

STATE OF VERMONT

Agency of Commerce and Community Development

 SEARCH

NEWS (/NEWS)

UPDATE ON NEW WORK SAFE ADDITIONS TO THE BE SMART, STAY SAFE ORDER

MEMO

FROM: Lindsay Kurrle, Secretary, Agency of Commerce and Community Development
TO: Vermont Businesses and Employers
DATE: **May 20, 2020** || **Modifications and new sections are in red.**
RE: Update 8 – *New Work Safe* Additions to the Be Smart, 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, NON-PROFIT & GOVERNMENT OPERATIONS

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

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- Employees shall not report to, or be allowed to remain at, work or job site if sick or symptomatic (fever, cough, shortness of breath or difficulty breathing, chills, repeated shaking with chills, muscle pain, sore throat, new loss of taste or smell).
- 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 \(https://www.cdc.gov/coronavirus/2019-ncov/community/reopen-guidance.html?deliveryName=USCDC_2067-DM26911\)](https://www.cdc.gov/coronavirus/2019-ncov/community/reopen-guidance.html?deliveryName=USCDC_2067-DM26911).
- 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, shortness of breath or difficulty breathing, chills, repeated shaking with chills, muscle pain, sore throat, new loss of taste or smell). 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.

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- 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. Employers who need translations of the training have one week from the release of the translated training to complete this requirement.
- All businesses that have been closed for 7 or more days during the state of emergency must complete and keep on file a reopening and training plan (businesses with fewer than 10 employees at any physical location are not required to create such a plan, however, they must follow all other guidelines and employees must take the VOSHA training). VOSHA and the Agency of Commerce and Community Development have provided a template at accd.vermont.gov/covid-19/business/restart (<https://accd.vermont.gov/covid-19/business/restart>). The plan must, at a minimum:
 - 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.
 - 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 including taking VOSHA training (<https://labor.vermont.gov/document/protecting-safety-and-health-workers-vosha>).

- 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.

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. Businesses may require customers to wear facial coverings over nose and mouth.

CROSS STATE TRAVEL

Commuter (day trip) traffic to and from Vermont by those who travel daily between Vermont and adjacent states is authorized for essential travel (e.g. essential work, healthcare, groceries) and currently authorized daily work, family visitation, or recreation. Travel to and from Vermont from outside the daily commuting area AND by those who do not travel to and from adjacent states daily is currently restricted and subject to mandatory quarantine upon arrival in Vermont.

Those participating in essential work or currently authorized work that requires an overnight stay may utilize the state's lodging, camping and short-term rental properties if the individual self-certifies upon arrival that they are authorized to work in Vermont, have not been in contact with someone with COVID-19 in the past 24 hours, and have not experienced COVID-19-like symptoms in the past 24 hours including a fever above 100.4 F, chills, muscle pain, sore throat, headache or new loss of taste or smell

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Leisure travel to Vermont – either for the day or overnight – remains prohibited unless the traveler self-quarantines for 14 days upon arrival.

For more information about how to quarantine, visit the Vermont Department of Health's [quarantine chart \(https://www.healthvermont.gov/sites/default/files/documents/pdf/COVID-19-chart-observation-isolation-quarantine_final.pdf\)](https://www.healthvermont.gov/sites/default/files/documents/pdf/COVID-19-chart-observation-isolation-quarantine_final.pdf).

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 and Community Development - 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 sector specific guidance below**, the following:

1.1 Outdoor Businesses

- Those who exclusively or largely work outdoors (such as landscaping, painting, parks maintenance, recreation maintenance, delivery work, etc.) may resume operations with a maximum of 10 (ten) total workers per location/job.
- 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 or when appropriate; and compliance with retail guidance in 5.1.

1.2 Low or no contact professional services

- Services operating with a single worker or small office environments (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 10 persons (service provider and client) present at one time.
- Remote work is required whenever possible.
- Operators must maintain a log of customers and their contact information for 30 days in the event contact tracing is required by the Health Department.

2.1 Libraries (clarifying guidance)

- Libraries may operate only by allowing for curbside pickup for lending in accordance with guidance

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- Only the minimum number of employees necessary to support curbside pick-up and delivery services are allowed at any one location.

2.2 Farmers Markets

- 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 system.
- Markets are directed to use a “pre-order, local food pick-up” model and to follow any [additional guidance issued by the Agency of Agriculture, Food and Markets \(https://agriculture.vermont.gov/agency-agriculture-food-markets-news/new-farmers-market-guidance-updated-may-5\)](https://agriculture.vermont.gov/agency-agriculture-food-markets-news/new-farmers-market-guidance-updated-may-5).

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:
 - Interior residential construction may occur in uninhabited structures, adhering to social distancing standards, with the minimum workers necessary while workers maintain social distance between them whenever possible.

4.1 Outdoor Recreation and Fitness

Vermonters are encouraged to participate in outdoor recreation and fitness activities, while limiting themselves to those activities that can be enjoyed while adhering to social distancing and hygiene requirements, and which require low or no physical contact with anyone outside their immediate household. This includes, but is not limited to biking, hiking, walking, running and other outdoor fitness activities; golf, tennis, skate parks and other outdoor no-contact sports; horseback riding, boating and paddle sports, fishing, hunting, photography and nature walks.

- These opportunities are for Vermont residents, and those who have met the minimum 14-day quarantine requirement. Visitors from other states, and countries, are still being asked not to come to Vermont. If they do they are required to self-quarantine for at least 14 days after arriving

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- Vermonters shall limit outdoor recreation and fitness activities to in-state opportunities. Vermonters are encouraged to pursue day trips close to home, however are no longer being asked to limit outings to within 10 miles of their homes. Any individual returning to, or traveling to, Vermont from another state or country for non-essential reasons continues to require 14-days of self-quarantine before engaging in any activities.
- Vermonters participating in outdoor recreation activities that are not physically strenuous are encouraged to wear face coverings over their nose and mouth when in the presence of others. Masks may be removed for strenuous activities and exercise.

Nothing in these guidelines should be interpreted to override the need to continue to observe requirements for use of trails or property. For instance: mud season limitations on the use of trail networks; that users obtain appropriate permission from private landowners where required; and the expectation that, where needed, users will check with state or local land managers regarding conditions that remain in effect. Additional information on good etiquette and safe practices for outdoor recreation is available at: fpr.vermont.gov/recreation/outdoor-recreation-and-covid-19 (<https://fpr.vermont.gov/recreation/outdoor-recreation-and-covid-19>) and vtfishandwildlife.com/outdoor-recreation-and-covid-19 (<https://vtfishandwildlife.com/outdoor-recreation-and-covid-19>).

4.2 Outdoor Recreation Businesses, Facilities and Organizations

Businesses, facilities and organizations which support or offer outdoor recreation and fitness activities that require low or no direct physical contact may return to operation under *all* applicable health and safety requirements established in Governor's Emergency Order. These include, but are not limited to state and municipal parks, recreation associations, trail networks, golf courses, big game check stations, and guided expeditions. In addition, organizations, businesses and facilities catering to outdoor activity must adhere to the conditions set forth below:

- Require an “arrive, play and leave” mentality. Groups may not gather before or after activities (no tailgating, etc.).
- Implement measures, including signage and registration processes, that reinforce parks, facilities, trails, etc. are only open to Vermonters and those who have met the 14-day quarantine requirement.
- Implement measures, including signage, discouraging contact sports and games. For example, outdoor basketball courts may be open to “shoot hoops,” but full contact games should be discouraged.
- Eliminate services or transactions that result in touch points and/or staff-customer interactions that are not absolutely necessary. This includes prioritizing credit card, telephone and electronic

- Reduce high contact surfaces and common areas, including closing waiting areas, removing picnic tables, closing play structures, and offering only rental equipment that can and will be thoroughly disinfected between users.
- Close indoor facilities (such as lobbies, pro-shops and other small retail operations, bars and restaurants), and only deliver services curbside, outdoors, or via online portals.
- Limit gatherings of people to 10 or less. Large outdoor facilities such as trail networks and municipal parks may have more than 10 people in them as long as there are no large gatherings in any one distinct portion of the facility exceeding 10 people.
- Restroom facilities may only be opened if they can be regularly cleaned and disinfected per CDC guidelines.
- These opportunities are for Vermont residents, and those who have met the minimum 14-day quarantine requirement. Visitors from other states, and countries, are still being asked not to come to Vermont. If they do they are required to self-quarantine for at least 14 days after arriving in Vermont before engaging in any activities.
- Organized sporting events and spectator events are not permitted at this time.
- Pools and beaches may open if they can comply with this guidance.
- Golf courses shall follow the reopening plans available at accd.vermont.gov/covid-19/business/restart (<https://accd.vermont.gov/covid-19/business/restart>).

5.1 Retail Operations (Effective May 18, 2020)

- Non-essential retail operations are limited to 25% (twenty-five percent) of approved fire safety occupancy; or 1 customer per 200 square feet; or 10 total customers and staff combined, whichever is greater. Operators must POST their temporary occupancy limit, and which method was used to determine it, prominently on all entrances. Posting templates are available at accd.vermont.gov.
- Cashless/touch-less transactions are strongly preferred.
- Curbside pickup remains the preferred method of operation. When possible, retailers should take steps to schedule or stage customer visits, such as waiting in cars or outside, to ensure lower contact operations.
- Yard sales and garage sales may occur at private residences with 10 or fewer people present at any one time.

5.2 Drive In Operations

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Drive-in operations including, but not limited to, movie theaters, restaurants, religious services, graduation ceremonies, and other gatherings may occur subject to the mandatory health and safety guidance above and:

- Vehicles must be spaced a minimum of 6 (six) feet apart.
- No gatherings outside vehicles are allowed.
- Cashless/touch-less transactions are strongly preferred.
- Restrooms on site must be cleaned and sanitized regularly.
- Any concessions on site must be done via takeout or delivery or pursuant to any future food service guidance.

6.1 Lodging, Campgrounds and other Accommodations

- Lodging operations, short-term rentals, campgrounds and marinas **may accept overnight reservations from Vermont residents, those who have met the 14 day quarantine requirement, and those participating in essential work or currently authorized work under the Agency of Commerce and Community Development's guidance or the original Stay Home, Stay Safe Executive order.** Operators may require a copy of a Vermont driver's license or a [signed document from the guest\(s\) attesting they meet the quarantine requirement \(https://accd.vermont.gov/content/be-smart-stay-safe-certificate-of-compliance\)](https://accd.vermont.gov/content/be-smart-stay-safe-certificate-of-compliance).
- **Guests must complete their self-quarantine in Vermont before arriving at a lodging property, accommodation or short-term rental.**
- Multi-room lodging operations and campgrounds may book a maximum of **25% (twenty-five percent)** of rooms or sites for non-residential lodging (e.g. those who are not semi-permanent/seasonal residents – including housed AHS clients, essential workers, etc. - which are excluded from the calculation). Ensure separation to the greatest extent possible. Standalone cabins, cottages, and short-term rentals are excluded from this requirement.
- All lodging and camping operations with more than 10 (ten) employees must complete and keep on file a reopening and training plan. VOSHA and the Agency of Commerce and Community Development have provided a template at [accd.vermont.gov/covid-19/business/restart \(https://accd.vermont.gov/covid-19/business/restart\)](https://accd.vermont.gov/covid-19/business/restart).
- Check-in/out should be done via phone or electronic means to the greatest extent possible.
- All guests must complete a health questionnaire, which could be completed via phone or electronic means such as email, upon check-in. Any guests that exhibit signs of illness or COVID-19

asked to leave and return home if possible. If departure is not possible, guests must self-isolate for the remainder of their stay and the Vermont Department of Health must be contacted immediately.

- A room or accommodation must be thoroughly cleaned in accordance with CDC guidelines before another guest may use the accommodation.
- Operators must ensure there are no gatherings of more than 10 people on the property.
- Only one party should use an elevator at any given time.
- Amenities (game rooms, fitness rooms, etc.) may only be open if they are cleaned and sanitized between guest usage and are managed to restrict access to 10 or fewer individuals, including employees and social distancing can be maintained.
- Food service may only be offered as take out or delivery or in compliance with current restaurant guidance.
- Direct contact services (such as check-in, bell, valet, housekeeping, etc.) must be limited to the greatest extent possible. Cashless / touchless transactions are strongly preferred.
- Operators must maintain an easily accessible log of customers and their contact information for 30 days in the event contact tracing is required by the Health Department.

7.1 Restaurants - Outdoor Dining (effective 5/22)

- Reservations or call ahead seating is required.
- Ordering via phone or electronic means is preferred.
- Takeout service rather than table side delivery of food is preferred.
- Cashless/touch-less transactions are strongly preferred.
- Tables must be spaced a minimum of 10 feet apart.
- Members of only 2 households and 10 total people may be seated at the same table.
- Operators must limit the total number of customers served/seated at one time to 50 or their maximum licensed seating capacity, whichever is less.
- Disposable menus are required.
- Disposable/single use condiment packets are encouraged. Multi-use condiments and all other items for general use must be cleaned and sanitized between customers.

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- **Operators must maintain an easily accessible log of customers and their contact information for 30 days in the event contact tracing is required by the Health Department.**

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

**For additional information visit <https://accd.vermont.gov/covid-19/business/restart>
(<https://accd.vermont.gov/covid-19/business/restart>).**

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