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SUBJ/STATE AND LOCAL SHELTER-IN-PLACE ORDERS IMPACT ON DEPARTMENT OF THE NAVY OPERATIONS//

REF/A/DOC/DODI 6200.03/28MAR19//

REF/B/MEMO/ATTORNEY GENERAL/20MAR20//

REF/C/MEMO/DEPARTMENT OF HOMELAND SECURITY/19MAR20//

NARR/REF A ESTABLISHES THE DEPARTMENT OF DEFENSE (DOD) POLICY ON PUBLIC HEALTH EMERGENCY MANAGEMENT WITHIN THE DOD. REF B IS A MEMORANDUM FROM THE U.S. ATTORNEY GENERAL DIRECTING ALL U.S. ATTORNEYS TO CONTACT STATE AND LOCAL LAW ENFORCEMENT TO ENSURE LOCAL LAW ENFORCEMENT AUTHORITIES UNDERSTAND THAT THE FEDERAL WORKFORCE MUST BE ALLOWED TO COMMUTE TO THEIR JOBS DURING SHELTER IN PLACE RESTRICTIONS. REF C ESTABLISHES AN INITIAL LIST OF ESSENTIAL FEDERAL CRITICAL INFRASTRUCTURE WORKERS TO AID STATE AND LOCAL OFFICIALS AS THEY WORK TO PROTECT THEIR COMMUNITIES, WHILE ENSURING CONTINUITY OF FUNCTIONS CRITICAL TO PUBLIC HEALTH AND SAFETY, AS WELL AS ECONOMIC AND NATIONAL SECURITY.//

RMKS/1. Per reference (a), this ALNAV provides guidance to Department of the Navy (DON) Commanders and all personnel regarding state and local government executive orders and the DON Coronavirus Disease 2019 (COVID-19) response. In addition, DoD military criminal investigative organizations, including Naval Criminal Investigative Service (NCIS) and other DoD law enforcement organizations, have been engaging with local law enforcement regarding this matter.

2. Operating within their own legal authorities, some state and local governments have issued shelter-in-place, stay-at-home, self-quarantine, or similar executive orders. The DON respects the orders issued by state and local authorities and shares in the responsibility to reduce the transmission rate of COVID-19. To the extent practicable, DON Commanders will act in accordance with the applicable provisions of public health emergency declarations made by state and local public health authorities. However, when DON continuing operations must be performed, federal law exempts military and federal civilian personnel from state and local government orders in order to perform their official duties.

3. To ensure continuity of operations, Commanders may direct that personnel under their command, to include active, reserve, civilian, and foreign military under DON authority, continue to perform official duties. If personnel movement is required to perform official duties, DON personnel are exempted from shelter-in-place, curfew, or other restriction of movement orders. Personnel ordered to official duties, if encountered by local law enforcement during such travel, shall identify themselves using their DoD identification card and explain the nature of their work and travel per reference (b).

4. Per reference (c), the Department of Homeland Security developed a list of Essential Critical Industrial Workers which should be considered by state and local authorities when identifying essential workers needed to maintain critical infrastructure. This list includes the Defense Industrial Base. Contracting Officer Representatives should be consulted on matters relating to contractors.

5. Commanders should seek guidance from their local Command Counsel, Staff Judge Advocate, or NCIS office.

6. Released by the Honorable Thomas B. Modly, Acting Secretary of the Navy.//

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