



**GOVERNMENT OF PUERTO RICO**  
DEPARTMENT OF ECONOMIC DEVELOPMENT AND COMMERCE

June 2, 2020

**TO ALL THE INDUSTRIAL, COMMERCIAL AND BUSINESS SECTORS**

A handwritten signature in blue ink, appearing to read "M. Laboy Rivera".

Hon. Manuel A. J. Laboy Rivera

Secretary of Economic Development and Commerce

**Circular Letter No. 2020-10**

**APPLICABILITY OF THE CLOSING OPERATIONS IN THE PRIVATE SECTOR  
PURSUANT TO ADMINISTRATIVE BULLETIN NO. OE-2020-041**

**I. Background**

On March 12, 2020, the Governor of Puerto Rico, Hon. Wanda Vázquez Garced, issued Administrative Bulletin No. OE-2020-020, in order to declare a state of emergency in the face of the imminent impact of the Coronavirus (COVID-19) on our Island. The purpose of the emergency declaration was to make all efforts feasible and implement all necessary measures to safeguard the health, welfare and public safety of our citizens, in order to minimize or avoid the risk of any situation occurring that represents or constitutes a threat to public health or safety.

Following the aforementioned emergency declaration, on March 15, 2020, the Governor of Puerto Rico issued Administrative Bulletin No. OE-2020-023, establishing additional measures to prevent the spread of COVID-19 in Puerto Rico, including, among others, the implementation of a curfew applicable to all citizens and decreeing the closure of government operations and the private sector, with some exceptions, from March 15 to March 30, 2020. The curfew, as well as the closure of government and private sector operations, has been extended and modified by the Governor until May 3, 2020, through Administrative Bulletins No. OE-2020-029, OE-2020-032, OE-2020-033, OE-2020-034 and OE-2020-037.

On May 1, 2020, the Governor of Puerto Rico issued Administrative Bulletin No. OE-2020-038 ("OE-2020-038"), in order to extend the curfew and closure of government and private sector operations until May 25, 2020. Due to the success of the measures taken by this Administration to address the emergency situation, this time, and in line with the joint recommendations of the Medical Task Force and the Economic Task Force created by the Governor to address the health and economic crisis caused by COVID-19, OE-2020-038 made possible a first phase of



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reopening the private sector, allowing additional operations related to the construction, manufacturing and some health services sectors, among other activities whose risk of spreading and contagion of COVID-19 is considered minimal. During this period, the work teams evaluated the reopening or flexibilization of other economic sectors not included in OE-2020-038, based on the behavior of citizens, statistics related to COVID-19, and the recommendations made by the Medical Task Force and Economic Task Force based on the above.

Thus, and as anticipated in OE-2020-038, on May 21, 2020, the Governor of Puerto Rico issued Administrative Bulletin No. OE-2020-041 ("OE-2020-041"), Executive Order through which, due to the success of the measures taken to prevent COVID-19, the reopening of additional sectors of our economy and the flexibilization of certain activities that were already partially authorized, including restaurants, barber shops and beauty salons, retail stores, shopping malls, motor vehicle dealers, motor vehicle wash services and travel agencies. Likewise, additional sports and recreational physical activities are allowed, in attention to the physical and mental health of our population.

Since March 17, 2020, the Department of Economic Development and Commerce ("DDEC") has been given the task of issuing various circular letters to provide additional guidance to the industrial, commercial and business sectors regarding the applicability of the executive orders issued by the Governor, specifically regarding the closure of private sector operations and applicable exemptions, including Circular Letters No. 2020-02, 2020-03, 2020-04, 2020-05, 2020-07 and 2020-08. The aforementioned circular letters from the DDEC contain a list of activities, businesses or industries that are considered exempt from the total closure of operations decreed for the different periods covered by the executive orders issued from time to time by the Governor. Consequently, after the publication of the circular letters, the DDEC has received and responded to countless emails related to questions from industries, merchants and entrepreneurs of all kinds, regarding the applicability of the total closure decreed by the applicable executive orders. In addition, in order to support businesses, exempt from closure of operations, the DDEC team acts as a liaison with other government agencies, including, among others, the Department of Public Security and its Police Bureau, and the Department of Labor and Human Resources.

Section 4 of OE-2020-041, establishes that the provisions established in it may be defined and reinforced in detail through guidelines issued by the agencies once they are previously approved by the Governor or the Secretary of Government. In accordance with the foregoing, the purpose of this Circular Letter is to provide guidelines, regarding the applicability of the provisions of OE-2020-041 to its operations.



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## II. Legal Base

This Circular Letter is issued in order to provide guides to the industrial, commercial and business sectors regarding the applicability of OE-2020-041. It is promulgated under the Reorganization Plan No. 4-1994, as amended, and OE-2020-041, and will be effective from May 26 to June 15, 2020 or until otherwise provided.

## III. Provisions of OE-2020-041 related to the closing of businesses and their exceptions

Section 1 of OE-2020-041 **extends the curfew (lockdown) from May 26 to June 15, 2020**, inclusive, instructing all citizens on the Island to remain in their place of residence or accommodation for 24 hours a day, 7 days a week, with the intention of extending this curfew to the total closure of private sector operations. Likewise, Section 17 of OE-2020-041 provides that the total closure of shops and private entities, which will apply twenty-four (24) hours a day to cinemas, discotheques, concert halls, theaters, game rooms, casinos, amusement parks, gyms, bars or any similar place or event that encourages the gathering of a group of citizens in the same place.

However, Sections 5, 6, 9, 10, 18 and 19 of OE-2020-041, recognize certain exceptions to the application of the closure of business operations and the established curfew. However, each exempt company must make adjustments to the contingency plan, that is, comply with measures to prevent the spread of COVID-19, avoid crowding of employees and seek to perform remote work as long as possible, **and comply with precautionary measures and the self-certification required in Sections 11th and 22nd of OE-2020-041. Regarding the self-certification referred, refer to Circular Letter No. 2020-03 of the Department of Labor and Human Resources**, issued on May 1, 2020. For more measures that you can take as a company or employer, please refer to the Guidelines for Companies and Employers to Prevent Exposure of Workers to Coronavirus, published on April 12, 2020 by the Medical Task Force created to attend to the emergency caused by COVID-19 in Puerto Rico.

Likewise, those companies exempt from closure must complete the COVID-19 Survey for Businesses of the Institute of Statistics of Puerto Rico and provide data weekly, in order to facilitate the analysis of the level of risk of contagion of COVID-19 in the workplace, which will continuously be carried out by the Department of Health with the support of the Economic Task Force and the Medical Task Force. In order to do this, they must access the following link: <https://estadisticas.pr/en/encuesta-covid19-negocios>.



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The following is a non-exhaustive list of those industries, shops, businesses, services or activities that are considered to be exempt from total closure of operations:

## 1. Food

- a. Selling of prepared food (restaurants), during the curfew hours through the carry-out model or allowing diners inside the establishment using the prior reservation mechanism and as long as the occupancy remains below twenty-five percent (25%) of the maximum occupancy as defined by the 2018 Puerto Rico Building Codes and also comply with precautionary measures to prevent the spread of COVID-19 such as maintaining the required distance of at least six (6) feet between diners, whether seated, in a row or in the reception area, avoid crowding of people in the same area, and use a mask both on behalf of diners and employees, who must also wash their hands frequently. In addition, they may operate for delivery purposes until 12:00 a.m.;
- b. Retail or wholesale food sales;
- c. Businesses that are related to food distribution chains (includes farmers and employees of the agricultural industry) and beverages, including animal feed, food and beverage processors and processors, and businesses dedicated to the distribution of food and beverages, hydroponic farms and general agricultural activity, including home gardens;
- d. Supermarkets and grocery stores, including businesses whose components include supermarkets or grocery stores. They may remain open to the public from Monday to Saturday from 5:00 a.m. until 8:00 p.m., and those who have a delivery system, can dispatch orders until 12:00 a.m. However, it is clarified that between 7:00 and 8:00 p.m. they will only be able to receive and attend to those people who work in hospitals, technological laboratories and law enforcement officers who can thus identify themselves. On the other hand, supermarkets and grocery stores should remain closed to the public on Sundays, limiting their operations to cleaning, disinfection, inventory, receipt and inventory management;
- e. Retail points of sale as fresh food kiosks (fruits and vegetables) established prior to March 15, 2020.

## 2. Health, medicines, medical equipment or products and pharmacies

- a. Includes businesses that are engaged in the production, sale, or provision of services related to medications, medical items or equipment, or provision of health care services, and those that are in its distribution chain, including:
  - xiv. Hospitals;
  - xv. Clinical laboratories;
    - i. Emergency rooms;



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- ii. Medical services clinics;
- iii. Pharmacies;
- iv. Medical cannabis dispensaries;
- v. Medical cannabis cultivation and processing facilities;
- vi. Health centers;
- vii. Blood banks;
- viii. Pharmacy;
- ix. Elderly care centers;
- x. Companies or insurers that provide health plan coverage;
- xi. Primary and specialist doctors, including the mental health area;
  - 1. Although the provision of medical services is favored in its telemedicine modality, face-to-face medical visits will be allowed, by appointment, avoiding the crowding of patients, respecting social distancing protocols and safeguarding the health of all its employees, and subject to the adoption of strict safety and mitigation protocols that are promulgated by the medical community and the Department of Health.
  - 2. Elective surgeries may be scheduled in hospital institutions and outpatient centers, complying with all the safety and health protocols established for the prevention of COVID-19, including the guide known as the Local Resumption of Elective Surgery Guidance, issued on April 17, 2020 by the American College of Surgeons, and any protocols issued by the medical community and the Department of Health. It is suggested that a COVID-19 test be performed on all patients prior to performing the surgical procedure. The foregoing shall be subject to the balance of the intensive care units and the use of beds and ventilators not exceeding fifty percent (50%) of the capacity of each hospital or ambulatory center.
- xii. Office of specialized treatments, including, among others, centers for dialysis and cancer treatment, and other serious or catastrophic diseases;
- xiii. Dental offices, by appointment, whose operations must be governed by the Guidelines of the American Dental Association, the Dental Examining Board of Puerto Rico and the Department of Health, avoiding the agglomeration of patients, respecting social distancing protocols and taking the necessary measures to safeguard the health of all employees;
- xiv. Veterinary clinics and grooming services, by appointment;
- xv. Optometrists offices, by appointment, taking the appropriate precautions and measures to ensure social distancing and avoid the spread of COVID-19, avoiding the crowding of patients and taking all necessary measures to safeguard the health of all employees.



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### 3. Gas stations and their distribution chain

- a. Fuel (processing, selling and distribution)
- b. Refined: gasoline, diesel, jet fuel, AV-Gas, propane gas, butane gas, natural gas, liquid gas, kerosene, among others.
- c. Mixed (intermediate fuels, blended);
- d. Production, distribution, wholesale, retail (gas stations);
- e. Electronic lottery sale;
- f. Vehicle inspection centers and/or selling of vehicle tags (even when the moratorium is in force).

### 4. Financial institutions

- a. Depository institutions that offer banking services such as banks and cooperatives;
- b. Mortgage banks and other lending entities, for which they may carry out loan closings and mortgage loans by prior appointment, to avoid the crowding of people for scheduled closings. One (1) single client must be cited at a time and only for those procedures that must be carried out in person, providing that any other management must be carried out electronically or remotely.
- c. Pawnshops.

### 5. Organizations or groups that provide services to meet needs for economically disadvantaged populations

- a. Homeless shelters;
- b. Food banks;
- c. Shelters for victims;
- d. Shelters, including animal shelters;
- e. Temporary residences.

### 6. Security

- a. Private security agencies and companies;
- b. Armory services, by appointment, as long as the occupation of the firing ranges does not exceed fifty percent (50%) of the capacity established in the 2018 Building Codes.

### 7. Critical infrastructure

- a. Infrastructure related to the Electric Power Authority, the Aqueduct and Sewer Authority, telecommunications, road system, solid and biomedical waste, seaports, airports;
- b. Sale, repair, replacement, maintenance and rehabilitation of critical infrastructure and equipment to access such infrastructure for existing or new customers, including, in the case of telecommunications infrastructure, cell phones, tablets,



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- cable TV boxes, and others Similar and necessary equipment for consumers to use such critical infrastructure;
- c. Repair and maintenance of streets, roads and highways;
  - d. Sale, installation, repair and maintenance of energy production systems based on renewable or alternate energy;
  - e. Repair and maintenance of private infrastructure to ensure the continuity of operations and services authorized by OE-2020-041.
  - f. Sale, installation and maintenance of infrastructure, equipment and services necessary to deal with the hurricane season.

### 8. Goods and services

- a. Elderly care centers;
- b. Call centers;
- c. Public, private, state and federal security companies;
- d. Services related to any federal agency, including, without limitation, the United States Department of Defense;
- e. Roadside assistance services, only in case of emergency;
- f. Locksmith services, only in case of emergency;
- g. Delivery and shipping companies for packages, merchandise and correspondence;
- h. Closed circuit services and alarms;
- i. Services to ports and airports;
- j. Electronic transaction processing services;
- k. Data center operations;
- l. Businesses dedicated to providing services related to the information and technology sector, including programming and software development, architecture of computer and hardware systems, networks and distribution and mass transmission vehicles such as the Internet and similar systems, smart phones, tablets, among others;
- m. Press and media;
- n. Recycling services;
- o. Plumbing services, electrician, refrigeration technicians, repair, maintenance or replacement of household electrical appliances, extermination and pest control, pool cleaning, companies and independent employees dedicated to the maintenance of green areas, gardening or landscaping, maintenance and elevator repair, access control maintenance and repair, and other services necessary for the maintenance of health, safety, and essential operation at the individual, residential, commercial, industrial, or public level. When carrying out their work, the service provider must have their mouth covered with a mask and wear gloves;
- p. Repair and maintenance services for air conditioners;
- q. Repair services for all kinds of articles;
- r. Garbage collection (private or public);



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- s. Maintenance and cleaning services
- t. Businesses dedicated to ornamental agriculture, who will be able to operate from Monday to Saturday from 9:00 a.m. at 5:00 p.m. All ornamental agriculture businesses must remain closed to the public on Sundays, limiting their operations to cleaning, disinfection and inventory management;
- u. Funeral services related to the collection or transfer of corpses, embalming, cremations and burials, as well as construction and installation services of niches in cemeteries, delivery of units and maintenance and cleaning of facilities. Wakes are authorized for up to a maximum of ten (10) people and subject to the holding of one (1) only wake at a time, providing that the use of common areas and the assistance of persons under twelve (12) years of age shall be prohibited. old;
- v. Businesses dedicated to laundry (laundry and laundromat), which may operate from Monday to Saturday, between 9:00 a.m. and 5:00 p.m., through prior coordination by phone or email, for the purpose of orderly delivery and collection of clothes and without being open to receive the general public. In the case of laundromats, no more than three (3) employees may work simultaneously. All laundry business must be closed to the public on Sundays, limiting its operations to cleaning and disinfecting the laundry or laundry;
- w. Establishments that offer car wash services, which may operate from Monday to Saturday, between 9:00 a.m. and 5:00 p.m.
- x. Establishments that offer barber services and beauty salons, which may operate from Monday to Saturday, between 9:00 a.m. and 5:00 p.m., by appointment. They must comply with the necessary precautionary measures, including the use of a mask, frequent handwashing, social distancing and disinfecting the items that will be used with each client prior to providing the service. Barbershops and beauty salons should be closed to the public on Sundays, limiting their operations to cleaning and disinfection.
- y. Establishments that offer spa services may operate from Monday to Saturday, between 9:00 a.m. and 5:00 pm, only in terms of individual services, by prior appointment and serving one (1) only client at a time per area, providing that all group service areas must remain closed and the crowding of people should be avoided. in common or waiting areas. They must strictly comply with the precautionary measures of the use of masks, frequent hand washing and respecting social distancing. In the case of therapists, they must use masks, face shields and gloves at all times when attending clients.
- z. Official vehicle inspection centers (excluding those inspection centers located in gas stations), which may operate from Monday to Saturday, between 9:00 a.m. and 5:00 pm, through prior coordination by phone or email, to coordinate inspection services in an orderly manner, so that they do not serve several clients at the same time and are not open to receive the general public (even when the moratorium on vehicle licenses continues);



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- aa. Moving services;
- bb. Transportation services carried out by taxi drivers and public carriers who wish to carry out merchandise delivery services (carga) in accordance with the applicable laws and regulations of the Transportation Bureau and other Public Services;
- cc. Services related to the insurance industry;
- dd. Notary services for all types of transactions that are required in the ordinary course of business;
- ee. Individuals or law firms offering legal services, persons or firms offering accounting services and / or as licensed public accountants, as well as other professional services persons or firms. In those cases where it is necessary to serve clients in the office, it must be coordinated by prior appointment, avoiding the crowding of people and taking all due precautions necessary to safeguard the health of employees and clients;
- ff. The services of real estate brokers, agents and administrators may resume their operations, as long as they limit physical visits to vacant properties and structures. In the case of occupied properties, they will be able to provide their services virtually;
- gg. University educational services to or continuing education, seminars or workshops of professional associations or colleges at a distance or remote, provided that the people who work in this sector are authorized to use their facilities only to offer educational programs and student or continuing education services remotely. They will not be able to offer courses or services in person and their physical facilities must remain closed to the public. In addition, only information and telecommunications systems personnel, teaching staff and administrative personnel that are necessary to maintain an adequate remote operation may attend the facilities, taking all necessary measures to safeguard the health of employees.
- hh. The opening of practice laboratories is authorized so that students can complete their university programs in person;
- ii. The partial opening of private schools is authorized, so that administrative employees, teaching faculty and counselors who will work in virtual summer camps can appear on the premises.
- jj. The resumption of activities related to the Electronic Lottery is authorized, ordering the Secretary of the Treasury to issue any normative document that is necessary in order to regulate said activities;
- kk. Services related to golf courses, subject to the provisions of Section 8 of OE-2020-041.



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## 9. Construction

- a. The entire construction sector is authorized to operate in all sectors, subject to the implementation of strict safety measures to protect the health and safety of workers against COVID-19 and based on the Guidelines of the Centers for Disease Control and Prevention (CDC), the federal Department of Health, the Occupational Safety and Health Administration and the federal Department of Labor;
- b. The supply of materials for the construction sector is also authorized as authorized in OE-2020-041, including the distribution of cement and related products.

## 10. Manufacture

- a. The entire manufacturing sector is authorized to operate, subject to the implementation of strict safety measures to protect the health and safety of workers against COVID-19, including but not limited to the self-certification required by the Department of Labor, and based on the Guidelines of the Centers for Disease Control and Prevention (CDC), the federal Department of Health, the Occupational Safety and Health Administration and the federal Department of Labor;
- b. It also authorizes the supply of materials, inventory and support services for the manufacturing sector, as well as all the activities of sale, distribution and export of manufactured products.

## 11. Retail and wholesale

- a. Businesses engaged in retail sales (retailers) and wholesale (wholesalers)
- b. They may operate for the purpose of sales by telephone or internet (online) and dispatch orders by way of pick-up and delivery in the vehicle (curbside pickup) or delivery (delivery), as well as to receive the general public within the establishment from Monday to Saturday, between 9:00 am and 5:00 pm, as long as the occupation of the establishment is limited to fifty percent (50%) of the capacity established in the 2018 Building Codes. All retail or wholesale businesses must remain closed to the public on Sundays, limiting their operations to cleaning, disinfecting, and inventory management.
- c. It will not be allowed to try on pieces of clothing and footwear in establishments, unless it is for fitting purposes once the purchase has been made. For this reason, all businesses that sell clothing and footwear are encouraged to evaluate and relax their merchandise return policies.
- d. Those businesses that are located in shopping centers and that do not have access and entrance to their establishment independently of the shopping center must also comply with the provisions of part III (12) of this Circular Letter, regarding



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the dates of opening applicable to shopping malls for face-to-face sales and receiving the general public.

## 12. Shopping Centers

- a. Open format shopping malls (strip malls)
  - i. Beginning May 26, 2020, they will be able to operate exclusively for the purpose of training, and preparing employees and tenants to receive the general public.
  - ii. Starting June 1, 2020, they will be able to operate to receive the general public from Monday to Saturday, between 9:00 a.m. at 5:00 pm, as long as the occupation of the common areas is limited to fifty percent (50%) of the capacity established in the 2018 Building Codes, with the exception of cinemas, play areas and valet parking. All open format shopping centers must remain closed to the public on Sundays, limiting their operations to cleaning, disinfection and inventory management.
  - iii. The foregoing shall not apply to operations for sales by telephone or internet (online) and dispatching orders by way of pick-up and delivery in the vehicle (curbside pickup) or delivery.
- b. Closed-form shopping centers
  - i. As of May 26, 2020, they will be able to operate exclusively for the purpose of training, training and preparing employees and tenants to receive the general public.
  - ii. Starting June 1, 2020, they will be able to operate to receive the general public from Monday to Saturday, between 9:00 a.m. at 5:00 p.m., as long as the mall's administration limits the occupation of the mall's common areas to one person for every hundred (100) feet area squares, with the exception of cinemas, play areas and valet parking. They must establish properly identified entrances for employees, suppliers and customers. All closed format shopping centers must remain closed to the public on Sundays, limiting their operations to cleaning, disinfection and inventory management.
  - iii. The foregoing does not apply to sales by telephone or internet (online) and to dispatch orders by way of pick-up and delivery in the vehicle (curbside pickup) or delivery

## 13. Car dealers

- a. They will be able to operate from Monday to Saturday, between 9:00 a.m. and 5:00 p.m., by appointment, as long as the occupancy of the establishment is limited to fifty percent (50%) of the capacity established in the 2018 Building Codes. All dealers of motor vehicle sales must remain closed to the public on



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Sundays, limiting its operations to cleaning, disinfection and inventory management

## **14. Travel Agencies**

- a. They will be able to operate from Monday to Saturday, between 9:00 a.m. and 5:00 p.m., by appointment, as long as the occupancy of the establishment is limited to fifty percent (50%) of the capacity established in the 2018 Building Codes. All travel agencies must remain closed to the public on Sundays, limiting its operations to cleaning and disinfection and handling.

## **15. Horse Racing Industry and Sport**

- a. They may resume their operations for the purpose of holding official races at the Camarero Racecourse to be broadcast on television or the internet, provided that the general public is not allowed to enter the facilities of the racetrack. Bettors will be able to place bets through the online platform GanaDondeSea (Interbet), or in person at an equestrian agency.
- b. The equestrian agencies may operate for placing bets purposes, subject to the fact that they can only serve one (1) client at a time. The operation and use of machines of the Electronic Video Game System (SVJE) is prohibited, as well as the permanence of people in the equestrian agencies.

## **16. Concerts and virtual theater activities**

- a. Any proposal for holding concerts or theatrical activities, virtually, without an audience and to be broadcast on television or the internet, may be submitted to the Secretary of the Interior for evaluation and authorization.

## **17. Supply chains related to exempt goods and services pursuant to the preceding paragraphs**

- a. Companies that provide goods or services to the sectors exempt from closure, limiting their operations to supplying said goods or services, unless said companies are authorized to operate alone in accordance with the provisions of OE-2020-041 or this Circular Letter;
- b. Supply of articles for the sectors exempt from closure;
- c. Distribution of articles for the sectors exempt from closure;
- d. Logistics and transportation: customs brokers, the consolidation service for sea or land cargo, warehousing and distribution services to third parties, and the distribution of detergents, disinfectants and hygiene and cleaning products;
- e. Fire prevention design, sale and installation services;
- f. Employment agencies operating as call centers.



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The activities exempt from the closure of operations will continue to operate under their regular hours, including those that operate twenty-four hours a day, seven days a week (24/7), unless otherwise provided in OE-2020-041 and the listed above. Furthermore, pursuant to Section 12 of OE-2020-041, all businesses authorized to operate shall, to the extent possible, offer preferential shifts to those who work in hospitals, technology laboratories, law enforcement officers, individuals over sixty-five (65) years and people with disabilities. In the case of grocery stores, supermarkets and pharmacies, they should consider establishing a special schedule in which customers over the age of sixty-five (65) can attend the establishment, pursuant to Section 11 of OE-2020-041.

## **IV. OE-2020-041 provisions related to curfew**

### **A. Departures during established curfew hours**

As previously mentioned, Section 1 of OE-2020-041 extends the lockdown in Puerto Rico until June 15, 2020, instructing all citizens on the Island to remain in their place of residence or accommodation for twenty-four (24) hours a day, seven (7) days a week. However, the same Section 1 of OE-2020-041 establishes certain exceptions to the curfew, providing that, during this period, a citizen may leave their residence or accommodation exclusively between 5:00 a.m. and 7:00 p.m., when the need warrants it in the following circumstances:

1. go to a medical appointment, attend hospitals, laboratories, hospital medical service centers;
2. acquisition of food, pharmaceuticals and basic necessities;
3. go to any of the exempt establishments for necessary or urgent procedures;
4. receive any of the exempt services specified in OE-2020-041 and this Circular Letter; and
5. provide any of the exempt services specified in OE-2020-041 and this Circular Letter.

Any person who leaves their residence as provided above must wear a mask, scarves or mouth covers at all times, as well as follow the precautionary measures provided in Section 11 of OE-2020-041. In addition, it is provided that the owner and/or person in charge of a residence that allows people outside the cohabitants of the home to congregate to carry out meetings, gatherings, parties or any activity not allowed in said residence according to the OE- 2020-041, may be considered a violation thereof and will be subject to the penalties established by law.

All queries related to recreational or sports activities permitted in OE-2020-041 should be directed to the Department of Recreation and Sports and / or the Department of Natural and Environmental Resources, as the case may be. Likewise, queries related to the opening of



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recreational and sports areas in condominiums, queries about holding ordinary or extraordinary assemblies and prevention protocols to carry them out, should be directed to the Department of Consumer Affairs (DACO).

### **B. Exclusions from curfew for work or emergency**

On the other hand, Section 13 of OE-2020-041 provides that those authorized by the Executive Order itself for work reasons or in case of emergency are excluded from the lockdown.

Specifically, the provisions of OE-2020-041 will not apply, without being considered as an exhaustive list, to the following cases:

1. People who provide assistance, care, food, or transportation of citizens to the elderly, minors, dependents, people with disabilities or especially vulnerable people who require some type of medical or professional care;
2. Persons duly identified as employees of public or private security agencies, at the municipal, state and federal levels;
3. Health professionals, including mental health professionals, personnel working in hospitals, pharmacies, pharmaceuticals, medical or bioscience device facilities, or health centers;
4. Personnel who are working in the wholesale distribution chain and the manufacture of goods and food, including those necessary for agricultural activities such as agro-centers, from its origin to consumer selling establishments, including retail points of sale as well as fresh food kiosks (fruits and vegetables) established prior to March 15, 2020;
5. Personnel who are working with utilities or critical infrastructure;
6. Personnel from call centers and data centers;
7. Port and airport personnel;
8. Members of the press and media;
9. Members of the Vigilance Corps at the Puerto Rico Department of Natural Resources and the Environment;
10. Internal Revenue Agents at the Puerto Rico Treasury Department;
11. Inspectors from the Department of Consumer Affairs;



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12. Staff of the State Election Commission;
13. Self-Express staff in relation to the surcharge of accounts and collection of tolls;
14. Legal representatives of citizens accused of crimes with subpoena before the courts, with request for reduction of bail or habeas corpus resources;
15. Legal representatives in civil cases duly summoned before the courts;
16. Notaries in the exercise of their functions, for any type of transaction that is required in the ordinary course of business;
17. People with Autism Spectrum Disorder, who will be authorized to make therapeutic outings that consist of short walks in areas near their home, accompanied by a single person and taking precautionary measures of distancing;
18. Researchers from the laboratories of the university institutions;
19. Officials who carry out work in the Executive Branch, Legislative Branch or Judicial Branch and whose physical presence in their work area has been previously authorized;
20. Those citizens who are attending emergency or health situations; and
21. Employees and service providers of the industries, businesses, companies or services exempt from closure pursuant to Sections 5, 6, 9, 10, 18 and 19 of OE-2020-041 and part III of this Circular Letter.

Regarding the aforementioned exceptions, these people will be authorized to transit on public roads on their way to work and return home at the time and days that are necessary. All persons excepted in the previous list must follow the precautionary measures provided in Section 11 of OE-2020-041.

### **C. Transitional provisions related to the curfew**

Section 14 of OE-2020-041 provides that on May 28 and June 11, 2020, between 5:00 a.m. to 2:00 pm, up to five (5) employees per employer will be exempt from the curfew, in order to process payments or payroll cycles that expire during the months of May and June 2020. In addition, with the purpose of promoting remote work so that the private sector and their employees can continue to generate income on May 28, 2020 between 5:00 a.m. to 2:00 p.m., people will be able to go to the workplace to collect those necessary materials and equipment and deliver them to the corresponding employees.



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DEPARTMENT OF ECONOMIC DEVELOPMENT AND COMMERCE

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In both cases, employers must identify the necessary personnel, who may only go to the workplace only for such purposes and related procedures. In addition, employers must take the necessary precautionary measures to guarantee the health and safety of all employees who come to the workplace for the aforementioned purposes and procedures. It is important to clarify that any employer who uses the provisions of Section 14 of OE-2020-041 to perform tasks unrelated to the provisions therein, may be penalized in accordance with the law.

## **V. Conclusion**

If you have any questions about the applicability of the closure of operations of the private sector decreed by OE-2020-041 and the provisions of this Circular Letter, you can write an email to the following address: [emergencias@ddec.pr.gov](mailto:emergencias@ddec.pr.gov). Similarly, if you understand that your business must be exempt for reasons of being an essential or emergency service, please send a document to the email address above that explains the relevant circumstances. However, when your application is evaluated, it must remain closed, unless there is imminent damage to life or property.

It is necessary to clarify that the provisions of this Circular Letter and the responses issued by email to your questions should under no circumstances be considered as an awarding procedure or granting of a license or permission by the DDEC to operate your company, or instead, as an order that it must remain closed. The sole purpose of this Circular Letter and the responses of the DDEC by email is to provide additional guidelines to citizens in these times of crisis, in coordination with the Office of the Secretary of the Interior. In other words, the DDEC does not grant exemptions to the provisions of OE-2020-041, but all responses are tied to the provisions of said Executive Order, as clarified by this Circular Letter, subsequent circular letters, or additional clarifications or exemptions. from the Office of the Governor or the Office of the Secretary of the Interior, in accordance with the provisions of OE-2020-041. It is important to emphasize that each industry, commerce or company must carry out its own analysis regarding its operations and act in accordance with what is expressed in OE-2020-041, as well as any subsequent pronouncement of the Office of the Governor, the Office of the Secretary of the Interior, the DDEC, or any other government agencies, related to the crisis created by COVID-19.

We express our willingness to serve as a liaison with other government agencies. Any additional request, we are at your service. Our best wishes for health to you and your loved ones, and we urge everyone to closely follow developments related to the crisis management of COVID-19.