

LEGAL UPDATES

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Kansas City Mayor Quinton Lucas Issues "Soft Re-Opening" Order and Guidance

On April 30, Mayor Lucas issued the "10/10/10 Soft Re-Opening" Order. The Order permits certain business activities to resume with certain conditions in place in order to protect public health.

The Order applies everywhere within the City of Kansas City, including those parts in Platte, Clay, and Cass Counties. The City of Kansas City Order applies within the city limits instead of the Missouri State Order or any other county order. For work restrictions, individuals should follow the order that is in place at their place of employment. Kansas City has posted an FAQ with additional information.

Under the new Order, which will take effect at 12:01 AM on May 6, 2020, non-essential businesses and non-essential activity may resume subject to certain limitations. Non-essential businesses that are not open to the public may resume in-person and delivery options if they operate in accordance with Department of Public Health Guidance and allow workers to maintain social distancing where possible.

Non-essential businesses that are open to the public, including non-essential retail stores and personal care services, may resume in person operations, but must follow the "10/10/10" rule. This means that customer capacity must be limited to 10% of the occupancy code, or 10 people, whichever is larger. And, for customers that remain in the business for more than 10 minutes, the business must maintain a record of that customer. If social distancing cannot be maintained, all service providers should wear a mask and gloves, and customers should wear a mask where possible.

General business guidelines recommended by the City include:

Requiring all employees and customers to wear masks or face coverings

Allowing employees to maintain six feet distance as much as possible

Implementing sick leave to allow symptomatic employees to remain home until at least three days after no longer symptomatic

Sending home employees who exhibit symptoms while at work

Providing easily accessible hand sanitizer for employees and customers

Encouraging employees to regularly wash hands

Regularly disinfecting commonly used surfaces

Limiting cash exchanges

Non-essential businesses must allow employees who are able to work from home to continue to do so, and must allow employees with health or safety concerns or with responsibilities to care for children to not report to work while the order is in effect. Employees of non-essential businesses may choose not to report to work until May 15.

Essential businesses may continue operations but retail operations remain subject to the state-wide occupancy limits established in the Missouri Show-Me Strong Recovery Order until May 31. This means: (1) locations less than 10,000 square feet may only operate at 25% occupancy; (2) locations 10,000 square feet or larger may only operate at 10% occupancy.

Essential businesses include twenty-three categories as previously defined in the Kansas City Stay-At-Home Emergency Order, including healthcare operations, essential infrastructure, grocery stores, agriculture, food processing facility workers, media, gas stations, financial institutions, hardware stores, sanitation service providers, laundry, suppliers of essential supplies or products for work from home, businesses that ship and deliver goods to residences, transportation, professional services, among others.

All businesses with employees who cannot maintain social distancing must provide their employees with personal protective equipment (PPE). Businesses who do not provide employees with PPE may be issued closure orders by the Health Department.

Businesses may refuse service to customers who do not wear masks.

Restaurants, bars (other than carry-out and pick-up), public access to government buildings, gyms, the zoo, museums, and city-maintained playground equipment remain closed.

The Order also permits religious gatherings, including weddings and funerals, of up to 10 people or 10 percent of the building occupancy (whichever is greater) for indoor services, and 50 people for outdoor services. Social distancing must be maintained, and records of attendees must be kept.

Individuals at high risk of severe illness from COVID-19 are urged to continue to remain home except as necessary. All others are encouraged to stay home when possible and limit exposure to the extent possible.

Jackson County, Missouri has announced that its Stay at Home Order will remain in place until May 11, 2020. The Clay County and Platte County Stay-At-Home Orders expire on May 3, which is in accordance with the expiration of the Missouri State Wide Stay-At-Home Order and subsequent re-opening of the Missouri economy.

Johnson County and Wyandotte County, Kansas have also issued extensions to the Kansas Stay-At-Home Order through May 10, 2020 at 11:59 PM.

Contact us

If you have further questions or require more information regarding this update, please contact Jeff Simon, Kirstin Salzman, Natalie Holden or your Husch Blackwell attorney. Visit our Missouri and Kansas State-by-State COVID-19 Guidance pages for frequently updated information.

COVID-19 Return-to-Work Resource

For the many businesses that partially or completely shuttered their on-site operations due to government-mandated COVID-19 orders, transitioning employees back to the workplace is an unprecedented and complex endeavor. Husch Blackwell's Return-to-Work Resource Center provides best practices, answers to common questions and potential issues to consider.