

PUBLICATION

Key Takeaways from Knoxville and Knox County Phased Reopening Plan

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On April 27, 2020, a joint city/county task force convened by the Knox County Health Department released "A Community Strategy for Phased Reopening," a comprehensive and collaborative plan for the gradual, phased-in reopening of businesses in Knox County and the City of Knoxville starting May 1, 2020. We highlight in this Alert the most pertinent items within the Plan for consideration by affected businesses.

1. **Joint Communication of the City and County:** Knox County and the City of Knoxville acted in unison creating the Plan. The Plan complements Governor Lee's "[Tennessee Pledge: Reopening Tennessee Responsibly](#)" framework and President Trump's "Opening Up America Again" guidance. As such, Knoxville businesses need only focus on compliance with one reopening plan rather than multiple plans
2. **Three-Phased Reopening Plan:** The Plan presents a three-phased model for reopening area businesses. This approach allows for flexibility within each phase to "*reduce the likelihood of relapse to a previous phase and avoid threats that may prevent movement into the next phase.*" The following benchmarks will be considered when determining when and how to proceed through the reopening process:

Sustained reduction or stability in new cases for 14 days;

Sustained and increased diagnostic testing;

Sustained or increased public health capability to rapidly interview new cases, identify close contacts, and ensure isolation and quarantine are effective;

Health care system capabilities remaining within forecasted surge capacity; and

Sustained or decreased COVID-19-related death rate for identified cases.

A minimum of 28 days will be spent in each phase regardless of whether the benchmarks are met at an earlier timepoint. The Plan allows for the issuance of "mid-phase adjustments" to promote phase progress.

3. **Phase One:** Along with continuing to follow both a) the general social distancing and hygiene guidelines applicable to all individuals and b) specific guidelines applicable to certain types of employers and industries, Phase One suggests that businesses, starting on May 1, 2020:

Continue encouraging telework when possible and feasible

Implement strict physical distancing protocols when possible

Consider risk to patrons and employees

Transition to increasing services to give your organization time to build and test safety protocols

Close common areas where employees are likely to congregate and interact

Minimize non-essential travel and follow CDC guidelines regarding quarantine following travel

Consider special accommodations for employees who are members of a higher-risk populatio

4. **Resources and Certification for Businesses:** In lieu of the Knox County Health Department gauging the sufficiency of each organization's compliance with the Plan, the Plan makes available to businesses the following resources:

Each organization is asked to select a COVID-19 coordinator for each physical location (this individual will lead the organization's implementation of strategies to reduce the spread of COVID-19). Among other responsibilities, the COVID-19 coordinator should promptly subscribe to the Knox County Health Department's email listserv for communication with the Health Department and updates to the Plan.

Workplaces should print and post two safety signs (available at covid.knoxcountyttn.gov) to help educate employees and the public.

The Knox County Health Department will offer three sources for employers and other organizations to obtain information: (1) a call center, (2) an email communication listserv (to which the COVID-19 coordinator should be subscribed), and (3) virtual trainings.

Employers who a) select COVID-19 coordinators, b) display the two safety signs mentioned above, and c) enroll in the COVID-19 communication listserv will be given the opportunity to display a certificate showing their commitment to the health of their employees and customers.

5. **Not Mandatory, but Strongly Suggested:** While the Plan phrases certain conduct as "required" (e.g., "*physical distancing of at least 6 feet must be maintained in both the kitchen and dining room*"), the Plan is not a government mandate and does not include a penalty for noncompliance. Strict compliance with the Plan is strongly suggested since compliance establishes a baseline of conduct to which businesses (and individuals) are expected to adhere. Enforcement of the Plan appears to be that of self-policing and not one of government action. The Plan's enforcement mechanism is the collective self-interest enforced by customers, consumers, and businesses. A business should consider compliance with the Plan as the basis to defend a civil lawsuit which calls into question the preventative actions taken by the business.
6. **One Big Consideration for the Most Directly Impacted Businesses:** The Plan sets out specific guidelines applicable to businesses in certain types of industries. Businesses in the applicable industries should consider these major impacts (among other recommendations):

Office: When six feet of physical distancing cannot be maintained, employees and patrons must wear face coverings.

Restaurant/Food Service: Physical distancing of at least six feet must be maintained in both the kitchen and dining room. Patrons cannot wait inside the restaurant or congregate while waiting.

Retailers: Distancing floor markers must be used to encourage physical distancing of six feet throughout the store. Retailers are also encouraged to consider one-way aisle markers.

Personal Care Services (salons, spas, tattoo parlors): Open by appointment only. Seating for patrons must be at least six feet apart in service areas, as patrons cannot wait inside the facility.

Gyms/Fitness: May operate with staffed hours only. Guest use is not allowed.

Indoor Leisure Spaces (theaters, museums, galleries): Limit patrons in the space to 50 percent occupancy based on Tennessee's Building and Fire Code.

We highlighted the most salient components of the Plan but advise your thorough review of the terms relevant to your business. If you have questions regarding the Plan, its applicability to your business, or how to best ensure compliance throughout the three-phased process, please contact [Culver Schmid](#) or [Stephen McStravick](#). You may also visit the [Coronavirus \(COVID-19\): What You Need to Know information page](#) on our website.