

Insights, News & Events

MUCH OF TENNESSEE BEGINS REOPENING FOR BUSINESS – NOW THE WORK BEGINS (UPDATED)

Insights
May 6, 2020

Tennessee has begun the long, slow process of reopening for business, and employers will need to pay attention to the requirements put into place by the state in order to ensure compliance. [An order handed down by Governor Lee](#) that took effect on April 29 will allow certain workers in 89 of the state's 95 counties to return to work. While those in the remaining six counties that have a locally run health department (Davidson, Hamilton, Knox, Madison, Shelby, and Sullivan Counties) have been given authority to issue their own orders or measures, this step by the governor begins the ascent out of the grip of the pandemic and should be welcome news for employers. What do you need to know about Executive Order No. 30 and the reopening process?

WHAT DO INDIVIDUALS NEED TO KNOW?

The Order, which shall remain in effect until 11:59 p.m. on May 29, 2020, permits Tennesseans to return to work so long as they safely operate in accordance with the following health guidelines:

- Maintaining at least six feet of distance from other persons;

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- Practicing good personal hygiene and observing other CDC recommendations;
- Remaining at home if you feel sick;
- Working from home whenever possible;
- Avoiding discretionary travel and social gatherings; and
- Avoiding visitation or close contact with vulnerable persons or those who are sick.

WHAT DO EMPLOYERS NEED TO KNOW?

Employers need to follow the following requirements in order to reopen their doors:

- Implementing appropriate policies and practices in accordance with state and federal guidance to facilitate social distancing, temperature checks, sanitation, use and disinfection of common areas, and reduced business travel;
- Monitoring employees for symptoms and prohibiting employees with symptoms from returning to work until cleared by a medical provider; and
- Cooperating with governmental contact tracing procedures for employees or customers who test positive for COVID-19.

Employers are also strongly encouraged to allow employees to work remotely or via telework when practicable. When in public, both employees and customers are strongly urged to wear face coverings, especially in places where social distancing measures are difficult to maintain. In addition to health guidelines, employers are expected to operate in accordance with [guidance from the Governor's Economic Recovery Group](#) (ERG), which are periodically updated.

Though many businesses that follow the designated health and ERG guidance are now permitted to open,

the following close-contact personal services businesses will remain closed:

- Waxing salons;
- Threading salons;
- Nail salons or spas;
- Spas providing body treatments;
- Body-art facilities or tattoo services;
- Tanning salons; and
- Massage-therapy establishments or massage services.

While initially included on the list of businesses not permitted to open under Executive Order No. 30, the governor publicly announced that barber shops and hair salons would be permitted to open on May 6 in accordance with certain guidelines governing close-contact businesses.

[Ed. Note: Effective May 6, all businesses and organizations that perform close-contact personal services are cleared to open per Executive Order No. 33, unless locally run county health departments in Davidson, Hamilton, Knox, Madison, Shelby, or Sullivan County issue a differing order.]

Bars, night clubs, and live performance venues will remain closed, though limited service restaurants may serve food to customers seated at tables in accordance with established ERG guidelines. Such establishments may also offer drive-through, pickup, carry-out or delivery service for food or drink. If the conditions delineated in the Order are met, some restaurants may also sell alcoholic beverages or beer for take-out delivery. Additionally, the following entertainment, recreational and other gathering venues will remain closed:

- Bowling alleys;

- Arcades;
- Concert venues;
- Sporting event venues;
- Theaters, auditoriums, performing arts centers, and similar facilities;
- Racetracks;
- Indoor children’s play areas;
- Adult entertainment venues;
- Amusement parks;
- Senior centers or equivalent facilities; and
- Roller- or ice-skating rinks.

Though certain businesses remain closed, this Order permits closed businesses to engage in minimal activities to maintain the business, such as: maintaining inventory; preserving physical plant, premises and equipment; ensuring the security of the business; processing mail, payroll and employee benefits; facilitating employees to work remotely; or conducting other related activities.

WHAT SHOULD EMPLOYERS DO?

As you begin the process of reopening, you should familiarize yourself with our alert: [5 Steps To Reopen Your Workplace, According To CDC’s Latest Guidance](#). You should also keep handy our [4-Step Plan For Handling Confirmed COVID-19 Cases When Your Business Reopens](#) in the event you learn of a positive case at your workplace. 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](#).

CONCLUSION

Fisher Phillips 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 Tennessee offices](#), or any member of [our Post-Pandemic Strategy Group Roster](#).

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