



Shelby County (TN) Businesses Face New Closures, Increased Health And Safety Requirements, And Mandated Face Coverings

Insights

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In an effort to temper the rising COVID-19 positivity rate, the Shelby County (TN) Health Department issued its [Public Health Directive No. 8](#), requiring the closure of some businesses and imposing new requirements on all other businesses, including maintaining records of groups of patrons for contact tracing purposes. The Directive is applicable to all businesses operating within Shelby County and became effective Wednesday, July 8 at 12:00 a.m.

What Businesses Are Ordered Closed?

The Directive orders the immediate closure of bars/limited service restaurants (where less than 50% of revenue comes from food sales), private clubs, as defined by the Tennessee Alcoholic Beverage Commission, and adult entertainment venues. Bars that are housed in restaurants may remain open to serve food. Additionally, the Directive continues to require schools to remain closed and prohibits festivals, fairs, parades, large-scale sporting events, and large-scale community events.

What New Requirements are Imposed On Open Businesses?

To remain open, all businesses must impose the following additional health and safety requirements:

- **Face Coverings Required.** Businesses must require all employees, customers, and visitors to wear a mask or cloth face covering while in the establishment, except while eating or drinking. Additionally, the Shelby County Health Department officially issued a [mask/face covering directive](#) applicable to all residents, visitors, and businesses within Shelby County.
- **Face Covering Signage Required.** Businesses must place prominent informational signage at entrances and high-traffic areas informing employees and customers that masks or face coverings are required within the business.
- **Mandatory Reporting to Health Department.** Businesses must require any employee who has had contact with a person who tests or has tested positive for COVID-19 to notify the Health Department.
- **Occupancy Limits.** Businesses must limit occupancy at all times to no more than 50% and ensure that people inside can easily maintain a minimum six-foot distance from each other at all

times, except when necessary to complete a business transaction such as payment or delivery of goods.

In addition to the above, businesses that require in-person interaction with the public or otherwise regularly welcome non-employees into the business must comply with the following requirements:

- **Group Limits.** Patrons are prohibited from gathering in groups larger than six and each group maintain a six-foot distance from any other group.
- **Equipment Cleaning.** All equipment must be cleaned between each use by patrons or facility personnel. Shared equipment that cannot be cleaned between each use is not permissible.
- **Distancing at Ingress and Egress.** Businesses must use best efforts to make for one-way traffic flow and/or specific entrances and exits if ingress/egress into the building would often prompt encounters of less than six feet.
- **Increased Distancing for Live Music Performances.** Live music performances are prohibited unless the facility can ensure each performer will maintain an 18-foot distance between any other performer, employee, or patron while singing.

Further, restaurants must maintain a 10:00 p.m. curfew. Guests who are already in the restaurant at 10:00 p.m. may remain in the restaurant until 10:30 p.m., but may not be served food or beverages after 10:00 p.m. Only staff needed to close, open, or clean shall be in any restaurant between the hours of 10:30 p.m. and 5:00 a.m.

Additionally, the Directive reiterates previously issued health and safety requirements including prohibiting customers and employees from entering the building if experiencing COVID-19 symptoms; conducting health screenings and temperature checks of employees prior to each shift; routine cleaning and disinfection of surfaces, equipment, and work areas; and social distancing measures. The full list of requirements may be found in the [Directive](#).

What New Contact Tracing Requirements Are Imposed On Businesses?

Businesses that allow group activities, e.g. restaurants and recreational facilities, and business that require close contact between patrons and/or employees for the provision of services, must maintain a record of all patrons for contact tracing purposes in the event of a COVID-19 exposure. The record must be maintained for a minimum of 30 days after service and include, at a minimum, the patrons' first and last names, times of service/attendance, and contact numbers. Additionally, restaurants must maintain seating charts for 21 days.

What Should Employers Do?

- **Create a Policy.** If you have not already done so, you should create and distribute a mask/face covering policy applicable to all employees. The policy should be specific as to when employees are required to wear masks and proper mask usage.

- **Train Your Employees On Your Policy and Other COVID-19 Related Concerns.** If you have not already, you should train your employees regarding COVID-19, preventive measures you are taking regarding COVID-19, and imposed safety measures. You should also educate your employees on proper protocol for requiring patrons to wear mask, imposing social distancing requirements, limiting groups and building occupancy, and cleaning of equipment.
- **Put Up Signs.** You should post signage at the entrance of your business and in high-traffic areas informing employees and members of the public of the requirement to wear a mask while inside the business.

Conclusion

If COVID-19 cases continue to rise, the Shelby County Health Department has indicated it will consider closing restaurant dining rooms and gyms. Fisher Phillips will continue to monitor the rapidly developing COVID-19 situation and provide updates as appropriate.

For a more thorough analysis of the many issues you may encounter from a labor and employment perspective, we recommend you review our [FP BEYOND THE CURVE: Post-Pandemic Back-To-Business FAQs For Employers](#) and our [FP Resource Center For Employers](#). Make sure you are subscribed to [Fisher Phillips' Alert System](#) to get the most up-to-date information. For further information, contact your Fisher Phillips attorney, any attorney in our [Memphis](#) office, or any member of [our Post-Pandemic Strategy Group Roster](#).

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