



The End of Mask Mandates for Most Tennessee Counties Doesn't Mean Employers Should Ease Up On Safety Protocols

Insights

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As of 11:59p.m. last night, most Tennessee counties lost the authority to issue local mask mandates – but that doesn't mean that employers should rush to eliminate any facemask policies for workers or visitors.

What Happened?

With the signing of Executive Order No. 80 by Governor Bill Lee, county mayors in the 89 Tennessee counties without a locally run health department no longer have authority to issue orders requiring face coverings within their counties, as originally provided by Executive Order No. 77. Instead, Order No. 80 amends Order No. 77 to delete the provision providing 89 of Tennessee's 95 counties with authority to issue local mask mandates. The remaining six counties in Tennessee that have a locally run health department – Davidson, Hamilton, Knox, Madison, Shelby, and Sullivan – were urged by Governor Lee to take similar action in an April 27 press conference.

Additionally, Order No. 80 formally retires the "Tennessee Pledge," which offered guidance to businesses and employers to navigate the COVID-19 pandemic. Businesses and employers are now encouraged to seek guidance and information from traditional public health agencies.

What Should You Do?

Though Order No. 80 relaxes some safety protocols such as mask mandates, Tennessee employers in the 89 Tennessee counties (and any of the six counties that follow the governor's suggestion) should maintain compliance with TOSHA, OSHA, and other federal orders and guidance. Accordingly, we suggest you continue to enforce safety and preventive measures to maintain a safe workplace, especially in light of the fact that OSHA has signaled more COVID-19 inspections are forthcoming. Your Fisher Phillips attorneys in our Nashville or Memphis offices are available for consultation and to assist in the review of policies and employment practices.

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