public health emergency including issuing Addenda to the Executive Order to limit in-person contact, such as limiting the size of gatherings, closure of schools and the institution of remote learning through the end of the school year, suspending the operation of close contact businesses, requiring telecommuting and work from home, requiring Vermonters to stay home and stay safe with exceptions for essential purposes and suspending the operation of businesses which are not deemed critical; and

WHEREAS, modeling studies done for the State clearly show that, but for the mitigation measures taken to date, the number of COVID-19 cases and COVID-19 related deaths in the State and the region would be having a much more devastating effect on Vermonters and would be threatening to overwhelm the capacity of the Vermont health care system; and

WHEREAS, the Governor has undertaken a cautious, incremental and evidence-based approach to restarting Vermont's economy; and

WHEREAS, as we move forward, businesses, governments and employees must understand that *how* they work is essential to resuming and maintaining business operations, to stay safe and save lives.

NOW THEREFORE, I, Philip B. Scott, by virtue of the authority vested in me as Governor of Vermont by the Constitution of the State of Vermont, the emergency powers set forth in 20 V.S.A. §§ 8, 9 and 11 and other laws hereby order as follows:

1. Health and Safety Requirements. The State shall continue a phased approach to reopen the economy, balancing the need to restore and strengthen our overall social and economic wellbeing with the prevention of a resurgence of COVID-19 that would undermine or lose the important public health outcomes achieved to date. As previously established in

Addendum 11 to the Executive Order, in order to achieve this balance, all businesses and non-profit and government entities, including employees and contractors of government entities, which are operating or will be operating during the declared State of Emergency, shall implement the following physical distancing, health and sanitation measures in accordance with Vermont Department of Health, CDC and Agency of Commerce and Community Development (ACCD) guidelines:

a. 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).
b. Employees must observe strict social distancing of six feet while on the job. Businesses and non-profit or government entities shall ensure customers observe strict social distancing of six feet while on location, to the extent possible.
c. 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.
d. Employees must have easy and frequent access to soap and water or hand sanitizer during duration of work, and handwashing or hand sanitization should be required before entering, and leaving, job sites. All common spaces and equipment, including bathrooms, frequently touched surfaces and doors, tools and equipment, and vehicles must be cleaned and disinfected regularly.
e. No more than two people shall occupy one vehicle when conducting work.
f. Prior to the commencement of each work shift, pre-screening, including temperature checks 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.
g. Signs must be posted at all entrances clearly indicating that no one may enter if they have symptoms of respiratory illness.
h. No congregation of employees shall be permitted on site.
i. No workers who have knowledge of contact with a worker who is diagnosed with COVID-19 shall be permitted on site and shall quarantine for 14 days.
j. Indoor workspaces where more than 2 employees are working must have good air circulation.
k. 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.
l. 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 mandatory training on health and safety requirements as provided by VOSHA, or another training program that meets or exceeds the VOSHA-provided standard.

2. Enhanced Training Requirements. On April 27, 2020, Vermont Occupational Safety and Health Agency (VOSHA) developed a minimum level of health and safety training to be

completed by all employees and documented by businesses and non-profit and government entities in operation, no later than May 4, 2020. VOSHA has undertaken the preparation of translated versions of the training, and those employees and employers who require translated versions shall have an additional week from the date of release of the translation to complete and document the training. VOSHA training establishes a minimum standard for training which will not be sufficient for all businesses and non-profit and government entities to reopen safely during the COVID-19 pandemic.

Except as set forth below, employers, or industries, trade associations, chambers of commerce or similar representative organizations acting on behalf of employers, shall adopt a training program prior to reopening. In many cases, this will require a plan that augments the VOSHA training standards with additional policies and procedures customized to the unique nature of the entity or sector-specific employment environment. Consideration shall be given to the ability of a particular industry sector or business or non-profit or government entity to deliver goods or services in a manner that does not put either employees or the public at risk of exposure to the COVID-19 virus during an outbreak.

Augmented plans should assess the need to:

- Adopt 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.

ACCD shall provide guidance and examples for developing health and safety training plans.

All businesses and non-profit and government entities who have suspended operations for 7 or more days under Addendum 6 to the Executive Order (Stay Home/Stay Safe) shall have on file a health and safety training plan prior to reopening. The plan shall be made available to VOSHA or to any employee upon request.

Notwithstanding the foregoing, businesses and non-profits and government entities with fewer than 10 employees at any one office or site of operation, may elect to implement the VOSHA training.

3. Customer and General Public Mask Use**.** Customers and the public in general, are encouraged to wear face coverings over their nose and mouth any time they are interacting with others from outside their households. Businesses and non-profit and government entities may require customers or clients to wear masks.

4. Mask Use on Public Transit Conveyances or in Mass Transportation Facilities. The traveling and commuting public shall wear face coverings over their nose and mouth any

time they are using public transportation conveyances, including busses, trains and ride services and when in a mass transportation station or terminal, including airports.

5. Phased Restart. 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.

   Subject to compliance by all affected businesses and non-profit and government entities with the health and safety requirements set forth above and ACCD guidance developed in consultation with VDH and the Department of Public Safety/Division of Emergency Management, Phase 3 of this effort, effective May 4, 2020, will allow the following:

   a. Small crews of no more than ten (10) persons per location/job, to perform outdoor work and construction work in unoccupied job sites. An unoccupied job site may be a single unit in a commercial or residential structure. "Unoccupied," may include sites vacated for the duration of the construction work.
   b. Manufacturing and distribution operations may resume with a maximum of 10 (ten) employees in any location if they are low-density and ensure employees are at least six feet apart at all times.
   c. Supporting operations may continue with the minimum number of employees necessary to support curbside pick-up and delivery services, and in accordance with the guidance issued by ACCD.

6. Manufacturing, construction, and distribution operations. Subject to (1) compliance with the health and safety requirements set forth above and ACCD guidance and (2) the development of enhanced training programs as set forth above, effective May 11, 2020, manufacturing, construction, and distribution operations may restart with as few employees as necessary to permit full operations while continuing to maintain health and safety.

7. Education and Compliance. VOSHA, VDH inspectors and AAFM inspectors shall, in the ordinary course of the performance of their duties, ensure businesses and non-profit and government entities have awareness of and access to the information necessary to comply with the health and safety requirements of this Addendum 12 to the Executive Order.

8. Businesses and non-profit and government entities deemed critical in accordance with Addendum 6 to the Executive Order and ACCD Sector Guidance (Stay Home/Stay Safe), may continue to operate under pre-existing guidance and shall operate in accordance with mandatory health and safety and training requirements set forth above.

9. In accordance with Addendum 5 to the Executive Order (Order to Work From Home for all Businesses and Non-Profits) and Stay Home/Stay Safe, all businesses, non-profit entities and government entities shall continue procedures to support work from home and telecommuting for all workers to the extent possible.

10. All businesses, not-for-profit entities and government entities are encouraged to continue business strategies, procedures and practices to maximize use of on-line presence, telephone and web-based service delivery and phone or online orders for term curb-side pick-up and delivery.

This Addendum 12 shall take effect upon signing and, except as modified in this Addendum 12, the Executive Order and all Addenda thereto and Directives issued thereunder, shall continue in full force and effect until midnight on May 15, 2020, at which time the Governor, in consultation with the Vermont Department of Health and the Department of Public Safety/Division of Emergency Management shall assess the emergency and determine whether to amend or extend this Addendum.

By the Governor:

Philip B. Scott
Governor

Brittney L. Wilson
Secretary of Civil and Military Affairs

Executive Order No. 01-20 – Addendum 12

Dated: May 1, 2020