

LEGAL UPDATES

PUBLISHED: APRIL 30, 2020

Service

Labor & Employment

Professional

WENDY ROOP KEEGAN

AUSTIN:

512.472.5456

WENDY.KEEGAN@

HUSCHBLACKWELL.COM

## Tennessee Governor Lee's Executive Order No. 30: Tennesseans Get Back to Work Safely

On Tuesday, April 29, Tennessee Governor Lee issued Executive Order #30, which repeals Tennessee's Stay at Home order and establishes guidelines for returning to work in Tennessee. Among its provisions, the Order:

Encourages Tennesseans to return to work, while also urging employers to enable employees to work remotely from home

Limits social gatherings of 10 or more people, but specifically excludes religious services, weddings and funerals from this limitation

Urges people to wear face coverings when in public places

Instructs people to take special care to protect vulnerable individuals

Maintains restriction on visitors to nursing homes and similar facilities

Entertainment venues (such as bars, night clubs and live performance venues) remain closed until further notice. The Order urges businesses that are reopening to comply with guidance issued by Tennessee's Economic Recovery Group (ERG) and the Health Guidelines set forth in the Order.

Governor Lee's Tennessee Pledge lays out his plan for reopening Tennessee businesses. Restaurants were permitted to open at half capacity effective April 27, 2020, and retail stores were permitted to open at half capacity effective April 29, 2020, so long as they comply with the ERG's retail guidelines. On April 28, the ERG released guidance for safely reopening gyms and exercise facilities, and on April 30 it released guidance for reopening close contact businesses on May 6. Note the Tennessee Pledge does not apply to three

metropolitan counties in Tennessee (Shelby, Davidson and Knox), which developed their own phased plans for reopening.

Finally, the Order precludes local orders, except in six metropolitan counties that have their own health departments (Davidson, Hamilton, Knox, Madison, Shelby and Sullivan counties), and no local orders are permitted regarding provision of medical and dental procedures.

Executive Order #30 is effective April 29 through May 29, 2020, and it expressly supersedes and repeals Executive Order #17, Executive Order #21, Executive Order #22, Executive Order #23, Executive Order #27 and Executive Order #29.

Guidance covering additional counties not included in Governor Lee's plan include:

### **Monday, April 27**

**Chattanooga, Tennessee.** Chattanooga Mayor Andy Berke announced on Twitter that the city would reopen restaurants in accordance with Tennessee Governor Bill Lee's Executive Order #29. Chattanooga is located in Hamilton County, which announced last week that it would reopen in accordance with Governor Lee's Tennessee Pledge.

**Shelby County and Memphis, Tennessee.** Shelby County and the City of Memphis, Tennessee, announced their Back to Business Framework, a three-phase approach for reopening. The plan applies to Shelby County, the City of Memphis and six surrounding municipalities. The Back to Business Framework will take effect following the expiration of the current Safer at Home orders. Shelby County's Safer at Home order expires on April 30, 2020, and Memphis's Safer at Home order extends through May 5, 2020; however, Memphis Mayor Strickland stated that his plan for reopening with conditions will be announced early the week of April 27, 2020.

**Knox County (Knoxville), Tennessee.** Knox County and Knoxville leaders announced their reopening plan, which calls for a three-phase reopening of business beginning on May 1, 2020.

### **Sunday, April 24**

**Madison County, Tennessee.** Madison County Mayor Jimmy Harris's Safer at Home order expires on April 30, 2020. On April 24, 2020, Mayor Harris issued a declaration continuing the state of emergency, but allowing a limited reopening of business. Effective April 27, 2020, the dine-in portion of restaurants may open so long as they follow the Tennessee Economic Recovery Group's (ERG's) restaurant guidelines, and retail stores may open so long as they follow the ERG's retail guidelines. The declaration strongly advises individuals to stay home unless engaged in essential activities, essential businesses, or essential government functions, and it continues to prohibit gatherings of more than 10 individuals.

**Davidson County (Nashville), Tennessee.** Nashville's Safer at Home order expires on May 1, 2020, and Mayor John Cooper announced the city's Roadmap for Reopening. The Roadmap for Reopening Nashville establishes four phases of reopening based on progressive progress and improvement in metrics related to new cases of COVID-19, testing capacity and results, public health capacity to investigate and monitor cases, and healthcare system capacity. Phase 1 is currently in effect and requires all residents to stay at home unless absolutely necessary. Restaurants and bars remain closed except for curbside service and takeout, and retail stores, nail and hair salon, gyms, playgrounds and sports venues remain closed. Healthcare and dental services may begin providing routine and elective care beginning on April 30, 2020, for individuals younger than age 70. Phase 2 will go into effect when there is positive improvement/stability in metrics for 14 days.

**Hamilton County, Tennessee.** Hamilton County Mayor Jim Coppinger announced on April 24, 2020, that Hamilton County will conform with Tennessee Governor Bill Lee's Tennessee Pledge and allow restaurants to resume on-site dining on Monday, April 27, 2020, so long as they follow the Tennessee Economic Recovery Group's (ERG's) restaurant guidelines. Retail stores may open on Wednesday, April 29, 2020, so long as they follow the ERG's retail guidelines.

**Sullivan County, Tennessee.** The Sullivan County Health Department issued an order conforming with Governor Bill Lee's Tennessee Pledge to reopen business in the County beginning Monday, April 27, 2020.

## Contact us

If you have further questions or require more information regarding this update, please contact Wendy Keegan or your Husch Blackwell attorney.

## 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.