

TENNESSEE – Back to Business – COVID-19 – Executive Order 30 (Issued 4/28/20), amended by Executive Order 35 (Issued 5/7/20)

AN ORDER ALLOWING TENNESSEANS TO RETURN TO WORK SAFELY

EO 30 <https://publications.tnsosfiles.com/pub/execorders/exec-orders-lee30.pdf>

EO 35 <https://www.tn.gov/governor/covid-19/economic-recovery.html>

Economic Recovery Group Guidelines

<https://www.tn.gov/governor/covid-19/economic-recovery.html>

GENERAL TOPIC	SUMMARY	SECTION # EO 30
Effective	EO 30: April 29, 2020, at 12:01 am CT. EO 35: May 8, 2020 at 12:01 am CT. Both remain in effect until 11:59 pm CT on May 29, 2020. [Major changes made by EO 35 noted in blue]	18
Shelter in Place/Individuals/Return to Work	Prior stay at home order (EO 22) repealed. However, all persons are still strongly encouraged to continue to stay at home and to minimize in-person contact with people not in the same household, except when engaging in critical activities. Persons are encouraged and permitted to return to work consistent with the provisions of this Order and while following the Health Guidelines to the greatest extent practicable. Persons who test positive for COVID-19 or who are suffering from COVID-19 symptoms shall stay at home.	2, 4
All Businesses	Prior order restricting all nonessential businesses (EO 22) repealed, effective 4/29/20. All employers are strongly urged to take steps to the greatest extent practicable to equip, require and permit employees to work remotely or via telework from home. Employees and customers should practice good hygiene and observe the Health Guidelines. All employers are expected to operate in accordance with, and to fulfill the spirit of, applicable operational guidance and measures adopted and/or issued by the Governor's Economic Recovery Group (ERG): ERG Guidelines . These include specific guidance for specific sectors, including Restaurants, Retail, Manufacturing, Exercise, Close Contact Businesses, Lodging, Recreation. An employer shall not require or allow an employee who the employer knows has tested positive for COVID-19 to report to	1 8 8

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	work until that employee has satisfied the conditions for discontinuing home isolation under CDC guidelines.	
Restaurants/Bars	Permitted to reopen, subject to ERG Guidelines .	
Personal Contact Businesses	Personal contact businesses (see list below) were initially closed. Permitted to reopen May 8, 2020, subject to ERG Guidelines	
Businesses remaining closed	Many Entertainment, recreational and other gathering venues remain closed (see Appendix for closed venues). Effective May 8, 2020, certain entertainment venues, such as bowling alleys, were permitted to reopen (see Appendix for reopened venues). Closed businesses may continue <u>minimum basic operations</u> (see below).	11
Gatherings	No social or recreational gatherings of ten (10) or more people	2
Facemask Requirements	In accordance with CDC guidance, persons, including employees or customers of businesses, are “strongly urged” to wear cloth face coverings or other similar coverings in public settings where being in close proximity to others is anticipated, and particularly where other social distancing measures are difficult to maintain at all times.	5
Impact on Other Orders	The provisions of this Order shall exclusively govern on the subjects they concern in the 89 counties that do not have a locally-run county health department. The six locally-run county health departments in Davidson, Hamilton, Knox, Madison, Shelby, and Sullivan counties shall have authority to issue additional orders or measures related to the containment or management of COVID-19, which may be more or less restrictive than this Order. Nothing in this Order shall affect or limit local orders that do not contravene or limit the application of the provisions of this Order.	13
	Any law, order, rule, or regulation that would otherwise limit the enforceability of this Order is hereby suspended.	14
	This Order supersedes and repeals the following executive orders: Executive Order No. 17, dated March 22, 2020, Executive Order No. 21, dated March 30, 2020, Executive Order No. 22, dated March 30, 2020, Executive Order No. 23, dated April 2, 2020, Executive Order No. 27, dated April 13, 2020, and Executive Order No. 29, dated April 24, 2020.	15
	DEFINITIONS (SUMMARY)	
Economic Recovery Group Guidelines	See https://www.tn.gov/governor/covid-19/economic-recovery.html	

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Close Contact Personal Care Businesses – reopened 5/8/20	Such businesses or organizations include: i. Barber shops; ii. Hair salons; iii. Waxing salons; iv. Threading salons; v. Nail salons or spas; vi. Spas providing body treatments; vii. Body-art facilities or tattoo services; viii. Tanning salons; ix. Massage-therapy establishments or massage services.	11
Entertainment, Recreational, Gathering Venues – Remaining Closed	Such venues include: i. Bars, night clubs, and live performance venues; provided, that limited service restaurants may serve food to customers seated at tables; ii. Concert venues; iii. Sporting event venues; iv. Theaters, auditoriums, performing arts centers, and similar facilities; v. Racetracks; vi. Indoor children's play areas; viii. Adult entertainment venues; ix. Amusement parks; x. Senior centers or equivalent facilities; xi. Roller or ice skating rinks.	11
Reopened Entertainment Venues – Reopened 5/8/20	Entertainment, recreational, and other gathering venues that operate in the following manner may reopen: (1) All persons are in groups of less than ten (10) persons; and (2) Such persons and groups maintain at least six (6) feet of separation from, and avoid physical contact with, other persons or groups of less than ten (10) persons outside of their own group. Examples of such venues that may be allowed to reopen, provided that such venues can and do operate in accordance with the above, include, but are not limited to i. Bowling alleys; ii. Arcades; iii. Climbing gyms; iv. Water sports activities; v. Golf driving ranges and mini-golf facilities; vi. Shooting ranges;	

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	<p>vii. Dance classes; or</p> <p>viii. Other similar activities and venues that can achieve and maintain the necessary capacity and proximity limitations.</p>	
Minimum Basic Operations	The minimal activities required to maintain such businesses, organizations, and venues, including such activities as maintaining inventory; preserving physical plant, premises, and equipment; ensuring the security of the business or organization; processing mail, payroll, and employee benefits; facilitating employees of the business or organization being able to work remotely from home; or conducting any functions related to such activities	9
Health Guidelines	<p>Includes--</p> <p><u>For individuals:</u></p> <ul style="list-style-type: none"> a. Maintaining at least six (6) feet of distance from other persons b. Practicing good personal hygiene and observing other CDC recommendations c. Remaining at home if you feel sick; d. Working from home whenever possible e. Avoiding discretionary travel and social gatherings f. Avoiding visitation or close contact with vulnerable persons or those who are sick <p><u>For Employers:</u></p> <ul style="list-style-type: none"> a. 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 b. Monitoring employees for symptoms and prohibiting employees with symptoms from returning to work until cleared by a medical provider c. Cooperate with governmental contact tracing procedures for employees or customers who test positive for COVID-19 	Recitals
Critical Activities	Activities such as employment or occupational activities, activities integral to health and safety, obtaining supplies or services, engaging in permitted outdoor activity, caring for or visiting family or friends, visiting a place of worship, or travel associated with such activity	4
Social Gatherings	Social and recreational gatherings include, but are not limited to, festivals, fairs, parades, youth and adult sporting events, overnight summer youth camps, and other types of social or recreational assemblies or gatherings	2

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DISCLAIMER: *This information is provided for convenience only, and should not be relied upon in making decisions for your business. As this is a rapidly changing area, reference should always be made to the official order and related interpretative guidance. If you have specific questions about how any particular jurisdiction's Order affects your business, or other COVID-19 topics, please contact a member of the Holland & Knight's COVID-19 Response Team – State and Local Orders and Regulations.*

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