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May 20, 2020

**VIA EMAIL** – [sean@clubfitnessvt.com](mailto:sean@clubfitnessvt.com)

Sean Manovill, Owner  
Club Fitness  
275 N. Main St.  
Rutland, VT 05701

*Re: Outdoor Recreation – Requirements for Executive Order 01-20 Compliance*

Dear Mr. Manovill:

You are receiving this letter because we understand that you have moved physical fitness equipment from inside the Club Fitness facility to outside the facility, and that you are operating as an “outdoor gym.” This type of activity is allowable under the current version of Executive Order 01-20 and its addenda. **However, to conduct your business safely and lawfully during the state of emergency, you must ensure that you are in compliance with the following requirements from the Agency of Commerce and Community Development (ACCD), as found on the ACCD website.**

Specifically, businesses conducting outdoor recreation activities must follow ACCD’s sector-specific guidance (posted here <https://accd.vermont.gov/covid-19/business/stay-home-stay-safe-sector-specific-guidance#outdoor-recreation> and found in part 4.2 of Secretary Kurrle’s memo posted here <https://accd.vermont.gov/news/update-new-work-safe-additions-be-smart-stay-safe-order>). These requirements include:

- Limit gatherings of people (including customers and staff) to 10 or less.
- Equipment and other shared items must be thoroughly cleaned between customers.
- Protective measures must be followed by customers and staff, such as not participating if any signs of illness are present, practicing physical distancing, and wearing cloth face coverings.

- 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 your facilities are only open to Vermonters and those who have met the 14-day quarantine requirement.
- 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 payment; cash transactions may only be accepted as a last resort.
- 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.
- Restroom facilities may only be opened if they can be regularly cleaned and disinfected per CDC guidelines.
- 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.
- 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.
- Organized sporting events and spectator events are not permitted at this time.

In addition, your business must follow the ACCD general requirements (found in Secretary Kurrle’s memo, here <https://accd.vermont.gov/news/update-new-work-safe-additions-be-smart-stay-safe-order>). These requirements include:

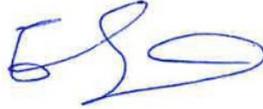
- Employees shall not report to, or be allowed to remain at, work or job site if sick or symptomatic (fever, cough, shortness of breath or difficulty breathing, chills, repeated shaking with chills, muscle pain, sore throat, new loss of taste or smell).
- Employees must observe strict social distancing 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.
- 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.
- 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 (if open) clearly indicating that no one may enter if they have symptoms of respiratory illness.
- 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 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.
- 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.
- When employees are 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.
- Review and follow the steps required to restart a business after emergency closure, listed at <https://accd.vermont.gov/covid-19/business/restart>. These include, but are not limited to:
  - Train your employees using the VOSHA online training, available here: <https://labor.vermont.gov/VOSHA>.

- If you have more than 10 employees at any one location, complete and keep on file a reopening and training plan (organizations that have been closed must do so before reopening). VOSHA and the Agency of Commerce have provided a template at <https://accd.vermont.gov/covid-19/business/restart>.
- Create a health screening tool, using the state's [pre-screening procedures](#) and [pre-screening health survey](#) as a model.
- Post signage to remind employees and visitors to practice proper hygiene and screen themselves.

Please immediately advise me by email to [Eleanor.Spottswood@vermont.gov](mailto:Eleanor.Spottswood@vermont.gov) or by calling (802) 828-3178 of your intention to comply with the above.

Sincerely,

A handwritten signature in blue ink, appearing to read 'E. Spottswood', written in a cursive style.

Eleanor L.P. Spottswood  
Assistant Attorney General