

Executive Order 2020-029 Extends Shelter in Place until April 12, 2020 and Sets New Exceptions

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PRACTICE AREAS

- Government Affairs & Public Policy

An McV Government Affairs Alert

March 31, 2020

On March 30, 2020, Governor Wanda Vazquez Garced signed Executive Order 2020-029 (the “EO 2020-029”) to, among other things, extend the period of the “Shelter-in-Place” Order issued under Executive Order 2020-023.

Please note that McConnell Valdés' office will therefore remain closed until April 12, 2020. Our attorneys will continue working remotely, and will be available by email or phone.

The following is a summary of the most important aspects of EO 2020-029:

Shelter-In-Place

The extension was issued as part of the Government of Puerto Rico’s initiative to control the spread and transmission of COVID-19 across the Island and takes into account the recommendations and guidance established by the Puerto Rico Executive Committee on Medical Assessment and the United States Department of Homeland Security’s Cybersecurity & Infrastructure Security Agency.

Beginning on March 31, 2020 and ending on April 12, 2020, a “Shelter-In-Place” order requiring all Puerto Rico citizens to remain in their residence or place of shelter shall be in effect. During this period, persons are required to stay in their residence or place of shelter 24 hours a day seven days and week, but may exit their residence or place of shelter from 5:00 a.m. to 7:00 p.m. solely for the following reasons:

- To attend medical appointments, visit hospitals, clinical labs, or hospital medical service centers;
- To provide assistance, care, food or transportation for the elderly, minors, dependents, disabled or especially vulnerable persons that require medical or professional attention, provided measures are taken to prevent infection;
- To acquire food, pharmaceutical and first care products;

Executive Order 2020-029 Extends Shelter in Place until April 12, 2020 and Sets New Exceptions

- To visit financial institutions for emergency transactions;
- To receive exempted services (as listed further below); or
- To provide exempted services

Any person who allows individuals to convene in their residence, other than members of their family, will be deemed to be in violation of OE 2020-029.

Use of Vehicles

Beginning on April 1, 2020, the use of motor vehicles to (a) acquire food, pharmaceutical and first need products, (b) visit financial institutions, or (c) to receive any of the exempted services will be conditioned on the last digit on the vehicle's license plate. Vehicles with license plates ending on an even number (0,2,4,6,8) or alphabetical letter may be used to transit roadways on Mondays, Wednesdays, and Fridays, while vehicles with license plates ending on odd numbers (1,3,5,7,9) may be used on Tuesdays, Thursdays, and Saturdays.

Notwithstanding the above, individuals may use their vehicles regardless of the last number in their license plate in order to:

- to attend an emergency (i.e. to attend medical appointments, visit hospitals, clinical labs, or hospital medical service centers or to provide assistance, care, food or transportation for the elderly, minors, dependents, disabled or especially vulnerable persons that require medical or professional attention, provided measures are taken to prevent infection)
- to work at an exempted facility, or
- to provide an exempted service

Quarantine Order

EO 2020-029 orders any person suspected to have been exposed to or diagnosed with COVID-19 to remain in their residence for a period of 14 days.

Government and Private Sector Shutdown and Exceptions

EO 2020-029 orders all government and private sector operations, including private commercial businesses, to remain closed from March 31, 2020 through and until April 12, 2020. This includes movie theaters, night clubs, concert halls, theaters, game salons, casinos, theme parks, gyms, bars, or other similar

Executive Order 2020-029 Extends Shelter in Place until April 12, 2020 and Sets New Exceptions

establishments.

The following businesses are exempted from the shutdown order:

- drive-thru, carry-out, or delivery retail food services as well as wholesale food services such as supermarkets and animal feed stores;
- facilities that manufacture medications, medical articles or equipment, and their supply chain;
- pharmacies;
- gasoline stations and their supply chain;
- banking or financial institutions (including pawn shops);
- senior care centers;
- organizations or groups that provide services that address the basic needs of economically vulnerable persons, such as homeless shelters, food banks, among others

In order to prevent the spread of infection during the lockdown, EO 2020-029 requires:

- markets, supermarkets or businesses with supermarkets to remain closed on Sundays
- pharmacies to sell only medications and personal hygiene products; and
- gas stations to sell only fuel

Exempted Services

The following services may be provided during the lockdown, if the services are rendered in connection with an emergency and without the need to open a store to the public:

- plumbing, electrical, extermination, elevator or pool services
- roadside assistance and locksmiths
- package delivery systems attending health, safety or hygiene matters
- in regard to funeral services – transfer of remains, embalment, cremation and burial, but no funerary services open to the public.

Executive Order 2020-029 Extends Shelter in Place until April 12, 2020 and Sets New Exceptions

- emergency auto repair services: however, these services may only be provided on Wednesdays and Thursdays between 9:00 a.m. and 12:00 p.m. and on an appointment basis, ensuring that only one customer is attended at a time
- hardware services: however, these services may only be provided on Fridays and Saturdays between 9:00 a.m. and 12:00 p.m. and on an appointment basis, ensuring that only one customer is attended at a time
- telecommunication services; however, these services may only be provided to repair critical network telecommunication infrastructure

Dental Offices

EO 2020-029 requires dental offices to remain closed but may take steps to provide emergency procedures.

Medical Offices

All elective medical procedures should be suspended. Medical practitioners should consider closing their offices or attend patients only in cases of emergency and upon prior appointment. Gatherings of persons will not be permitted.

Specialized treatment centers, such as dialysis or cancer treatment centers, may continue offering their services.

Guidance established by Agencies

The provisions of EO 2020-029 may be supplemented by regulations or guidance issued by government agencies. Agency directors who identify essential services not exempted under EO 2020-029 may request the Chief of Staff to exempt said services.

Excluded Persons

The following persons are exempted from the “Stay-in-Shelter” order established under EO 2020-029:

- federal or state public and private safety employees

Executive Order 2020-029 Extends Shelter in Place until April 12, 2020 and Sets New Exceptions

- healthcare professionals, hospital, pharmacy, pharmaceutical, bioscience or health center employees
- wholesale food distribution and food manufacturing employees, including agricultural activity
- critical utility and infrastructure employees
- call center personnel
- ports and airport personnel
- members of the press and media
- citizens attending emergency or health situations
- critical executive, legislative and judicial employees

Toll Roads

Tolls will be charged; however, throughout the duration of EO 2020-029, no person shall be fined for crossing road tolls with an underfunded Autoexpreso account. The Puerto Rico Department of Transportation and Public Works and/or the Puerto Rico Highway Authority will issue guidance on this regard.

Payroll Exemptions

As explained on our Labor & Employment Law Alert, employers were authorized to send up to five (5) employees to their offices in order to process payroll payments due on March 2020. This exemption only applied on March 31, 2020 from 5:00 a.m. to 12:00 p.m. Employers using this exemption to perform services other than to process payroll payments will be fined in accordance with the provisions of EO 2020-029.

Likewise, on March 31, 2020, from 5:00 a.m. to 12:00 p.m., employers may send certain employees to their offices in order pick up materials and equipment needed to continue providing services remotely.

Construction Services

Construction services may be carried out during the lockdown if they consist of maintenance or repairs to hospitals, potable water, electric power and communication facilities. In any case, safety measures must be adopted to protect the construction worker's health.

Executive Order 2020-029 Extends Shelter in Place until April 12, 2020 and Sets New Exceptions

Recreational Maritime Traffic

EO 2020-029 orders the Puerto Rico Department of Natural and Environmental Resources to shutdown every marina in Puerto Rico.

Penalties for Failing to Comply with EO 2020-029

Any person who fails to comply with the provisions of EO 2020-029 may face up to six months of incarceration and/or a fine of up to \$5,000.

Should you have any questions regarding the implementation of the exemptions detailed above, please contact any of the members of the McV Emergency Task Force listed below.

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