



Tennessee Issues Safer-At-Home Order Impacting Business Community Amid COVID-19 Pandemic (UPDATED)

Insights

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In the latest effort to mitigate the spread of COVID-19, Tennessee Governor Bill Lee issued Executive Order No. 22 directing Tennesseans to stay home unless engaging in essential activities and services. The Order is not a shelter-in-place mandate, but instead an order strongly urging Tennesseans to stay at home when possible. The Order becomes effective at 11:59 p.m. on March 31, 2020, and will remain in effect until 11:59 p.m. on April 14.

[Ed. Note: On April 2, 2020, Tennessee Governor Bill Lee strengthened a previous “Safer at Home” Order (Executive Order No. 22) by issuing Executive Order No. 23. The new Order moves beyond urging residents to stay home and now requires residents to stay home unless engaged in essential activity or services. With that substantive change, all remaining provisions of the previous “Safer at Home” Order remain in full force and effect.]

[Ed. Note: On April 13, 2020, Tennessee Governor Bill Lee issued Executive Order No. 27 which extends the temporary social distancing and stay-at-home provisions of previously-issued executive orders (Nos. 17, 21, 22, and 23) until 11:59 p.m. on April 30, 2020.]

[Ed. Note: On April 28, 2020, Tennessee Governor Bill Lee issued Executive Order No. 30 which allows certain workers in 89 counties of Tennessee to return to work, but encourages continued adherence to health guidelines. Executive Order No. 30 supersedes and repeals several prior orders (Nos. 17, 21, 22, 23, 27 and 29). Executive Order No. 30 became effective on April 29, 2020 and shall remain in effect until 11:59 p.m. on May 29, 2020.]

What Is An Essential Activity?

The Order permits Tennesseans to leave home to perform the following essential activities:

1. Engaging in activities essential to the health and safety for themselves or others;
2. Obtaining food, household items and other products necessary for themselves or family members;
3. Providing, facilitating, or receiving delivery or curbside carry-out delivery of certain online or telephone orders;
4. Engaging in certain outdoor activity, provided that established health guidelines are followed to the greatest extent practicable;

5. Caring for or visiting a family member, friend, or pet in another household;
6. Visiting a place of worship or attending a wedding or funeral, provided that established health guidelines are followed to the greatest extent practicable; or
7. Engaging in essential travel, as defined by the Order.

How Does The Order Affect Essential Businesses?

Businesses providing essential services may continue to operate. Essential businesses include: health care and public health operations, human services operations, grocery stores, transportation businesses and financial institutions. For a comprehensive list of essential services, you can view the Order [here](#).

Though essential activity and services are permitted, the Order strongly encourages all persons to limit the frequency of leaving their homes. To this end, employers of essential businesses should equip and permit employees to work from home to the greatest extent practicable. Further, essential services businesses should follow established health guidelines.

How Does The Order Affect Non-Essential Businesses?

Pursuant to the Order, businesses and organizations that do not perform essential services are ordered to close, though they may provide delivery of online or telephone orders to the greatest extent practicable. Additionally, Governor Lee amended a previous executive order, Executive Order No. 17, which temporarily closed and/or suspended in-person services of certain businesses. In issuing Executive Order No. 21, Governor Lee specifically orders the closure of entertainment and recreational gathering venues and businesses and organizations that perform close-contact personal services. Executive Order No. 21 remains in effect until 11:59 p.m. on April 14.

Conclusion

For now, we will continue to monitor the rapidly developing COVID-19 situation as appropriate. Make sure you are subscribed to Fisher Phillips' Alert System to get the most up-to-date information. If you are a Tennessee employer who has between 50 and 99 employees and are thinking of temporarily laying off some or most of your workforce because of the current economic climate, please contact one of our Tennessee attorneys. Such a lay-off may be covered under Tennessee's "Plant Closing and Reduction in Operations" Act.

For other information, contact your Fisher Phillips attorney or a 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.

This Legal Alert provides an overview of a specific state law. It is not intended to be, and should not be construed as, legal advice for any particular fact situation.

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