



Both Georgia And Atlanta Issue Orders Impacting Business Community Amid COVID-19 Crisis

Insights

3.24.20

Both the state of Georgia and the city of Atlanta have implemented orders relating to the COVID-19 coronavirus outbreak that will impact businesses across the state.

Georgia Order Provides Leeway

On March 23, Georgia Governor Brian Kemp issued an Executive Order in response to the COVID-19 coronavirus outbreak. The Order goes into effect at noon on March 24, 2020 and will be in place for 14 days. The Order is not a shelter-in-place order along the lines of what many other states have implemented in recent days. Instead, the Order has the following, more limited provisions:

1. The Georgia Department of Public Health will require that individuals with serious underlying health conditions to isolate, quarantine, or shelter in place. It is likely that most such individuals with increased vulnerability to the effects of COVID-19 were likely taking such precautions anyway.
2. Any business with a license to operate as a bar has to cease operations for the duration of the Order.
3. “That no business, establishment, corporation, non-profit corporation, or organization shall allow more than ten (10) persons to be gathered at a single location if such gathering requires persons to stand or to be seated within six (6) feet of any other person” and that the Department of Public Health can close an organization that does not comply.

The last restriction is the one of greatest interest to employers with operations in Georgia, as there are a host of instances in which a business requires more than 10 people to gather in a location and to be within six feet of one another. Moreover, Governor Kemp’s Order does not distinguish between essential and non-essential businesses, so the social distancing requirements would theoretically apply to every organization.

As a practical matter, the Department of Public Health is not going to close down a hospital because it is technically in violation of the 10-person/six-feet requirement, but it is worth noting that a large number of Georgia businesses that would otherwise consider themselves to be essential could be affected by the Order.

Atlanta Businesses Impacted By Local Order

Meanwhile, Atlanta Mayor Keisha Lance Bottoms also issued [an Order](#) on March 23, this one a more conventional shelter-in-place order consistent with what many other states, cities, and counties have done. The key restriction in Mayor Lance Bottoms' Order (which goes into effect on March 24, 2020 at midnight) is as follows:

All individuals living in the territorial jurisdictional limits of the City of Atlanta are directed to stay at their place of residence; to permit persons subject to this order to leave their places of residence to provide or receive certain essential services or engage in certain essential activities and work for essential business and government services; ... directing all businesses to cease non-essential operations at physical locations within the City of Atlanta; prohibiting all non-essential gatherings of any number of individuals.

Mayor Lance Bottoms' Order requires that non-essential businesses in Atlanta "are required to cease all activities at facilities located therein except Minimum Basic Operations," with essential businesses encouraged to stay open and comply with social distancing practices. The Order includes 21 categories of essential businesses, and the list does not come from the March 19 CISA Memorandum that many other governmental entities have used to define the concept, either directly or indirectly. Minimum Basic Operations are defined as activities to "maintain the value of the business's inventory, ensure security, process payroll and employee benefits" and also to "facilitate employees of the business being able to continue to work remotely from their residences."

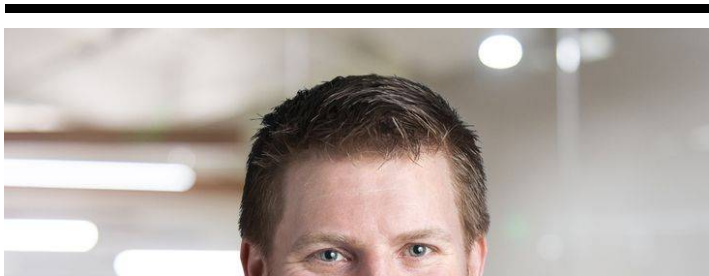
Conclusion

For now, we will continue to monitor the rapidly developing COVID-19 situation and provide updates as appropriate. 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 [Atlanta](#) office, or [any member of our COVID-19 Taskforce](#). You can also review our nationwide [Comprehensive and Updated FAQs for Employers on the COVID-19 Coronavirus](#) and our [FP Resource Center For Employers](#), maintained by our Taskforce.

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