

**NEW COVID-19 EXPOSURE CONTROL PLAN  
AND OTHER REQUIREMENTS APPLICABLE TO EXEMPT EMPLOYERS  
UNDER EXECUTIVE ORDER NO. OE-2020-038**

On May 1, 2020 the Governor of Puerto Rico issued Executive Order No. OE-2020-038 (“OE-2020-038”) allowing additional commercial activities and services to restart operations while extending the general lockdown until May 25, 2020. OE-2020-038 requires employers to adopt specific measures to control and prevent the risk of contagion of COVID-19 in the workplace.

Section 18 of OE-2020-038 requires employers exempt from the lockdown to prepare a COVID-19 Exposure Control Plan (the “Plan”) based on the guidelines published by the Occupational Safety and Health Administration (“OSHA”) on March, 2020 and adopted by the Puerto Rico Safety and Health Office (“PROSHA”) of the Puerto Rico Department of Labor and Human Resources (“PR DOL”) and the Centers for Disease Control and Prevention (“CDC”). Also, OE-2020-038 requires that **before restarting operations** employers submit to the PR DOL a self-certification document attesting that they have prepared and implemented the Plan. **Employers that were already allowed to operate prior to OE-2020-038 can continue to operate, but they must diligently and promptly submit to the PR DOL the Plan and the self-certification document.**

On May 1, 2020, the PR DOL published Circular Letter No. 2020-03 (“CL 2020-03”) establishing the procedure to comply with the self-certification and the COVID-19 Exposure Control Plan. Employers must submit their Plan with the self-certification document published by the PR DOL via email at [autocertificacionprosha@trabajo.pr.gov](mailto:autocertificacionprosha@trabajo.pr.gov). Once the required Plan and self-certification are submitted, newly exempt employers may reopen their business. PROSHA may contact employers or visit their workplace to corroborate the information provided in the Plan and self-certification.

Under CL 2020-03, employers, by submitting the Plan and self-certification, consent to appear in a public list that will be issued by the PR DOL of the businesses that have submitted the self-certification and the Plan and that, consequently, are authorized to reopen. Finally, CL 2020-03 provides that any employee who believes that there are safety or health risks at the workplace, or that the employer does not meet an essential element of the Plan, may notify PROSHA or file a complaint against the employer.

Section 8 of OE-2020-038 provides that exempt businesses open to the public must comply with specific safety requirements such as: (a) ensure that all employees wash their hands periodically and sanitize their work stations before and after the work shift; (b) ensure that employees and clients use facemasks; (c) provide stations or mechanisms for persons to disinfect their hands; (d) ensure that visitors keep a 6-foot distance between each person; and (e) in the case of supermarkets and pharmacies, consider implementing special hours for clients who are over the age of 65.

Please find links to: Guidance on Preparing Workplaces for COVID-10, OSHA 3990-3 2020 (in English); Guidance on Preparing Workplaces for COVID-10, OSHA 3992-03 2020 (in Spanish); and the Self-Certification of the COVID-19 Exposure Control Plan form published by the PR DOL.

[Guidance on Preparing Workplaces for COVID-10, OSHA 3990-3 2020 \(in English\)](#)  
[Guidance on Preparing Workplaces for COVID-10, OSHA 3992-03 2020 \(in Spanish\)](#)  
[Self-Certification of the COVID-19 Exposure Control Plan form published by the PR DOL](#)

We will continue to keep you advised of further developments and are available to answer your questions on how to comply with the new legal requirements.

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