

Alaska Essential Services and Critical Workforce Infrastructure Order
(Formerly “Attachment A”)
Amended March 27, 2020

Issued: March 27, 2020

By: Governor Mike Dunleavy
Commissioner Adam Crum, Alaska Department of Health and Social Services
Dr. Anne Zink, Chief Medical Officer, State of Alaska

To prevent the spread of Coronavirus Disease 2019 (COVID-19), the State of Alaska is issuing this Order based on its authority under the Public Health Disaster Emergency Declaration signed by Governor Mike Dunleavy on March 11, 2020.

This Order amends and supersedes the document formerly referenced as “Attachment A,” and continues to apply to any Mandate referencing Attachment A or Critical Workforce Infrastructure. This Order remains in effect until amended, rescinded, or superseded by further Order of the Governor.

Functioning critical infrastructure is imperative during the response to the COVID-19 emergency for both public health and safety, as well as community well-being. Certain critical infrastructure industries have a special responsibility in these times to continue operations.

I. MANDATORY CLOSURES

- a. All businesses within Alaska, except those specifically exempted below, are required to cease all activities at facilities located within the state, except Minimum Basic Operations, as defined in Section I.c. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home).
- b. For purposes of this Order, covered businesses include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function they perform, or corporate or entity structure.
- c. **“Minimum Basic Operations”** include the following, provided that employees comply with Social Distancing Requirements as defined in this Section, to the extent possible, while carrying out such operations:
 - i. The minimum necessary activities to maintain the value of the business’s inventory, ensure security, process payroll and employee benefits, or for related functions.
 - ii. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.

II. ESSENTIAL SERVICES AND CRITICAL INFRASTRUCTURE

- a. Businesses exempted from Section I are strongly encouraged to remain in operation while complying with social distancing requirements, by maintaining six-foot social distancing for both employees and members of the public, including, but not limited to, when any customers are standing in line.
- b. For purposes of this Order, Essential Services and Critical Infrastructure industries and entities in Alaska include:
 - i. **“Healthcare Operations,”** including hospitals, clinics, dental emergency services, pharmacies, other healthcare facilities, home healthcare services and providers, mental health providers, companies and institutions involved in the research and development, manufacture, distribution, warehousing, and supplying of

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pharmaceuticals, biotechnology therapies, consumer health products, medical devices, diagnostics, equipment, services, or any related and/or ancillary healthcare services. “Healthcare Operations” also includes veterinary care and healthcare services provided to animals.

1. “Healthcare Operations” does not include fitness and exercise gyms and similar facilities.
- ii. **“Essential Infrastructure,”** including businesses providing any services or performing any work necessary to the operations and maintenance of services including, but not limited to, the Port of Alaska, public works construction, construction of housing, airport operations, water, sewer, gas, electrical, oil production, mining, logging, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services).
- iii. **“Financial services sector,”** which includes workers who are needed to process and maintain systems for processing financial transactions and services, such as payment, clearing and settlement services, wholesale funding, insurance services, and capital markets activities; to provide consumer access to banking and lending services, including ATMs, movement of currency (e.g. armored cash carriers); support financial operations, such as those staffing data and security operations centers; appraisals and titling; and, key third-party providers who deliver core services.
- iv. **“First Responders,”** which includes emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel.
- v. **“Essential Governmental Functions,”** which includes all services needed to ensure the continuing operation of government agencies and provide for the health, safety, and welfare of the public. This includes Department of Defense personnel returning from temporary duty or engaging in mission essential travel. This also includes Office of Children’s Services personnel acting in an official capacity.
- vi. **“Essential Business,”** which includes:
 1. Grocery stores, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of food, beverages, and other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;
 2. Food and agriculture, cultivation, including farming, livestock, fishing and processing;
 3. Businesses that provide food, shelter, social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
 4. Newspapers, television, radio, and other media services;
 5. Gas stations and auto-supply, auto-repair, bicycle-repair, and related facilities;
 6. Hardware stores;
 7. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences and critical infrastructure.

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8. Businesses providing mailing and shipping services, including post office boxes;
9. Educational institutions facilitating distance learning;
10. Laundromats, dry cleaners, and laundry service providers;
11. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out under the restrictions set forth in COVID-19 Health Mandate 003, issued March 17, 2020;
12. Businesses that supply products needed for people to work from home;
13. Businesses that supply other essential businesses with the support or supplies necessary to operate;
14. Businesses that transport goods to grocery stores, supermarkets, convenience stores, engaged in the retail sale of food, household consumer products, delivery of fuel, or other services directly to residences or other critical industries outlined in this health mandate.
15. Airlines, railroads, taxis, and other private transportation providers providing transportation services;
16. Home-based care for seniors, adults, or children;
17. Residential facilities and shelters for seniors, adults, and children;
18. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally-mandated activities;
19. Childcare facilities, subject to new recommendations for increased hygiene and social distancing. Childcare facilities should be used only by those who need childcare to work at a critical job.
20. All other businesses that can maintain Social Distancing Requirements (defined below) and prohibit congregations of no more than 10 people in the business at a time (including employees).

III. SOCIAL DISTANCING REQUIREMENTS.

- a. “Social Distancing Requirements” includes maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer containing at least 60% alcohol, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

IV. ADOPTION OF FEDERAL GUIDANCE.

- a. This Order incorporates by reference the Memorandum on Identification of Essential Critical Infrastructure Workers during COVID-19 Response issued by the Cybersecurity and Infrastructure Security Agency of the United States Homeland Security on March 19, 2020. That guidance is located at <https://www.cisa.gov/publication/guidance-essential-critical-infrastructure-workforce>. This order also incorporates federal guidance from the Department of the Treasury and the Department of Defense that are located at <https://home.treasury.gov/news/press-releases/sm956> and <https://media.defense.gov/2020/Mar/22/2002268024/-1/-1/1/DEFENSE-INDUSTRIAL-BASE-ESSENTIAL-CRITICAL-INFRASTRUCTURE-WORKFORCE-MEMO.PDF>

V. **PENALTY FOR NONCOMPLIANCE.**

A violation of a State COVID-19 Mandate may subject a business or organization to an order to cease operations and/or a civil fine of up to \$1,000 per violation.

- a. In addition to the potential civil fines noted above, a person or organization that fails to follow the State COVID-19 Mandates designed to protect the public health from this dangerous virus and its impact may, under certain circumstances, also be criminally prosecuted for Reckless Endangerment pursuant to Alaska Statute 11.41.250. Reckless endangerment is defined as follows:
 - i. A person commits the crime of reckless endangerment if the person recklessly engages in conduct which creates a substantial risk of serious physical injury to another person.
 - ii. Reckless endangerment is a class A misdemeanor.
- b. Pursuant to Alaska Statute 12.55.135, a defendant convicted of a class A misdemeanor may be sentenced to a definite term of imprisonment of not more than one year.
- c. Additionally, under Alaska Statute 12.55.035, a person may be fined up to \$25,000 for a class A misdemeanor, and a business organization may be sentenced to pay a fine not exceeding the greatest of \$2,500,000 for a misdemeanor offense that results in death, or \$500,000 for a class A misdemeanor offense that does not result in death.