April 23, 2020

The Honorable Bill Lee,

On behalf of the Tennessee Chamber of Commerce & Industry (TCCI) and the National Federation of Independent Business (NFIB), we want to thank you for your leadership during this unprecedented and unsettling time in our state and our country’s history. As you have stated publicly many times, it is vital that Tennessee’s economy begin to turn its wheels once again while at the same time keeping Tennesseans safe as they begin to return to work. We commend your decision to engage Tennessee businesses for recommendations on best practices for achieving this balance and appreciate the opportunity to play a crucial role in the process. As such, the TCCI and NFIB assembled more than 200 business representatives to comprise eleven industry-specific subcommittees. These subcommittees were led by some of Tennessee’s most prominent business and industry leaders from across the Volunteer State representing a diverse group of individuals and businesses large and small. More than 40 hours of collaborative work was done in the past three days to arrive at the recommendations included in this report.

As you know, efforts to ensure Tennessee’s economic stability in the wake of COVID-19 are vitally important. Tennessee’s elected leaders over the years have focused on creating a strong business climate, which has resulted in growing a diverse range of businesses contributing to Tennessee’s significant overall economic growth. This growth, at both the state and local levels, ensures vital revenue collections that contribute to significant investments in public education and a variety of crucial programs that are essential to government services and operations. Tennessee’s current population is approximately 6.7 million and includes 2.8 million Tennesseans deemed eligible to work. Tennessee has approximately 100,000 registered business operations that contribute and collect 90% of all sales & use tax and pay approximately 100% of franchise & excise tax. Combined, these taxes contribute as much as 80% of Tennessee’s total operational revenue. Thus, it is vital to create and maintain an economic climate that balances the needs of business operations with the health and safety of the public. The COVID-19 pandemic has had a drastic impact on a significant number of businesses and undoubtedly will impact our economic growth. Maintaining business operations, with public safety top of mind, is the right approach. We appreciate your engagement of Tennessee’s prominent business trade associations to help coordinate and recommend business practices that maintain this crucial balance.

In addition to individual business sector recommendations, our executive report includes a number of large-scale policy considerations that arose consistently among the subcommittees. This report includes those recommendations as well as guidelines specific to each industry group. As Tennessee moves forward with rebooting the state’s economy, please know that the business community stands ready to serve and partner with your administration to revive and maintain the health of the people and businesses of Tennessee.

Sincerely,

Bradley Jackson, President and CEO                  Jim Brown, Tennessee State Director
Tennessee’s business community is pleased to work alongside the Lee administration to produce this report. The recommendations within are derived from approximately 40 hours of meetings over the course of three days by 11 appointed sub-groups of more than 200 of Tennessee’s most prominent business leaders. Participants consistently prioritized public health and safety while considering guidelines for returning to work. Tennessee-based trade associations that contributed to this work include: the Associated Builders and Contractors of Middle Tennessee, Tennessee Automotive Association, Tennessee Business Roundtable, Tennessee Association of Broadcasters, Tennessee Farm Bureau Federation, Home Builders Association of Tennessee, National Federation of Independent Business, Tennessee Bankers Association, Tennessee Cable & Broadband Association, Tennessee Fuel & Convenience Store Association, Tennessee Grocers & Convenience Store Association, Hospitality TN, Tennessee Retail Association, Tennessee Road Builders Association, and Tennessee Insurers Association, and the Tennessee Beverage Association.

As state government takes steps to re-open the economy, one sentiment prevailed within our groups: Tennesseans must get back to good health and accurate data must inform the re-opening of non-essential businesses and a return to business as usual. Reliable PPE supplies and accurate reporting of community testing and corresponding infection rates are vitally important to providing guidance to business operations.

This report is intended to offer guidance from Tennessee businesses to ensure the health and safety of employees and the public. It is in no way intended to suggest mandates. Because of the current economic condition, mandates would likely result in additional monetary costs to business that are already under significant financial strain due to no fault of their own during the current pandemic.

Essential Businesses
A number of businesses recognized and supported Governor Lee’s use of the Department of Homeland Security’s CISA Guidance on the Essential Critical Infrastructure Workforce in identifying essential or crucial infrastructure to remain in operation. We recommend this be continued as subsequent Executive Orders and guidance are issued in the coming months. These industries are crucial to maintaining critical supply chains and goods and services for all Tennesseans.

Liability Protection
Nearly unanimously, sub-committees noted the need to protect all businesses from frivolous lawsuits, inappropriate state tort expansion, and unduly burdensome legal presumptions that have the potential to drastically impact businesses’ ability to continue to operate. We suggest establishing a standard of gross negligence for COVID-19 claims. Tennessee businesses need solid assurances that liability protection is in place.

Social Distancing
It is essential that social distancing measures for the public at large be kept in place even as businesses begin to reopen. Public health experts have indicated that data shows that maintaining a distance of 6 feet or more between persons is paramount in slowing the spread of COVID-19. Businesses are encouraged to maintain these protocols as well whenever possible. Business that are able to maintain productively while employees work from home should continue to do so until data suggests these measures are no longer necessary in their community.

Substantial Citizen Informational and Public Relations Campaign
A number of sub-groups emphasized the need to clearly inform citizens of the details of the state’s plan to re-open the economy as it transitions from one phase to another. Businesses in a variety of sectors and sizes have gone above and beyond to inform customers and employees about protective measures that have been established to ensure public health. They need help and additional reinforcement through a comprehensive and large scale public relations campaign. The Community Outreach and Communication subcommittee report includes more information regarding this need. A comprehensive public relations campaign should inform both citizens and businesses of the best-practice guidance from their industry group and their responsibility to maintain a safe environment for both customers and employees. Communication should be made to inform the public about the guidance in an effort to boost employee and customer confidence to return to the workplace and allow the public to make informed decisions as to which businesses are utilizing these best practices. This could include a mechanism to certify businesses that have complied with state guidance and pass periodic inspection.
EXECUTIVE SUMMARY (continued)

Personal Protective Equipment
In order for many businesses to resume operations, it is critical that PPE (as well as disinfectant, hand sanitizer, etc.) be widely accessible and affordable for all businesses. Sub-group participants consistently recommended a state system to establish purchasing agreements through which all businesses can readily purchase PPE equipment instead of competing for market share. In many industries, PPE for both employees and customers/visitors is strongly encouraged. Another option is to provide an opportunity for businesses to sell or donate PPE via the state’s website.

Childcare
Subgroups consistently noted that as many Tennesseans return to their workplaces, continue to work from home, or search for new work after being let go from previous places of employment, the need for affordable childcare will become a greater concern. With schools remaining closed for the year and summer programs likely cancelled, more families will need childcare options than ever before.

Unemployment
In the last six weeks Tennessee has seen a staggering 400,000 claims filed representing nearly 12% of the state’s workforce. It is vitally important that measures are enacted that effectively connect individuals seeking work to businesses seeking employees. Our UI system must now more than ever work to ensure fund stability and actively work to root out fraudulent activity. As our economy rebounds, finding employees will be one of if not the most important factors in our economic progress. Some employers have noted that because provisions of the federal CARES Act provide an enhanced combined federal pandemic benefit equaling up to an almost 22 dollar hourly rate, some unemployed individuals will have a disincentive to re-enter the workforce.

Worker’s Compensation
It is critical for Tennessee businesses that current workers’ compensation standards are maintained and COVID-19 related presumptions avoided. Merit-based claims will successfully move through the system and a new presumption is unnecessary.

Tax Relief
General considerations are needed at both the state and local level to provide extensions and other accommodations such as incentives or abatements for businesses that have been impacted most dramatically during this unpredictable and extraordinary time.
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Governor Lee,

In this unprecedented time of the COVID-19 pandemic, strong leadership is paramount. Thank you for the many transportation, tax and essential service relief measures you have put in place to assist the agriculture and forestry industry. The emotional and financial stress has not been easy for anyone but no doubt the responsibility you are shouldering through this process has been unfathomable.

Per your request, the Agriculture and Food Subgroup submits this overview of the industry along with a summary of the realized short-term economic impact as well as the predicted long-term implications caused by the COVID-19 response.

The accompanying report includes the subgroup’s recommendations for safely moving Tennessee’s economy forward. Because of the diversity of our industry, we applied the suggested four “safeguarding strategies” (Strategy, Protocol, Resource Needs, and Adoption) to three separate sectors of our industry:

- Farm/Forestry/Nursery Production Sector,
- Supply Chain Processing Facilities Sector, and
- Public Access Activities Sector (including Ag Retail Supplies/ Farm Sales/ Nursery Sales/Marketing/Finance).

AGRICULTURE & FORESTRY INDUSTRY

Tennessee’s agriculture and forestry industry contributed $81 billion to the Tennessee economy in 2017. This includes the primary industry of growing crops, breeding and feeding of livestock, along with the management and harvesting of trees. But it also includes the secondary industry of input supplies and value-added sub-sectors such as food and beverage manufacturing, apparel and textiles, and forestry products manufacturing.

According to information from UTIA’s Department of Agricultural and Resource Economics (AIM-AG Agri-Industry Modeling & Analysis Group), the agriculture and forestry industry employed an estimated 342,000 individuals in 2017. The 92,000 (full and part-time) farmers on 70,000 farms covering 10.9 million acres, accounted for 8.3 percent of the state’s economy and generated $56.8 billion in output and employed approximately 244,000 Tennesseans. The cash receipts in 2017 for crop and livestock commodities totaled $3.5 billion.

The forestry sector generated $24.3 billion to the state’s economy and employed more than 98,000 Tennesseans. Tennessee is one of the top 3 hardwood lumber-producing states in the U.S. The output multiplier for sawmills indicate that for every dollar invested in the sawmill industry, an estimated 1.376 additional jobs are added in other industries.

Tennessee’s greenhouse, nursery & floriculture industry has the largest U.S. market share (2.2%) of any Tennessee ag commodity. Most Tennessee farms in the floriculture industry are bedding/garden plants, followed by potted flowering plants, cut flowers and cut florists greens, foliage plants, and other floriculture and bedding crops. By value of sales, nursery stock crops lead, followed by bedding/garden plants, potted flowering plants, and foliage plants.

Within the agricultural and forestry industry, 55% of the agriculture workforce is employed within the primary industry of producing crop and livestock commodities while 45% are employed in the agricultural input-supply and manufacturing industry.

Tennessee agricultural and forest industry in terms of cash receipts (2017 numbers) by sector:

- Soybeans - $712.6 million
- Cattle & Calves - $566.2 million
- Broilers - $494.5 million
- Corn - $383 million
- Cotton lint - $231.6 million
- Nursery stock crops - $135 million
- Dairy - $130 million
- Tobacco - $93.5 million
- Hogs - $85 million
- Eggs - $67 million
- Bedding/garden plants - $48.8 million
- Sod sales - $18 million
- Potted flowering plants - $6.5 million
- Foliage plants - $3 million

AGRICULTURAL INPUT-SUPPLY AND MANUFACTURING INDUSTRY

The input-supply and manufacturing sector employed 78,714 Tennesseans with a payroll of $3.7 billion in 2016. It includes animal slaughtering/ processing, beverage & tobacco products, textile mills, apparel, leather & allied products, wood products, paper as well as furniture & related products. Paper manufacturing represents the second largest output value.

The primary forestry industry of commercial logging, pulp, paper mills, sawmills, etc. employees just over 30% of the workers. Secondary wood industries and products manufacturing employ 69.7%.

For this sector, food manufacturing employs the largest number of workers, has the largest amount of labor income, and contributes the largest amount in total value added. Food manufacturing accounts for 63.8% of the total industry value output from processed agricultural products.
The agriculture input supplying industry, which includes agricultural machinery and chemical products, generates approximately $2.4 billion in cash receipts annually.

Many Tennessee farmers and others borrowing money for agricultural purposes depend upon credit from Farm Credit, commercial banks and farm supply entities. Farm Credit Mid-America and River Valley Farm Credit are farmer-owned lending cooperatives serving member-borrowers in Kentucky, Tennessee, Ohio, and Indiana. The cooperatives are headquartered in Kentucky and deliver approximately $4 billion in farm and rural residence financing to more than 20,000 farmers and rural residents in Tennessee.

**IMPACT OF COVID-19**

Almost all agricultural commodity prices have been adversely affected by the COVID-19 response. The impact has been immediate on hog, beef, poultry, nursery and dairy farm revenue. Cattle prices declined rapidly in mid-March reducing profit opportunities for producers. Corn prices decreased sharply as demand declined mirrored a substantial drop in ethanol production. Cotton prices plummeted and are projected to decrease further due to the reduction of spending on clothing. Nursery losses have been huge because the response has occurred during the peak 10-week sales period.

Direct sales and farmers market sales have been severely impacted COVID-19 has been the dominant factor in agricultural commodity markets for the past three months (January-April). Since January 21, the first case of COVID-19 in the U.S., average cash prices in Tennessee for corn, cotton, soybeans, and wheat have declined 6.8-25.9%. According to Dr. S. Aaron Smith, Associate Professor of the Department of Agricultural and Resource Economics, University of Tennessee, if prices do not recover and the declines, are realized on a full year of production (assuming a 5-year average of Tennessee production for each commodity) the decline in farm revenue, for corn, cotton, soybeans, and wheat commodities, would be $205.7 million.

Livestock and dairy producers are limited in price recovery time. Declines in milk prices and dumped dairy production and have been realized and revenue is not recoverable. Production losses for livestock and dairy producers are largely unknown, however the price declines have been dramatic (7.3% to 45.7%). The loss in farm level cattle and hog revenues if reductions are applied to a full year of production are estimated at $115.3 million and $32.8 million.

The nursery and floriculture sector, which represents one-third of the value of all specialty crops, is also experiencing serious economic market disruption. Sixty to 80 percent of the industry’s annual sales occur during the 10-week window stretching from mid-March to Memorial Day. The response period could not have come at a worse time for the industry. Early estimates predict the nursery and floriculture (national figures) live plant crop sales losses directly attributable to COVID-19 may exceed $400 million, jeopardizing the very survival of many family farms, and the well-being of some of the industry’s 275,000 full and part time employees.

Since the onset of the coronavirus farm prices across the board are down.

- 41% drop in lean hogs.
- 26% drop in cotton prices.
- 39% drop in poultry (whole bird equivalent)
- 21% drop in feeder cattle prices.
- 15% drop in corn prices.
- 8% drop in wheat prices
- 6% drop in soybean prices.

In terms of value of Tennessee production, the above commodities represent a loss of producer cash/or potential cash incomes (because it has not been realized yet) for 2020 of about $370 million. None of these estimates include the impacts on the manufacturing and processing sector and the economic multipliers impacts that will translate through the economy.

Farmers who have utilized grain storage to spread marketing risk are in a difficult predicament. They can’t afford to sell the crop at the current depressed prices, but the longer it is stored the higher the storage fees. Eventually new crops will need the storage.

As for commodity prices, the drop occurred during the crop insurance price determination period for key row crops. So, all the revenue guarantees for Tennessee crop insurance products will be depressed because the price determination period is much lower than it was in early January when the market was more normal.

**LABOR ISSUES**

Finding adequate labor has been a persistent problem even before the COVID-19 pandemic. Many “often invisible” people are needed to get food from the farm to the table.

Employee health concerns related to COVID-19 has exasperated the availability of agriculture workers, particularly for specialty crop production. These individuals are vulnerable to this virus. If the workers become sick and are quarantined the supply system will clog. We have plenty of food to feed everybody, but it takes people to get it there.

**PROCESSING CHALLENGES**

The U.S. has the most reliable, efficient and resourceful supply chain in the world, and it has always worked well. From the production of food and fiber at the farm until purchased by consumers, the supply chain works like clockwork in our “on-demand” world. Plenty of food and fiber is being produced. However, pressing challenges have resulted due to the abrupt change resulting from the “safer at home” orders brought on by COVID-19. Consumer eating habits...
A significant portion of dairy products are typically sold to schools and restaurants. Until the supply chain can be reconfigured to process for stores, producers are left holding the milk; which is perishable. This example for dairy can be applied to many other segments of the Agriculture and Food sector.

**TRADE**

We are a net exporter of agricultural products. In dollar terms, more food is exported than imported. A lot of our exports go to countries that have also been hit hard by the coronavirus; China, Japan, and South Korea. If they go into a recession, their demand for our products is going to fall, which will leave more food on our domestic market.

Most sawmills in Tennessee are still operating but with a cautious eye to the coronavirus’s impact on the housing market and the trade situation. Prior to COVID-19, domestic markets for hardwood sawtimber had been soft for several years with mills reliant on export markets to remain in business. The recent Chinese tariff situation restricted the best export market for Tennessee sawmills, making it difficult to stay in business. Just prior to the COVID-19 situation, domestic markets were making a slight rebound and the Phase I agreement with China was initiating a reopening of the Chinese market. COVID-19 has placed these market developments on hold.

Major importing countries of Tennessee’s forestry products totaled $70.7 million with the top five major markets consisting of China, Canada, Mexico, Vietnam, and Italy. China is the big player. The four other countries combined do not equal the value of trade with China. The anticipated effects of the Chinese trade deal are not having an impact at this point. Some are predicting an impact may not be seen until fall.

**CREDIT AVAILABILITY**

Access to credit for farm operators continues to be available. However, loan requests have increased, special payment adjustments are occurring as well as some loan restructuring.

Tennessee’s farmers owe $3.8 billion to lenders during a time of significant financial stress. Although lenders are operating with skeleton crews and maintaining social distancing guidelines for the health of their employees and customers, lenders continue to work to ensure farmers have the funds needed to operate their businesses and to plant the 2020 crop. In addition, lenders are working to assist those who are having difficulty making payments due to income shortages caused by the COVID-19 pandemic. The reduced income has significantly impacted Tennessee agricultural producer’s ability to repay their loans and provide for the sustainability of their operations.
SBA - PAYCHECK PROTECTION PROGRAM

Regrettably, farmer participation for the Small Business Administration (SBA) Paycheck Protection Program (PPP) has been weak. Of the 20 subsectors on which SBA reported, the agriculture, forestry, fishing and hunting sector had the lowest average loan approval. We are hopeful the next round of assistance will be more accommodating to the agriculture community with the PPP loans and the Economic Injury Disaster Loans (EIDL). We also are encouraging USDA assistance to address the commodity prices. The Senate has passed a $484 billion bill by unanimous consent and the House will likely approve it before the ERG considers these recommendations.

Several factors have contributed. PPP does not allow farmers and other small businesses to count the costs related to the employment of labor hired as an independent contractor. Most farms that qualify for the PPP do not have the financial ability or staff to handle the human resource requirements needed to hire full-time employees. Additionally, farmers often hire their employees seasonally, such as the spring for planting and/or fall for harvesting. For farmers utilizing H-2A workers, SBA is excluding H-2A employees from the Paycheck Protection Program loan relief. In addition, the slow release of guidance for the self-employed and independent contractors created problems. SBA began accepting applications for these small businesses on April 10, but guidance related to these applications was not released until April 14, less than 48 hours before funding ran out.

Farmers’ access to approved lending institutions has also been a struggle. SBA aggressively tried to enroll new lending institutions into the program, though it is our understanding the process was still slow and frustrating. Further, when PPP appropriations were exhaust-
AGRICULTURE

FARM/FORESTRY/NURSERY PRODUCTION SECTOR

STRATEGY

• Develop a consistent and practical communication platform for agricultural employers, agricultural workers, and customers. This platform is to be updated to provide general information. The University of Tennessee (UT) and Tennessee State University (TSU) Extension Services will be the platform manager in collaboration with farm organizations and the Tennessee Department of Agriculture.
• The Tennessee Department of Agriculture will communicate on a regular basis for the foreseeable future with farm organizations and UT TSU Extension specifically to monitor anecdotally the status of COVID-19 cases throughout the farm production sector and develop recommended measures to address issues.
• The Tennessee Department of Agriculture in collaboration with the Department of Labor and Workforce Development and Department of Health will provide technical support relative to outbreaks involving agricultural worker housing.
• The Tennessee Department of Health will share data regarding COVID-19 cases involving the agricultural sector such as agricultural workers, agricultural input suppliers, on-farm customers, and agricultural employers.

PROTOCOL

Employee protection

• Appoint a COVID-19 coordinator within the agricultural operation to implement guidelines for workplace protection.
• The COVID-19 coordinator should carefully assess all hand sanitizers, cleaners, and disinfectants to determine all products are approved for use against the virus and that products do not negatively interact with other products or activities within the agricultural operation.
• Provide training for employees on potential health risks and prevention measures during and after work hours.
• Provide posters, signs, and other visual materials for instruction and as a reminder for employees in conspicuous places such as restrooms, hand washing stations, and break areas.
• Screen and distance workers arriving to ensure health and safety.
• Limit person-to-person interactions and create more distance between workers out in the field or on the job site.
• Provide food delivery services to limit workers’ exposure to community spread.
• Set up handwashing and sanitation stations in the field and on the job site.
• Provide additional cleaning and disinfectant supplies for worker housing.
• Educate employees on safety and cleaning practices through posters and notices, as well as providing local health care and telemedicine information.
• Establish a plan of action for quarantining sick employees in worker housing to prevent spread.
• Work to accommodate individual employees in an at-risk category, by virtue of age and / or existing medical condition, (including but not limited to an autoimmune disease) by limiting potential exposure throughout the function of the agricultural operation.

Non-employee protection

• The designated COVID-19 coordinator should assess where and how workers and customers, and suppliers might be exposed to COVID-19 on the agricultural operation and implement prevention measures.
• Ensure suppliers and other visitors to the agricultural operation adhere to all prevention measures being implemented on the agricultural operation.
• Provide suppliers and other visitors with PPE and other products as needed upon arrival or leaving the agricultural operation.
• For on-farm sales, communicate with customers through social media or electronic means any measures being implemented on the farm prior to customers arriving to conduct business.
• Provide signs or other forms of communication on-site to relay information to customers prior to exiting the vehicle.
• Monitor customers upon arrival for indications of illness. Appropriate measures should be in place to reject or accommodate such customers.
• Encourage customers to make non-cash payments such as tap and pay to limit handling of cash; use online transactions whenever possible.
• All customers will be required to maintain a social distance of at least six feet between another person.
• Sales registers or locations of sales transactions must be at least six feet apart and/or have PPE or other mitigating measures in place for customer and employee protection.
• Workplace equipment and surfaces should be cleaned and sanitized frequently.
• The entrance/exit doors will be sanitized routinely.
• Access to hand sanitizer and/or hand wash facilities should be provided.
• Encourage customers to wear facemasks.
• Depending on the food product being sold, communicate proper procedure for washing the food product if applicable.

AVAILABLE RESOURCES

• The Tennessee Department of Agriculture has released guidance to farm and forestry businesses based upon CDC guidelines to prevent the spread of COVID-19. These businesses should continue to use these resources.

RESOURCE NEEDS

• Access to hand sanitizers, disinfectants, and cleaners. These products are typically purchased by agricultural producers in retail stores where the supply is limited. Agricultural producers need references to industrial suppliers and alternative products.
• Agricultural operations need alternatives sites for the purchase of PPE.
• The UT Extension Service will provide technical assistance to access COVID-19 information posters in foreign languages.

ADOPTION

• Employers and employees are urged to apply the suggested guidelines applicable to their business model. Not all the guidelines apply to all businesses.
• The Tennessee Department of Agriculture, UT/TSU Extension Service, and agricultural organizations will collaborate to assist agricultural producers. These entities collectively have a presence in each county, region, and statewide.
• The state should work to make employee safety literature, posters, etc. available in Spanish.
• Information sharing and access to information for agricultural producers will be critical. The activities of production agriculture are very diverse. The agricultural community will collaborate with the manufacturing sector and retail sector regarding prevention procedures and new methods.

SUPPLY CHAIN PROCESSING FACILITIES SECTOR

STRATEGY

Keeping employees healthy and safe by reducing potential infection and transmission in the supply chain and processing facilities sector of the agriculture and forestry community is goal one.

Outlined below are recommended control measures to achieve a healthy work environment. Businesses within this vital industry sector are strongly urged to take action to protect themselves and those around them. However, the agriculture and forestry supply chain and processing facility industries are very diverse and there is no one-size-fits-all approach. Each entity will need to make informed decisions based on the individual situations including the varying levels of risk and resources available to address the issues.

Key in all operations will be clear, consistent and repetitive communication to gain support and engagement among all employees and customers; at work and at home. Uncertainty will not be eliminated, but if each business develops and follows smart and doable guidelines the likelihood of unintentional transmission is greatly reduced.
AGRICULTURE

PROTOCOL

Employee protection

- Establish an internal COVID-19 response team to design, implement and support a “healthy workplace” plan.
- Identify a workplace COVID-19 coordinator.
- Establish an on-site health screening procedure including the use of temporal thermometers to check the temperature of employees before they enter the facilities.
- Employees with a temperature or who do not pass the screening due to symptoms of COVID-19 will not be allowed to stay at work.
- Actively encourage employees who are sick or have sick family members to stay home.
- Strive to accommodate individual employee needs who are in an at-risk category, by virtue of age and / or existing medical condition, (including but not limited to an autoimmune disease).
- Perform routine cleaning and disinfection, especially of high-touch surfaces (e.g., doorknobs, elevators, tables).
- Educate employees about how they can reduce the spread of COVID-19 (e.g., avoid physical contact and face-touching, encourage use of personal hygiene such as regular hand washing).
- Encourage employees clocking-in and out daily to observe a 6-foot distance.
- Provide workers with personal protective equipment (PPE) (e.g., face coverings, gloves) and make hand hygiene supplies widely available (e.g., hand sanitizer, washing stations).
- Where possible and practical, apply social distancing in the facility, where not available install barriers and provide PPE.
- Allow for 6-foot social distance in break rooms, conference areas and lunch areas.
- Encourage employees to be vigilant to constantly wiping down and sanitizing common areas.
- Limit transporting multiple employees in one vehicle.
- Avoid large employee or customer gatherings until State guidance indicates such events may resume.
- Implement a “no visitor” policy by nonemployees until risk subsides.
- Default to videoconferencing when possible.
- Request employees report to management when they utilize air, train, bus or boat travel.
- Require notification by employees if they travel to a known “hot spot for COVID-19”.
- Provide educational materials to employees about the serious nature of COVID-19 and providing helpful tips on avoiding exposure once they leave work.

Non-employee protection

- Assess and identify where and how workers and customers might be exposed to COVID-19 on- site.
- Post entrances to notify individuals who have a fever, cough or any sign of sickness should not enter.
- Routinely sanitize entrance/exit doors.
- Provide access to hand sanitizer and trash receptacles.
- Encourage customers to make non-cash payments, such as tap and pay, to limit handling of cash; use online transactions whenever possible.
- Encourage customers, through signage, to maintain a social distance of at least six feet between others.
- Where practical maintain at least six feet between sales registers or install plexiglass or similar petitions.
- Keep sales equipment frequently cleaned and sanitized.
- Establish policies/practices to control employee congregation.
- Establish an on-site health screening procedure including the use of temporal thermometers.

RESOURCE NEEDS

- Access to PPE.
- Access to temporal thermometers.
- Access to Hand sanitizer, and other cleaning alcohols.
- Sales tax relief on personal protective equipment and supplies installed to prevent the spread of COVID19.
- Liability protection to employers / business who follow guidelines.
• Adequate testing opportunities with speedy test results in all regions, including rural areas, to prevent excessive delays and workplace disruption while awaiting test results. This will help prevent unnecessary infection and allow “healthy” employees to work.

ADOPTION

• The state should develop and make available to businesses an educational pamphlet to distribute to employees about the serious nature of COVID-19 along with helpful tips on avoiding exposure once they leave work. (State guidance regarding after work hours, rather than from the business, will be more openly received by employees.)
• Continued state tracking and monitoring support to help identify regions and areas of the state with issues and determine if slippage is occurring.
• State Department of Health assistance available 24/7 to individual businesses with confirmed workplace COVID-19 cases.
• Educational public service announcements on TV and Radio and Social Media on maintaining healthy activities after work hours.
• The state should work to make employee safety literatures, posters, etc. available in Spanish.
• Employers and employees are urged to apply the suggested guidelines applicable to their business model. Not all the guidelines apply to all businesses.

PUBLIC ACCESS ACTIVITIES SECTOR (INCLUDING AG RETAIL SUPPLIES/FARM SALES/NURSERY SALES/MARKETING/FINANCE)

STRATEGY

Government involvement
• Continue to provide the most relevant information pertaining to COVID-19.
• Develop easily accessible resources about best practices for how business and the public should interact.
• Provide an opportunity to connect business to needed supplies such as PPE, sanitation, testing.
• Educate the public about how to interact with various sectors as the economy reopens.
• Develop and promote a State database for procuring needed resources.

Measures of success
• Because of Essential Business status, much of the Agriculture and Food Public Access Activities Sector has continued to work with little report of spread within sector: staying open for business and limiting spread is the main measure of success.

Decision making approach
• Business leadership should implement COVID-19 mitigation with guidance from federal, state, and local officials.

PROTOCOL

• Design and implement site specific plans following guidance from governmental bodies, including from the Opening Up America Again guidelines, the CDC/OSHA, and state/local guidelines.

Employee protection
• Establish an internal COVID-19 response team who will design and implement a “healthy workplace” plan.
• Establish a social distancing strategy based on the layout and workflow of the facility.
• Establish on-site health screening strategy.
• Actively encourage employees who are sick or have sick family members to stay home.
• Employees who have a fever or other symptoms of COVID-19 will not be allowed to work.
• Post signs in high traffic areas; such as doors, restrooms and breakrooms; reminding employees about practices and protocols.
• Practice sensible social distancing, maintaining six feet between co-workers.
Employee protection (continued)
• Default to videoconferencing & telework whenever possible.
• Identify a workplace coordinator responsible for COVID-19 issues and workplace impacts.
• Perform routine cleaning and disinfection, especially of high-touch surfaces (e.g., doorknobs, elevators, tables).
• Educate employees about how they can reduce the spread of COVID-19 (e.g., avoid physical contact and face-touching, encourage use of personal hygiene such as regular hand washing).
• Provide workers with personal protective equipment (PPE) (e.g., face coverings, gloves) and make hand hygiene supplies widely available (e.g., hand sanitizer, washing stations).
• 6-foot distance required for break areas.
• Work to accommodate individual employees in an at-risk category, by virtue of age and/or existing medical condition, (including but not limited to an autoimmune disease).
• Establish policies/practices for social distancing (e.g., staggered shifts, use of scheduling to influence customer flow).
• Until a vaccine is available, develop a plan as to how, when, and/or if employees should be tested.

Non-employee protection
• Assess where and how workers, deliveries, and customers might be exposed to COVID-19 on-site.
• Encourage customers to make non-cash payments such as tap and pay to limit handling of cash; use online transactions whenever possible.
• Post signs in high traffic areas; such as doors, restrooms, breakrooms; reminding customers about practices and protocols.
• A sign will be posted at entrance that individuals who have a fever, cough or any sign of sickness should not enter.
• All customers will be required to maintain a social distance of at least six feet between another person.
• Sales registers should be at least six feet apart or have plexiglass installed.
• Point of sale equipment will be frequently cleaned and sanitized.
• The entrance/exit doors will be sanitized routinely.
• Access to hand sanitizer and trash receptacles will be provided.
• Encourage customers to wear facemasks.
• Consider limiting the number of people allowed inside the place of business at one time.
• Provide services by appointment only when possible.

TRANSLATION BY INDUSTRY
• Share developed protocols and practices on website and with industry.

AVAILABLE RESOURCES
• The Tennessee Department of Agriculture has released guidance to livestock markets, farm production sales, and pick your own operation based upon CDC guidelines to prevent the spread of COVID-19. These businesses should continue to use these resources.

RESOURCE NEEDS
• Access to PPE.
• Access to Hand sanitizer, and other cleaning alcohols.
• Access to temporal thermometers.
• Sales tax relief on personal protective equipment and supplies installed to prevent the spread of COVID-19.
• Liability protection to employers / business who follow guidelines.
• Adequate testing opportunities with speedy test results in all regions, including rural areas, to prevent excessive delays and workplace disruption while awaiting test results. This will help prevent unnecessary infection and allow “healthy” employees to work.
• The state should develop a database for procuring needed resources.
ADUOTION

- Communicate to businesses strategies to implement the provided guidance.
- The state should develop and promote a database for procuring needed resources.
- Educate the public on interaction with various sectors as the economy reopens.
- The state should develop and make available to businesses an educational pamphlet to distribute for employees about the serious nature of COVID-19 along with helpful tips on avoiding exposure once they leave work. (State guidance regarding after work hours, rather than from the business, will be more openly received by employees.)
- The state should work to make employee safety literature, posters, etc. available in Spanish.
- Employers and employees are urged to apply the suggested guidelines applicable to their business model. Not all the guidelines apply to all businesses.
- Continued state tracking and monitoring support to help identify regions and / areas of the state with issues and determine if slippage is occurring.
- State Department of Health assistance available 24/7 to individual businesses with confirmed workplace COVID19 cases.
- Educational public service announcements on TV and Radio and Social Media on maintaining healthy activities after work hours.

ERG: AG AND FOOD SUBGROUP SURVEY

1. Which agriculture/food industry sector would you consider your business?
   - Supply Chain Processing Facilities Sector 3 (33%)
   - Farm/Forestry/Nursery Production Sector 7 (58%)
   - Public Access Activities Sector (including Ag Retail 2 (22%)
   - Supplies/Farm Sales/Marketing/Finance

2. Do harder-hit areas of Tennessee need a different timeline for resuming certain activities specific to agriculture? The President’s guidance (provided in previous correspondence) suggest some plans might be statewide and others regional.
   - Yes 6 (55%)
   - No 4 (45%)

3. President Trump’s new guidelines recommend reopening in three phases after reaching “gating criteria” at each phase that include rates of illness with flu-like symptoms, COVID-19 infection rates, and hospital capacity over 14 days. Is your industry sector able to follow the “gating criteria”?
   - Yes 7 (58%)
   - No 5 (42%)

4. For your industry sector, does an entity exist (i.e. trade group, state or federal government agency, employee union, consulting firm, etc.) to provide a central location for up to date, comprehensive information regarding COVID-19 guidance?
   - Yes 9 (75%)
   - No 3 (25%)

5. Does your business have a relationship with local health department officials?
   - Yes 5 (42%)
   - No 7 (58%)

6. Does your industry sector have access to supplies (PPE, thermometers, sanitizers, facility cleaners, etc.)?
   - Yes 8 (67%)
   - No 4 (33%)
ERG: AG AND FOOD SUBGROUP SURVEY (continued)

7. For your industry sector, how would you rate the need for access to COVID-19 testing kits for all employees?
   - High: 2 (17%)
   - Medium: 3 (25%)
   - Low: 7 (58%)
   - No Need: 0 (0%)

8. Is there someone in your organization specifically designated to implement virus mitigation measures?
   - Yes: 7 (78%)
   - No: 5 (22%)

9. Is it feasible for employees in your industry sector to use personal protective equipment (PPE)?
   - Yes: 8 (89%)
   - No: 1 (11%)

10. Is it feasible for employees in your industry sector to practice social distancing?
    - Yes: 8 (67%)
    - No: 4 (33%)

11. Is it feasible for employees in your industry sector to use PPE and practice social distancing?
    - Feasible: 7 (58%)
    - Not Feasible: 2 (17%)
    - One Feasible: 3 (25%)

12. Is it feasible for employees in your industry sector to be temperature checked upon entering the workspace?
    - Yes: 9 (82%)
    - No: 2 (18%)

13. Is it feasible for workspaces in your industry sector to be reconfigured?
    - Yes: 4 (33%)
    - No: 8 (67%)

14. If COVID-19 was found in an employee(s) in your sector, is there a plan?
    - Yes: 10 (83%)
    - No: 2 (17%)

15. What are the specific problem areas in your sector which should be included in the report?
    The problem in the forestry area is simply the slowdown in the economy causing sawmills to shut down thereby hurting loggers and property owners trying to sell timber. As the economy get going again, these problems will be solved.

    Packing houses.

    Labor and marketing concerns.

    Availability of employees to run slaughter plants. Swine is in worst position than any livestock species in this regard. We can’t break eggs, keep cattle on pasture, plow under vegetables, etc. not sure, we are a wholesale distributor for fresh produce and other food service items.
15. What are the specific problem areas in your sector which should be included in the report? (continued)
Consumer end of our supply chain-restaurant closing/limited sales has had an extreme negative effect.

The nursery industry in Tennessee is very fragmented in our product selection and customer base. Our industry ship to most states, Canada and other countries. Every state and country have different parameters for garden centers or landscapers, some open some closed.
Access to PPE, especially thermometers. Also access to cleaning supplies.
Lack of testing if an associate has Covid-19 like symptoms.
1. availability to testing timely 2. better availability to PPE
Access to PPE, especially thermometers. Also access to cleaning supplies.
Not sure, we are a wholesale distributor for fresh produce and other food service items

16. Are there proactive suggestions we could include related to “essential” agriculture workers? If you have some in use, please share with a link.
We are following CDC recommendations.

We are providing gloves and face coverings for employees; we wipe down restrooms and break rooms several times per day. We are not allowing anyone except office staff in the office. Customers wait outside at our production nursery and at our garden center we have signs posted for distancing, offer hand sanitizer and check out 90% of retail customers at an outside register. If the garden center gets to crowded we close the gate.

We have a web page click on the COVID19 web box and it relates to what we are doing and how it may help a customer. This is updated weekly.

17. What are some specific risk-based strategies that allow agriculture and forestry activities to continue to operate as normal as possible YET minimizing the risk of spreading COVID-19?
Forestry workers can generally social distance adequately. Solving the issues in the manufacturing sector is needed to keep the demand for wood strong.

All areas need to be used if practical. Social distance, PPE, limit visitors, temperature checks, etc. need to be applied. Because of the varied nature of our operation not all can be used.

We are following CDC recommendations.

Follow the CDC guidelines and have a plan in place to monitor for compliance. Also developing guidance on the number of people allowed in a retail store building for consistency across industries.

Daily temp checks, Facial covering, Gloves, Repetitive cleaning though out the day in common areas, hand sanitizing, washing hands, social distancing when possible and communication.

We have adopted the CDC guideline. We have installed 6-foot barriers at the parts counter and installed Plexiglas barriers between customer contact employees and the customer hand disinfectant stations for customer and employees. Gloves and Masks furnished for anyone having customer contact. We have all meeting even in the building as Virtual meetings. Limited our travel of all territory people and enabled all who can to work from home. Fogging all our building on a regular basis and limited access to the facilities thru one entrance where possible.
ERG: AG AND FOOD SUBGROUP SURVEY (continued)

18. What are other questions that should be asked?

H2A were here before the shutdown. TNs are still having issues. All this is a bigger part of labor issues.

Not sure.

I am concerned about this affecting our industry like the 2007 Easter Freeze. Very few producers in the nursery industry received any RMA money at that point in time and like Rhedona said in her letter to the Governor, we are unsure where any disaster type money will be available to small growers. Also stated was the fact that H2A workers could not be included in PPP dollar estimates even though they are a large portion of payroll for several growers. I am very fearful some small and highly specialized growers will not be able to weather this storm.

Better communication to understanding more about the virus. Example…Can you catch it twice?

How long before we have sufficient testing and timely testing results and access to enough PPE supplies.

19. What questions do you have about the Economic Recovery Group: Agriculture and Food Subgroup process?

Definitely need to look at specific areas of the state. Most forestry activities take place in less populated areas. There should be special allowances for activities in those areas.

Since Ag is essential many of the issues have already been addressed.

None.

None at this time;

We are operating as close to normal as possible due to the fact we are AN essential industry. The farmer is dependent on our industry to keep moving Agriculture farming operations can’t be close or moved forward for incidence planting season has to be done on time for a crop to produce

20. Other comments?

Although not part of my business we need to develop a strategy for pick your own and farmers market. Some of my answers couldn’t be answered with strictly a yes or no because of the areas my employees work in. Office workers, sow unit employees or mechanics would have different requirements.

No.

Thank You, Thank You!

Does the Governor plan to follow the “gating guidelines” issued by the President?

Our concern is supporting companies and factories. We have to have parts and new equipment to stay in business. There is also concern for the farmers. There appears to be a break down in the supply chain particularly in the livestock industry (i.e. processing plants having to close due to the covid19 virus). I think there are currently 13 processing plants closed.
The Community Outreach and Communication Subcommittee is comprised of industry leaders across many platforms including TV, print, radio, marketing, and public relations. It is essential to the health and safety of all Tennesseans that all people are informed of the steps they should take to protect themselves and others and that all barriers to communications, including cultural, demographic, and language barriers, are eliminated. This subcommittee is unique in that it is tasked with providing guidance on the most effective methods and avenues of providing information and recommendations compiled by the other subcommittees. As such it is recommended that additional meetings of this subcommittee occur once all subcommittees have submitted their recommendations. Overall, it is essential that the following are achieved in order to reach all Tennesseans.

- All marketing material should be multi-cultural and multi-lingual.
- All video must be closed caption.
- Assistance for the hearing impaired must be provided for audio material.
- Radio commercials for Hispanic stations must be different due to the differences in grammar and the time allowed in commercials.

The following report includes guidance on the recommended content for messaging, tools and platforms available for doing so and Tennessee entities that are potential partners for distributing information.

Katie Gambill, Chair 5 Star Media Group
Whit Adamson Tennessee Association of Broadcasters
Amy Martin Tennessee Cable & Broadband Association
Nikki Burdine News Channel 2
Tracy Kornet News Channel 4 WSMV
Jerry Askew Alliance for Better Non-Profits
John Crisp Crisp Communications
Marcela Gomez Culture Shift Team
Amy Seigenthaler DVL Seigenthaler
Tracey Rogers WKRN
Chris Baker Tennessee Association of Broadcasters
JoAnn Massey City of Memphis
Suzie Lusk TN Chamber of Commerce

MESSAGING CONTENT
We recommend that the state consider two distinct messages and audiences: public health and safety information for the general public and information on guidance and best practices for businesses in reopening safely. Most urgently, action is needed to combat the misinformation and general confusion amongst the general public regarding the phases of reopening. Businesses and consumers need information to easily comply with the recommended guidance and best practices to reduce employer, employee, and consumer confusion and to ensure continued public safety. This is vital to be able to support local businesses and ensure consumers are understanding and adapting.

It is recommended that a memorable, consistent, and positive consumer message is utilized to help businesses communicate with customers and the public. This can be achieved by the use of hashtags or clever URLs. Additionally, we recommend using color-coded signage (green, yellow, and red), representing the different phases in which a business is open, so that consumers can understand the level of availability that business can provide. It is also important to use images that include all demographics, so all people feel included and understand that the guidelines are meant for all. It is likely that messaging will need to be adapted as the economy moves into new phases.

MESSAGING TOOLS
A central location where all business can find the necessary procedures and downloadable supporting materials is highly recommended. A website catered to local businesses industries, non-profits, and faith-based organizations is suggested. The website would be a repository for printables such as window signage or in-store posters to access during each phase of the roll out as well as tips on cross-cultural communication. The goal is consistent messaging and consumer expectation.

Website Content
Free downloadable sign/notice templates will greatly assist in streamlining compliance. Tennessee sign companies could download the digital files and create permanent signage upon request. Additionally, small versions of the files should be available to allow smaller or more rural businesses to simply print on 8.5 x 11 paper. While printed signs would not be as durable, they would be immediately scalable and break geographic limitations (rural vs suburban/urban) and should be quick to implement.

Free downloadable templates for re-opening and/or consumer and employee safety plans based upon the guidance and recommendations adopted from this report would be helpful to employers and businesses across the state. For example, a simple Word file that
businesses could download and modify as needed would help spread a consistent message that could also be tailored to meet each firm’s needs/decisions. It clearly communicates to the business community that the State wants to help each firm and industry tailor a plan to meet their needs rather than providing a one-size fits all approach. Firms could add their own logo, their own version of certain policy suggestions, their own incentives to employees, etc.

**Social Media Platforms**

We recommend that the state hire or assign staff to manage this project. A graphic piece could be designed and shared with social media influencers, local governments, local agencies, celebrities, and social sites such as Instagram Tennessee. A graphic that is sharable among these groups could help spread the message to consumers, especially as businesses open in phases and traditional marketing can sometimes take longer to produce. A Facebook page with target-ed Facebook ads would also be beneficial in getting the consumer message across. Utilizing social media platforms that reach a younger audience who seem to be more immune to social distancing messages – Instagram, tiktok, Youtube, reddit – is also essential.

**Other**

Other communication tools will also be instrumental in Tennessee’s communication efforts. They include:

- Billboards that direct people to the main website where all the information is hosted.
- Over-The-Top Media.
- Use of faith based and community leaders to communicate a consistent message to their congregation via newsletters.
- Video Public Service Announcement by local news anchors from different stations – this platform would be easily sharable on social and YouTube channels.
- TDOT Message Boards.

**COMMUNICATION PARTNERS**

To reach the business community and the public, partnership with several industry and community organizations is recommended. These organizations and others are already equipped to disseminate information to large groups and can assist in providing consistent messaging:

- Tennessee Chamber of Commerce Executives
- Tennessee Economic Development Council
- Alliance for Better Nonprofits
- Better Business Bureau
- Local Development Districts
- First Responders
- Tennessee Sheriff’s Association
- Tennessee Society of Association Executives
- National Guard

- Tennessee Electric Cooperative Association (via consumer invoices)
- Tennessee Municipal Electric Power Association (via consumer invoices)
- Center for Nonprofit Management
- Momentum Nonprofit Partners
- Venture Forward
- United Ways of Tennessee
- Elected Officials
- Tennessee Board of Education
- Tennessee Independent Colleges and Universities Association (TICUA)
- Use of current state agencies and appropriate departments to push critical information out to local businesses and agencies (e.g. TDCI’s E-Notify system)
- Tennessee Association of Broadcasters
- Tennessee Cable and Broadband Association
- Tennessee Independent College Association (student messaging)
- Tennessee Board of Regents (student messaging)
- Tennessee Board of Education (student messaging)
- Tennessee Chamber of Commerce and Industry
- National Federal of Independent Businesses
- Business Trade Associations.
- Minority Media Outlets
- Multicultural and Multilingual Media Outlets, Business Associations, Non-Profits, Faith-based organizations, and key leaders and influencers.
On behalf of the members of the Economic Recovery Group’s Construction, Infrastructure and Transportation Subcommittee, I would like to thank you for your tireless leadership during this unprecedented time in our state’s and our nation’s history. The decisions you and your team have been responsible for making have been guided by the best health information, science, and common sense. We commend you for your deliberative approach throughout this entire process.

We are also appreciative of being determined essential as classified in Executive Order 22. This designation has allowed our industries to continue operating, although all of our businesses have modified and adopted practices as the pandemic advanced. As a baseline, our industries have utilized CDC and OSHA guidance and recommendations to guide their health and safety protocols. Many employers have also closely followed the recommendations of their respective trade organizations.

While most within our industries are operating, we are offering these recommendations and considerations to you and your team to consider as you begin implementing plans to expand the number of open businesses within the state. As you will see in this report, there are still needs which need to be addressed in order to ensure the short term and long term viability of our industries and to continue filling critical needs of Tennesseans.

We appreciate working alongside the Tennessee Chamber of Commerce and the National Federation of Independent Business to complete this report. We also look forward to any questions from your team and invite you to contact any of our committee members with questions regarding their respective industry sectors.

Sincerely,

Kent D. Starwalt
Executive Vice President
Tennessee Road Builders Association

EXECUTIVE SUMMARY

The Construction, Infrastructure and Transportation Subgroup represents highway and bridge contractors, commercial building contractors, home builders, subcontractors (plumbers, electricians, HVAC, painting, etc.), trucking companies, cable and broadband providers, telecommunication providers, utilities (water, sewer, gas and electrical services), material suppliers, mining operations, equipment dealers and necessary supply chain operations.

All the industries represented have been designated as essential and have been operating during the COVID-19 pandemic. These companies employ hundreds of thousands of Tennesseans and are one of the economic drivers in the state. These companies provide Tennesseans with safe and well maintained thoroughfares for them to travel on, office buildings to work in, homes to live in, utilities such as water for drinking and fire safety, electricity, natural and propane gas, cable, broadband and telecommunications for entertainment and connectivity, aggregates, sand and gravel used in nearly every product, and the transportation of nearly everything we touch and eat.

Members of the Subgroup were:
Chair, Kent D. Starwalt, Tennessee Road Builders Association,

SAFEGUARDING STANDARDS - BEST PRACTICES

The construction, infrastructure and transportation industries have been actively working and have already developed recommended best practices set forth by the Center for Disease Control and Prevention (CDC) and OSHA. These best practices have been developed for work sites, offices, and when interacting with employees, customers and third parties. These practices should be recommended, not mandated, and continue for these industries.

These recommended best practices include:
• Social/physical distancing.
• Promoting good hygiene such as hand washing and the use of sanitizers.
CONSTRUCTION/INFRASTRUCTURE/TRANSPORTATION

- Use of face coverings/masks.
- Use of personal protective equipment.
- Screening of employees, vendors, etc.
- Managing sick employees and actively tracing those they have encountered.
- Communicating through job site posters, signs, markings and electronically.
- Limiting or eliminating the handling of papers or packages between individuals.
- Disinfecting after the use of tools, supplies, equipment and vehicles.

See attached Appendix for samples of implementation of the best practices.

For interstate motor carriers it is recommended that the federal government (U.S. Department of Transportation, Federal Motor Carrier Safety Administration) or national trucking associations develop and disseminate best practices to the interstate motor carrier operators and drivers.

Guidance from the medical community is desperately needed as to when and whom should be notified and quarantined if an employee contracts the coronavirus.

BUSINESS CONSIDERATIONS

The construction, infrastructure and transportation industries have struggled to find qualified and skilled workers. Federal and state impediments that limit the access to workforce should be avoided. We share many of the same concerns as other business sectors.

It is important that we clearly communicate the appropriate precautions the public should take as we work to restore consumer confidence. Additionally, as we move into the summer months, we encourage our federal leaders to put procedures in place to ensure the financial markets continue to operate effectively.

We must maintain the State’s current workers’ compensation standards and avoid COVID-related presumptions. Merit-based claims will make it through the system, and a new presumption is unnecessary.

ISSUES FOR THE STATE TO CONSIDER

Employee Protections & Needed Resources

The employee protections used by construction, infrastructure and transportation include personal protective equipment such as masks, face coverings and disposable gloves. The use of sanitizers to clean hands, tools, door handles, etc. is also an important aspect of the recommended best practices. Due to national shortages, it has been difficult for these industries to find and provide masks (N95 for use when required by statute or federal regulation), face coverings, gloves and sanitizer. Assistance to obtain or provide these products is greatly needed.

Some best practices also call for the use of infrared thermometers to screen employees, customers, and third parties. Procurement of these thermometers has been a problem. Assistance to obtain or provide these products is greatly needed. There is concern however that these infrared thermometers can be inconsistent and may not accurately gauge if someone has a fever.

Legislation

The Tennessee Department of Transportation’s sunset bill is currently sitting on the desk of the House of Representatives. This legislation must be passed when the legislature returns on June 1, 2020 or TDOT will not be able to issue contracts that extend beyond June 30, 2021.

Regulatory Issues/Challenges

When the COVID-19 crisis began, many federal and state permitting processes became more flexible and easier to use; licensing requirements were granted extensions or were delayed; and regulations were revised to help industries meet challenges they were facing. These must continue in place until economic and public health conditions have stabilized.

Conflicts between the state and local governments must be avoided when economic recovery methods are put in place. There must be coordination of efforts among all parties.
Governor Lee,

On behalf of the members of the Economic Recovery Group’s Essential and Critical Business Subcommittee, we thank you and your team for your leadership during a difficult time. The companies and industry sectors in this report represent thousands of Tennesseans and we are grateful for the opportunity to support your efforts in this way.

While ensuring the safety of Tennesseans, we must also ensure that our essential workers and businesses can continue to operate without interruption. As you have previously stated, Tennessee is not looking for a “one size fits all” approach to overcoming COVID-19. We recommend establishing Tennessee specific guidelines that include and optimize the CDC guidelines.

The Critical & Essential Business Subcommittee compiled a list of recommendations in the attached memo. The recommendations are not exhaustive, but can serve as a starting point given our experiences in continuing our operations over the last several weeks. We recommend the ERG task force review and amend guidelines as necessary. It may be possible to have less restrictive guidelines dependent on the number of active cases.

We also recommend that state policymakers work with Nashville, Memphis, Knoxville and Chattanooga to ensure consistent guidelines. While many Tennesseans will be returning to work, there are other considerations that must be weighed with regards to public transportation and childcare.

Please do not hesitate to reach out if you have any additional questions. We appreciate your consideration.

Sincerely,

Chair, Holly Sullivan,
Director of WW Economic Development, Amazon

**Committee Members**

- Tina Hodges  
  Advance Financial
- Warren Wells  
  UNUM
- Jimmy Haslam  
  Pilot Travel Centers
- Marshall Franklin  
  Highway Transport
- Virginia Raffield  
  TN Propane Gas Association
- Jordan Mollenhour  
  Mollenhour Gross
- Doug Kreulen  
  Metro Nashville Airport Authority
- Bill Primeaux  
  FedEx
- Matt Kisber  
  Silicon Ranch
- Greg Adkins  
  TN Beverage Association
- Brian Chase  
  Bell Flight
- Dorothy Sauvinet  
  Southwest Airlines
- Amy Martin  
  Tennessee Cable & Broadband Association
- Kim Sasser-Hayden  
  Comcast

**ESSENTIAL & CRITICAL BUSINESSES**

Essential and critical businesses/industries include healthcare, aviation, manufacturing, supply chain, construction, among others. While companies in this category are deemed essential, challenges still exist. We recommend consistent guidelines to ensure essential services and businesses have no interruptions. Currently, many employers are following CDC guidelines and recommendations which include:

- 6’ physical distancing of employees
- Employees suggested to wear facial coverings
- Increased hand washing stations
- Increased and routine cleaning and sanitizing of facilities

**RECOMMENDED SAFEGUARDS FOR ESSENTIAL BUSINESS**

- We recommend the State develop a “Return to Work” checklist for companies to follow that includes safety protocols that are consistent with CDC guidelines and that includes instructions on face coverings, physical distancing guidelines, and additional details.
- Companies to adopt Standard Operating Procedures (SOP) in response COVID-19 to ensure employees and customers have minimal exposure to COVID-19. The SOPs should include guidelines consistent with the CDC, such as:
  - Screening and/or monitoring of individuals who exhibit signs of illness, such as a fever over 100.4 degrees, a cough or shortness of breath
  - Physical distancing requirements (currently 6’)
  - Face covering requirements and/or PPE, where available, supplied by the company
  - Prohibit physical contact, such as hand-shaking
  - Employers shall provide hand sanitizer, disinfectant and increase facility cleaning
  - Ensure all common areas are closed
  - Require hand washing stations that are accessible to all employees
  - Reconfiguration of break rooms and conference facilities to ensure 6’ physical distancing
  - Signage to include reminders to wash hands, physical distancing and guidelines at every entrance, break facility, gathering areas, employee messaging boards and lavatories. Send weekly email or text alerts to all employees.
  - Require all businesses open to the community to post their SOPs and requirements for employees and customers. This may include public postings, email or website updates.
RECOMMENDED SAFEGUARDS FOR ESSENTIAL BUSINESS
(continued)

- We recommend that State government provides a central online portal for reporting positive COVID-19 cases. By providing a streamlined online portal, cases can be reported and tracked more efficiently.
- Recommend that all Tennessee commercial airports and airlines follow CDC guidelines and their best practices.

BUSINESS CONSIDERATIONS

Businesses will need to adopt guidelines to keep their employees and customers safe and to ensure a positive corporate reputation. In order to achieve this, there may need to be additional guidelines offered to include:

- Controlled access to buildings.
- Large companies of 50 individuals or more at a single location or facility require routine temperature testing or request employees to self-check before entering their work place. If temperature testing is conducted and the results for the individual are over 100.4 degrees, the company shall develop internal protocols. Signage shall be visible and included in employee’s handbook.
- Encourage companies that employees over 250 individuals at a single location to stagger shifts.
- Recommend companies to limit all gatherings of ten or more people.
- Recommendation that companies hold meetings virtually.
- Recommendation that companies have online, virtual or written guidance sent to all employees weekly to remind them of guidelines to follow to ensure their health and safety.
- Restrictions of non-essential travel recommended
- Encourage businesses to develop tracing mechanism for positive COVID-19 cases.

ISSUES TO CONSIDER

1. Availability of PPE. If PPE is required or recommended, the state should consider establishing an online purchasing option for businesses and employers.

2. Policy Recommendations:
   - Incentivize positive behavior such that companies with SOPs visible and available to all employees have a level of protection from worker’s compensation and tort liability claims arising from COVID-19.
   - Emphasize that businesses are collaborating to help your office identify tools and support that the State can provide to assist businesses in re-opening safely and effectively.
Governor Lee,

On behalf of the members of the Economic Recovery Group’s Healthcare Subcommittee, we thank you and your team for your leadership during this time of crisis and we applaud your efforts to date to reopen the Tennessee economy while keeping all safe.

As you move to ease restrictions and reopen the state’s economy, we believe the guiding principles that have been developed and implemented by many industry participants, as well as the additional recommendations provided by members of our subcommittee, will help to provide the necessary safeguards while the healthcare industry resumes operations.

The committee members below represent a broad continuum of healthcare providers, including hospitals/health systems, post-acute care, insurance companies, dental providers, recovery centers and pharmacies. Collectively these industries listed represent hundreds of thousands of Tennesseans.

We appreciate the opportunity to participate in this important body of work and believe the guiding principles and recommendations below provide the needed flexibility across the industry.

Please contact us for more information or to answer any questions.

Thank you.

Sincerely,

Brian Marger, Chair
TriStar Summit Medical Center

Angie Chitwood
Grace Health Care

Rep. Bryan Terry, MD
Methodist LeBonheur

Cato Johnson
National HealthCare Corp

Clint Hall
Community Health System

David Nicely
Ballad Health

Eric Deaton
Baptist Memorial Health Care

Jason Little
ReVIDA Recovery Centers

Lee Dilworth
Vanderbilt University Medical Center

Matthew Scanlan
Delta Dental of Tennessee

Missy Acosta
BlueCross BlueShield of TN

Scott Pierce
TwelveStone Health Partners

Sen. Shane Reeves
Ascension/St. Thomas Health

Tim Adams
Tennessee Hospital Association

EXECUTIVE SUMMARY

On March 23, 2020, Governor Bill Lee issued Executive Order No. 18 that all non-essential surgeries and procedures be suspended. This order impacted a broad range of healthcare businesses including hospitals, ambulatory surgery centers (ASCs), dental service providers and other non-hospital healthcare providers. Subsequently, Executive Order No. 25 was signed that extended this suspension through April 30, 2020. The Center for Medicare & Medicaid Services (CMS) issued similar recommendations limiting all non-essential planned surgeries and procedures. The primary driver of these actions were to conserve critical resources (e.g. personal protective equipment, ventilators, etc.), create inpatient hospital capacity (e.g. ICU beds), as well as limit the spread of COVID-19 by reducing patient and staff exposure to the virus. These dramatic efforts have been successful in Tennessee and resulted in the intended consequences.

The Healthcare Subcommittee convened to discuss approaches to begin safely reopening our facilities and businesses. In formulating recommendations, our committee had an advantage given the significant amount of thought and collaboration already committed to this effort by various associations, professional societies and Tennessee businesses. To that end, our Committee’s approach was to leverage the existing body of work already published. After reviewing and critiquing this published work, the subcommittee agreed that providing guiding principles and key considerations is the best approach which will allow for the needed flexibility. The subcommittee also strongly endorsed communicating that healthcare facilities are safe and following best practices and standards of care. Tennesseans should not delay needed care and should feel comfortable further utilizing the healthcare system as appropriate once the governor lifts restrictions on non-essential procedures.

SAFEGUARDING GUIDELINES

After an extensive review of guidance literature and best practice, the healthcare subcommittee determined the Joint Statement: Roadmap for Resuming Elective Surgery after COVID-10 Pandemic provided practical guidance that many Tennessee organizations have already adopted. This publication was jointly developed by the American College of Surgeons, American Society of Anesthesiologists, Association of periOperative Registered Nurses and the American Hospitals Association. While it is geared towards hospitals, the principles have applicability across a broad continuum of healthcare providers. A summary of the guiding principles are as follows:
HEALTHCARE

1. Timing for Reopening of Elective Surgery/Procedures
   a. Geographic location experiencing a sustained reduction in rate of new COVID Cases.
   b. Facilities have adequate capacity of ICU and Non-ICU beds, PPE, ventilators and other supplies.
   c. Facilities have adequate trained staff to perform planned procedures as well as care for COVID patients without comprising patient safety or staff well-being.

2. Access Control
   a. Continue to limit number of entrances into facilities.
   b. Perform point of contact screening for all staff, patients and visitors to include questionnaire related to symptoms or proximity to COVID positive person as well as temperature checks.
   c. Visitation policies should be consistent with access control efforts and will vary depending on “phase” of operations.

   a. Facilities should implement a policy or algorithm addressing requirements and frequency of patient and staff testing.
   b. Facilities should implement universal precautions (e.g. appropriate PPE) regardless.

4. Personal Protective Equipment (PPE)
   a. Facilities must ensure they have an adequate supply of PPE to account for a potential second wave of COVID-19 cases.
   b. Facilities should adhere to a PPE conservation strategy, which might include PPE “stewards” who are in charge of distribution or other tactics to control access.
   c. Access to ORs and Procedure Rooms should be limited to essential staff only.

5. Case Prioritization and Scheduling
   a. Facilities should establish a multi-disciplinary prioritization committee.
   b. There are several priority-scoring tools available that facilitate this committee, such as the Medically-Necessary, Time-Sensitive (MeNTS) scoring system.

6. Patient Cohorting and Social Distancing
   a. Facilities should dedicate units and/or designated areas to cohort COVID patients.
   b. Facilities should continue with social distancing policies for staff, patients and visitors in all areas of the hospital that meet with current local/national recommendations.

These national recommendations have broad applicability, but the subcommittee recognized that when possible provider groups should adopt Tennessee specific standards and guidance. To that end, the Tennessee Hospital Association (THA) has developed guidelines for hospitals to resume elective surgeries and procedures. These guidelines recommend a hospital district by district approach to analyze capacity and environmental conditions in order to account for regional differences and needs as well as ensure collaboration among hospitals and systems within local communities. They also recommend each district and/or facility develop a Phased Approach to restarting elective procedures. Phasing provides for a disciplined approach as facilities assess community and organizational readiness to move to subsequent phase. Critical to this approach is also ensuring organizations have identified trigger points that signal the need to pull back in response to a surge in COVID-19 patients.

With respect to the dental industry, many states are beginning to publish guiding principles focused on patient and personnel safety in the near-term:

- Access to appropriate and plentiful PPE to protect against potentially infectious aerosol transmission.
- Viable options for eliminating, reducing or containing aerosol production during care.
- Access to training on COVID-19-specific protocols and procedures.

Within the Small Business Direct Contact Subcommittee, a detailed list of protective measures and recommendations has been provided for the dental profession. Most post-acute providers fall under Phase 3 of the White House Guidance for “reopening”, meaning that it likely will be some time before general visitation and traditional operations are resumed. With that being said, the primary focus today is ensuring a safe and smooth transition from the hospital to the post-acute setting. The American Health Care Association (AHCA) and National Center for Assisted Living (NCAL) issued guidance for accepting admissions from hospitals during the COVID-19 Pandemic, including an algorithm to guide the acceptance process.

The Tennessee Pharmacists Association has also published a comprehensive list of Pharmacy Considerations that provide guidance around hand hygiene, sanitization, deliveries and other important aspects to their service delivery.

Links to these referenced guidance documents can be found in the Key Sources section below.

BUSINESS CONSIDERATIONS

- Screening - Temperature and symptom screening checks have been a very effective tool in identifying staff, visitors and patients who can pass the virus to others. We recommend other employers consider similar steps as they reopen. The Department of Health could assist in forming training materials for employers to use to get such a procedure in place.
- PPE - At the start of this pandemic, the dental industry along with many others graciously donated their PPE for COVID care providers. To date, many of these businesses have not been able to replenish their supply. They are in great need of proper masks, face shields, gloves and gowns. This is the key determinant in their ability to treat patients and keep staff safe.
- Social distancing - Social distancing is the underpinning to a successful, sustained return to work strategy. This subcommittee
is committed to ongoing social distancing principles both in the workplace as well as in the community at large. We encourage the State to continue its leadership role and limit large gatherings and continued promotion of social distancing practices.

- Pharmaceuticals - Access to pharmaceuticals is a critical success factor to sustaining the reintroduction of surgical/procedural cases. With reports of shortages in certain areas (e.g. anesthesia medications), we ask the State to partner with healthcare providers and help support procurement activities as needed.

### ISSUES FOR THE STATE TO CONSIDER

- **Data Reporting:**
  - COVID-19 Daily Brief (TN Dept of Health) – This report is very informative and it would provide additional insight and be more actionable if it could be reported at a more regional level, by County or health planning region. This is especially true for the reported HRTS Data including ventilator/PPE count and bed capacity.
  - Utilize and expand the Daily COVID Brief HRTS data snapshot to develop a capacity warning system for hospitals as a guide. Red/orange/yellow/green could indicate crisis care/approaching crisis care/proceed cautiously/proceed all.

- **Telemedicine**
  - In response to COVID-19, healthcare subspecialties that are not dependent on direct physical interaction between providers and patients rapidly pivoted to virtual treatment via telemedicine. As a primary safeguarding guideline, the Healthcare Subcommittee recommends that the Governor emphasize that telemedicine, when available, should continue to be prioritized and supported by patients, providers, payers and all State regulatory departments while the State eases restrictions on non-essential surgeries and procedures that do require physical contact. This is particularly the case for Rural Health Clinics (RHCs).

- **Messaging/Communications:**
  - Responding to the public’s fears about their safety and protection as they engage with business is another critical factor in the economic restart. While individual healthcare organizations continue to adopt their own communication strategy about safety and precautions, it is also important for the State to support a similar communication. Much preventive and maintenance care has also been put on hold and this can create significant health conditions down the road.

  - We would request Governor Lee support this message that our healthcare facilities are safe and Tennesseans should not delay care.

- **Regulatory:**
  - There have been many emergency authorizations and waivers that have been extended during this crisis that have been extremely beneficial. While it is uncertain the duration of these Orders, the subcommittee respectfully asks that an appropriate notice be given in advance of any expiration. This will afford businesses an organized transition.

  - The subcommittee has concerns regarding reimbursement for COVID-related testing over the longer term. The private health insurance companies have taken a leadership position during this pandemic.

- **Partnerships:**
  - Maintaining a strong, collaborative partnership between the TN Dept of Health and the respective local Health Departments across the state will continue to be paramount.

- **Liability Waiver:**
  - In recognition of the complexity of COVID-19, and the profound efforts being made by healthcare professionals and healthcare facilities alike, it is imperative that liability and immunity protections are afforded to these entities by Executive Order. The healthcare community in Tennessee is working together to address the unprecedented challenges of COVID-19. The cooperation and coordination between various healthcare entities during this crisis is unparalleled. Tennesseans of all walks of life, from the most rural areas to the urban and suburban areas, have greatly benefited from these efforts. Granting liability and immunity protection during the pandemic will ensure the healthcare community in Tennessee can continue to address COVID-19 in the most efficient and effective manner to benefit all Tennesseans.

### KEY SOURCES:

- [https://www.tnpharm.org/events-resources/practice-based-resources/covid-19/](https://www.tnpharm.org/events-resources/practice-based-resources/covid-19/)
Governor Lee,

On behalf of the members of the Economic Recovery Group’s Local Government Subcommittee, we thank you for your leadership and the tireless work you and your staff have been doing during this unprecedented crisis. As state government has been wrestling with the myriad of challenges posed by COVID-19, local government leaders have also been engaged in that same battle across every community in our state. Local government has altered the way it functions, but it has remained open for business and has not stopped serving Tennesseans.

It is generally a rare experience to know that the decisions one makes on a daily basis can literally have a life or death implication. The weight of that knowledge has been felt over and over by state and local government leaders for the past several weeks. The choices that we are making, according to the best information and guidance we have, in order to protect human life are having a devastating effect on the economy and the livelihoods of millions of Tennesseans. Balancing the best practices for protecting the public health with the economic effects of the pandemic is a heavy burden we know you are carrying, because local leaders feel that same pressure.

We appreciate having the opportunity to work alongside the Tennessee Chamber of Commerce and the National Federation of Independent Business as leaders of business and industry dedicate time and resources toward planning a re-boot of the Tennessee economy. Returning daily life to something that more closely resembles normalcy will be a tremendous relief to households and businesses across Tennessee that are experiencing the financial pain caused by this crisis.

We offer the following recommendations and observations not as guidance for how to re-open local government, because it never closed. However, the way we have been operating in the short term is not sustainable. This report outlines what we think are the crucial considerations local leaders need to make, best practices that will allow local governments to more actively engage with their citizens and the resources and relief that will help make that happen.

Sincerely,

David Connor,
Executive Director
Tennessee County Services Association
Administrative Background

Tennessee has 342 municipalities, 92 county governments, 3 consolidated metropolitan governments and 190 public utility districts and authorities. Combined, they employ more than 230,000 full time and 45,000 part time employees. These individuals provide essential government services to residents in every community of Tennessee. Nearly half of these positions are the teachers and support staff of the state’s public k-12 school system. Other local government employees staff the court system, provide police and fire protection, and serve in local jails and correctional facilities. Local governments maintain tens of thousands of miles of city streets and county highways and many thousands of bridges across the state. They oversee public transit which provides access to work, school, health care, and other fundamental aspects of life to seniors, those with disabilities and those without other means of transportation, while reducing congestion on city streets and protecting the environment. Local governments, together with public and private utility districts and cooperatives, provide communities with basic utility services like water, sewer, electricity and natural gas. They staff health departments, hospitals and nursing homes. Local governments also perform essential services for local businesses by maintaining real estate records, registering motor vehicles, issuing business licenses, and permitting construction. They ensure safe and affordable housing through enforcement codes and planning and managing public housing facilities. They also provide amenities like parks and recreation, community centers, senior centers, libraries, auditoriums, museums, greenways, athletic complexes and other facilities that enhance the quality of life and health of Tennesseans.

Current State of the Industry - Operations

Local government services are critical to the health, safety and welfare of Tennesseans. Throughout the coronavirus outbreak, local government has continued to function, albeit in altered ways.

Governing Bodies

Local governing bodies have largely transitioned to meeting electronically since the issuance of Executive Order 16 on March 20th. While this has generally allowed boards, councils and committees to continue conducting essential business, local governments are still working through the process of allowing for public input and public comment.

K-12 Schools

Public schools across the state have been closed, but k-12 school systems have continued to protect the quality of life of Tennessee’s children by providing distant learning opportunities, student enrichments, and critical meals and food support for Tennessee families.

Courthouses, City Halls, Government Annexes

Surveys show that the majority of county courthouses and city halls have limited public access into the facilities over recent weeks, with most requiring appointments for in-person visits. As much as possible, these offices have tried to encourage citizens to transact business with their local governments over the internet, by mail or by telephone. Some facilities have drive-thru windows that allow transactions with limited personal interaction. Others have set up secure lockboxes for the public to drop off important documents. When offices remain open to the public, some cities and counties have begun installing plexiglass or other barriers at counters where local government staff interact directly with members of the public. However, this practice does not yet appear to be widespread. Requiring appointments in advance for in-person transactions appears to be the more common strategy.

First Responders and Public Safety

For first responders such as police officers, fire department personnel, sheriff’s deputies, and ambulance and emergency medical personnel, local governments have attempted to protect these employees by providing them with personal Protective equipment (PPE) where possible. However, the availability of PPE for first responders has been limited in some jurisdictions. There have also been challenges with the sharing of data regarding locations where residents are known to have tested positive for COVID-19. Health departments have only recently begun sharing this information with emergency communications districts. Other first responders and many departments and agencies do not have access to the information unless it is passed on through the emergency communications district. Dispatching methods vary across the state with some calls being referred to the various departments for dispatching. In many cases, police, fire and other first responders may be sent to addresses where someone with COVID-19 is present without awareness. This increases the risk of the spread of the virus through a local government’s first responder community which could have devastating effects on public safety.

Public Works, Street and Highway Departments, Utilities

Departments where many employees work in the field, such as highway and street departments and public utilities, have adopted different strategies across the state. In some cases, employees are reporting to work sites from home instead of coming into a central office. Riding in vehicles together has been limited as much as is practicable. Some departments have instituted rotating shifts so that only half the staff is working at the same time. Others are working from home and on call in the event of an emergency. Several utility systems and departments have instituted lockdown measures at treatment works whereby entire shifts of plant operators are housed on site, for one or two-week periods, 24 hours per day to prevent potential exposures to critical infrastructure staff. As of the date of this report, Tennessee is just beginning to see furloughing of local government employees.
Current State of the Industry – Fiscal Health

As far as financial health, local governments in Tennessee are preparing for a dramatic reduction in revenue. The critical questions are how deep this downturn will go and how long it will last. Local government will suffer a corresponding loss of revenue to business and industry, but with a time lag. For taxes like sales tax, gas and motor fuel taxes, business tax, and alcoholic beverage taxes which are collected at the state level, there is a one to two-month delay in time from when taxable transactions occur and when the revenue is distributed to local governments. Other locally collected taxes are just not being compiled to see the effect of the shutdown. Local governments are also bracing for the loss of local businesses and the effects of widespread and sudden unemployment upon their communities. As this crisis extends and the full financial impact begins to be evidenced in cities and counties, local governments may begin to struggle with financial capacity and liquidity. There may be a need to assistance for local governments to meet payroll and other critical financial obligations.

Property Taxes

Under state law, property taxes in Tennessee become delinquent on March 1. This year, that deadline passed prior to the first case of COVID-19 in Tennessee being confirmed. Most property taxes were therefore collected for this fiscal year prior to COVID-19 having a significant presence in Tennessee. But property tax is the only revenue stream for local governments that will not likely see significant disruption. For next fiscal year, there is a concern that property tax will be impacted by an increased number of delinquencies as families find it hard to pay property taxes, increased appeals of valuations in counties with a re-appraisal, or an erosion of the tax base due to businesses closures.

Sales Tax Receipts

After property tax revenue, local option sales tax revenue is the second largest source of revenue to fund local government services. The first half of all collections from this revenue is dedicated to K-12 education. The second half goes to the location where the sales transaction took place. For internet purchases, the location of the sale is now deemed to be the site where the purchased item will be delivered.

For retail transactions in the month of March, when (stay at home/safer at home) shelter in place restrictions were first announced in Tennessee, vendors had until Monday, April 20th to file returns and remit taxes to the TN Department of Revenue. The local option portion of the sales tax on those transactions will not be distributed to local governments until mid-May. While there are anecdotal stories and economic forecasts of reduced economic activity, local governments have not seen their first confirmed financial data to know exactly how much of a reduction in sales tax revenue it will see.

A Census Bureau report of advance estimates on various commercial businesses indicates overall economic activity in March dropped 8.7% from February of this year and 6.2% from March of 2019. That same report outlines a widely divergent effect on retail stores. Grocery and beverage stores are seeming a dramatic uptick in revenues while traditional retail, clothing stores, auto dealers, and furniture stores are experiencing stark reductions in activity. The particular blend of commercial activity present in an individual county or city will determine how much of a reduction in sales tax revenue it will experience.

Business and Hall Income Tax

Business and Hall Income taxes are collected at the state level. Local governments receive a portion of these taxes. In addition to the usual delay between collection and distribution, the state postponed the deadline in reporting these taxes for the current quarter. This will result in delayed distribution to cities and counties, with many likely not receiving the funds until after the start of the next fiscal year. This may impact cash flow, but should not have a substantial effect on receipts.

Fuel Taxes

Gasoline and motor fuel taxes are the lifeblood of county highway departments and city street departments. Generally, the summer months are the peak collection months for fuel taxes. Traffic studies indicate we are currently experiencing a reduction in vehicle traffic in urban areas of 35-50%. There are reports of comparable decreases in sales of fuel at gas stations and convenience stores. Shipping has continued and the loss of diesel fuel taxes will not be as substantial as the decline in consumer purchases of gasoline. While fuel purchases may rebound when the economy re-opens, it is anticipated that it will be at a reduced rate due to unemployment, lack of travel and a reduction in commuter traffic as some workers choose to continue working at home.

Utility Operations

With many businesses closed or employees working from home, utility systems have seen a decline in usage of their systems. A survey of the National Rural Water Association performed during April estimates that nationally, small water and wastewater systems will lose $998 million in revenue by mid-July. Drinking water systems are projected to lose $817 million; wastewater systems are projected to lose $181 million. These losses in revenue will not be recovered by utilities and do not include emergency operational costs such as staging additional shifts, isolating staff, modifying procedures for regulatory compliance, purchasing PPE and additional equipment for remote work. Over 90 Tennessee utility systems participated in this survey and the Tennessee Association of Utility Districts believes it is likely reflective of the state of the industry in Tennessee. The survey shows that, on average, 31% of utility systems saw a decrease from
normal usage, with an average drop of 25%. Reasons cited include business shutdowns, reduction of manufacturing, reduced use by other large customers and reduced overall demand.

Most local governments which provide public utility services, such as utility districts, utility authorities and municipal and county utilities, have suspended the termination of utility service for nonpayment due to the coronavirus outbreak. A lot, but not all, of these governmental utilities have waived the payment of late penalty fees as well during the suspension period. Therefore, local government utilities will suffer a revenue loss from the waiver of these late payment fees during the suspension of service terminations for nonpayment.

More importantly, the suspension of utility service terminations for nonpayment for 2 or 3 months may cause a substantial increase in the uncollectible accounts for local government utilities. If residential customers who have lost their jobs or commercial customers have been closed or had significant revenue losses are not paying their monthly utility bills or are paying less than the full amount, they are going to have a huge bill to pay once the suspension of utility service terminations is lifted.

Public utilities cannot forgive the amount of the delinquent accounts for these customers. Public utilities are legally obligated to charge all similarly situated customers the same rates because they cannot unjustly discriminate in the rates they charge to their customers. The utility cannot forgive the delinquent balance of customers who chose not to pay their bills during the suspension period because such customer would receive service at rates that is different from customers who chose to pay their bills. The only thing a utility may be able to offer such a customer is to allow them to pay delinquencies over a period of time.

Public utilities can charge late penalty fees. Local government utilities cannot “finance” outstanding delinquent balances by charging interest on a delinquent bill amount because such financing could be construed as a city or county lending its funds to the customer. This would violate the prohibition in Article 11, Section 29 of the Tennessee Constitution which provides that “the credit of no County, City or Town shall be given or loaned to or in aid of any person, company, association or corporation, except upon an election to be first held by the qualified voters of such county, city or town, and the assent of three-fourths of the votes cast at said election.”

Other Revenue Sources
Taxes related to the hospitality industry, like hotel/motel occupancy taxes and liquor by the drink taxes, have been reduced to very marginal collections in the short term. Forecasts indicate that tourism and travel will take some time to recover. Tennessee has a strong tourism economy. Unfortunately, in the short term, communities that are highly dependent upon the tourism and hospitality industry may suffer the most in terms of unemployment, reduced commercial activity and loss of revenue for local governments.

Current State of the Industry – Status of Existing Safeguards
As local government has continued operations during the COVID-19 outbreak, they have adopted a variety of strategies to keep both employees and the public safe. Local governments have diverse operations and have employees working in a variety of settings. These include:

- Traditional offices with little public interaction
- Offices such as clerks and recorders that routinely interact with the public
- Health departments, hospitals and nursing homes that are on the front lines of the pandemic
- Emergency services like police, fire and EMS that have no discretion over where their work takes them
- Departments with employees working largely in the field in highway, street, public works and utility departments
- Correctional facilities
- Parks and recreational facilities
- Convenience centers and other solid waste facilities

Local governments offices, departments and agencies have adopted different strategies depending upon the work environment they operate in. Examples of some of these include:

- Installation of plexiglass barriers to divide local government employees and customers during indoor service experiences
- Installation of gates and floor markers to limit capacities in service areas
- Allowing/requiring telecommute options for non-public service employees
- Implementation of shift staggering procedures to limit employee to employee contacts
- Closures of public parks or certain recreational facilities which are prone to the exchange of virus or may encourage mass gatherings
- When applicable, protocols are being established to distance employees from citizens when services are being conducted. (example: remain in office area at solid waste disposal facilities)
- Encouraging use of internet, email, telephone and traditional mail options for conducting business
- Implementing various technologies to allow for virtual public meetings options for online broadcast of council/commission meetings
- Lowering frequency of services to minimize contact
- Condensing agendas of board and other public meetings and postponing non-essential business to future dates

Tennessee’s municipal electric utilities are meeting the challenges of COVID-19 to keep providing essential services to their customers and their community. No utility can simply close. Every day they have interactions with their customers for things such as power outages,
collecting payment and establishing new service, so every utility has stayed open through this challenging time. Municipal electric utilities are taking many precautions to protect employees from contracting the virus, which would hurt their ability to serve their customers on a typical day or to respond to damage from severe weather. This is a concern especially for small utilities with a fewer number of employees. Additionally, municipal electric utilities run on small margins, so the effect of suspending disconnections to collect payment will soon have a significant financial impact if the number of customers that can’t won’t pay their bills increases and if the economic downturn extends for a long period of time. Since municipal utilities are used to responding to natural disasters and other emergencies, many are equipped to deal with the short-term effects of COVID-19 and have already taken many steps to continue operations. However, as this situation progresses and becomes prolonged, they face many challenges to deal with its effects going forward that will require outside financial assistance.

CURRENT STATE OF THE INDUSTRY - SURVEY OF LOCAL GOVERNMENTS

In order to determine local preparedness, the Tennessee County Services Association and Tennessee Municipal League surveyed their membership this week for an update on the status of local government regarding several key areas. This survey was based on recommendations found in the McKensie and Company consulting report provided to ERG subgroups. Approximately 200 city and county governments responded over a two-day period. Responses to the survey are on-going, but we have included these preliminary results:

**QUESTION: 1**

Do your essential front line workers have adequate protection in place (protocols, PPE, etc.) so that they can perform their responsibilities safely? This ..., rescue squad, etc.) and other critical personnel.

199 responses
QUESTION: 2

Is systematic testing widely available in your community to quickly identify and confirm cases of COVID-19? Choose one:

- 29.1% Sufficient testing is not available
- 44.7% Testing is available, but the response time for hearing results is slow
- 16.1% Adequate testing is available and we get test results quickly
- 10.1% Don’t know

199 responses

QUESTION: 3

Do you have resources in place to be able to do contact tracing (through your health department or other agency) in order to determine people who may have been exposed to an infected individual?

- 36.2% Yes
- 22.6% No
- 41.2% Don’t know

199 responses
QUESTION: 4

If an employee of your city or county is determined to be infected, do you have procedures in place to quarantine that individual until he or she is no longer contagious?

199 responses

![Pie chart showing the percentage of responses](chart1.png)

QUESTION: 5

Do you have sufficient face masks available for employees and members of the public who enter your facilities? These do not have to meet N-95 standards.

199 responses

![Pie chart showing the percentage of responses](chart2.png)
QUESTION: 6

In the event you reopen your facilities to allow the public to enter, which of the following safeguards are in place to allow for social distancing during which these practices need to be in place. 199 responses

- In person meetings by appointment only: 127 (63.8%)
- Online methods of conducting business: 146 (73.4%)
- Technology in place to allow employees: 94 (47.2%)
- Changes to the physical plant of facilities: 138 (69.3%)
- Altered work schedules to reduce employees: 107 (53.8%)
- Modification of break areas: 32 (16.1%)

QUESTION: 7

Are your employees adequately trained in good hygiene and social distancing practices? 199 responses

- Yes: 93 (95.5%)
- No: 6 (6.2%)
LOCAL GOVERNMENT

QUESTION: 8
Do you have trained personnel who are tasked with screening employees and members of the public as they enter your facilities?
199 responses

- Yes, for both: 71.9%
- Yes, for employees only: 10.1%
- Yes, for visitors only: 16.1%
- No screening protocols in place:

QUESTION: 9
Do you have adequate supplies and practice in place to routinely clean all major surfaces that are likely to have public contact?
199 responses

- Yes: 84.4%
- No: 15.6%
LOCAL GOVERNMENT

CURRENT STATE OF THE INDUSTRY – SUMMARY OF FINDINGS

While these survey responses show that the general preparedness of local government is strong, there are areas of concern.

- Local governments generally report adequate PPE for critical workers.
- They also report that systematic testing for COVID – 19 is widely available, although nearly half of respondents indicated that response time for hearing results remains slow. Only a little more than 25% reported that results were available quickly.
- Contact tracing is an area of concern. Only around 40% of respondents indicated that resources were in place to perform contact tracing to help limit potential exposure to the virus.
- Nearly all local governments responded that they have procedures in place to quarantine employees who are determined to be infected.
- Face masks are a difficult commodity to acquire, with only around half of respondents indicating that they at least had sufficient supplies for employees
- Local governments have instituted multiple strategies to limit interaction with the public in their facilities.
- Nearly all local governments report that their employees are adequately trained in good hygiene and social distancing practices.
- Another area of concern relates to screening of employees or visitors to local government buildings. Very few local governments are currently able to screen both visitors and employees when they enter buildings.
- Generally, local government is well equipped with cleaning supplies to regularly sanitize areas that are likely to have public contact.

SAFEGUARDING STANDARDS

General Recommendations
Due to the variety of local government operations, a multitude of standards and protocols need to be in place. The Center for Disease Control and OSHA have issued specific guidance for a large percentage of local government operations. Links to those resources are located at the end of this section. We recommend the general OSHA guidelines for courthouses, city halls, annexes and other facilities that resemble the standard office workspace.

Other proposals for general measures to protect workers, customers, and third-party interactions (e.g., business process adaptions, physical and behavioral measures) in local government facilities that were discussed by the committee include the following:

- To the maximum extent, ensure rapid testing and tracing access.
- Widespread distribution and inclusion of PPE such as face coverings should be implemented in close contact public service areas. An immediate procurement plan should be communicated to ensure adequate supply levels.
- Local governments may wish to institute policies requiring customers wear face coverings upon entering public service facilities. To be able to ensure compliance, adequate supplies of mask must be made available.
- Assigning officers or other local officials to assist through education with implementation procedures at facilities.
- Establishment of consistent guidelines as a standard for broad application.
- Utilization of schools or other large publicly owned facilities to conduct small/medium sized gatherings or hearings to allow for maximum distancing.
- Consider impacts of face coverings in areas they may be traditionally prohibited, i.e. courts, law-enforcement interactions, etc.
- Consider staggered reopening of court systems to prevent gathering of large crowds and overflows.
- Impacts of closure of courts and potential impediments economic development and other projects.
- Seek protocols to further implement technology to conduct public transactions, public input, etc.

LINKS TO PROTOCOLS FOR SPECIFIC LOCAL GOVERNMENT OPERATIONS

In addition to general guidance, these are links to resources for recommended protocols for specific departments and agencies of local government and utilities:

Law Enforcement
- EPA Approved Cleaning Products for Law Enforcement Vehicles -- https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2
LINKS TO PROTOCOLS FOR SPECIFIC LOCAL GOVERNMENT OPERATIONS

Firefighters
- EPA Approved Solutions for Cleaning Vehicles -- https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2
- EPA Approved Solutions for Cleaning Emergency Medical Services Vehicles -- https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2

Utilities

Water/Wastewater Operators

Public Transit

Jails and Correctional Facilities

Guidance for the Construction Workforce

Health Department Resources

University of Tennessee, Institute for Public Service Resources
Both the University of Tennessee, County Technical Assistance Service and the Municipal Technical Advisory Service have extensive collections of COVID-19 resources on their websites targeted specifically for local government:
- CTAS: www.ctas.tennessee.edu/covid19
- MTAS: www.mtas.tennessee.edu/knowledgebase/covid-19-coronavirus-resources-local-government-tennessee
ISSUES FOR THE STATE TO CONSIDER

State Relief: Local Government Needs

- Consistent and reliable sourcing of and/or access to:
  - PPE
  - Testing for employees
  - Non-contact thermometers
  - Masks (other than N-95) for employees and/or visitors
  - Nitrile gloves
  - EPA approved cleaning supplies for facilities and vehicles
  - Hand-sanitizer (60% alcohol-based), sanitizing wipes and sprays for employees
  - Hand sanitizer / Antibacterial-soap stations for facilities (employees and visitors)
  - Establish testing capabilities for first responders and health care workers separate from public, to ensure workforce assessment and minimize delays.
- Access to timely information concerning positive test results at city-level and immediate notification of any increase in cases that could foretell potential micro-outbreak within a local jurisdiction
- Maintain clear line of communication between the governor, unified command, state departments and agencies and local government and timely dissemination of relevant information, facts, actions and planning.
- Increase frequency and capacity of highly-successful mobile testing site operations
- Funding to assist in the procurement and deployment of technology and equipment to facilitate tele-work for employees
- Funding to assist in the procurement and deployment of technology and equipment to facilitate online accessibility to local government services and to provide capacity for collection of applications and fees for safety and convenience of residents and businesses.
- Funding to aid in the procurement of technology to enable local government to satisfy the public hearing requirements associated with various local government functions and duties, such as preparation of budgets and planning and zoning processes.
- Identification of sources and funding assistance for the development of online training for local government to educate employees on the policies, processes and procedures being implemented to safeguard the workplace
- Funding to assist in the procurement and deployment of technologies, equipment and supplies required to conduct local and statewide elections and to protect poll workers and voting public against potential for infection
- Funding to assist local government utilities (water/wastewater, electric and gas) with revenue loss associated with the waiver of late payment fees during the suspension of service terminations for nonpayment and the anticipated increase in uncollectible accounts. Local governmental utilities are not permitted to charge interest on delinquent bills.
- Utilities may require financial assistance from the state or federal government in the form of direct payments, loans or vouchers to customers to help pay utility bills, direct payments or loans to utilities to replace lost revenues and cover customer bills.
- Utilities may need full or partial grants to reimburse expenses associated with expediting delayed projects, which will necessarily involve overtime and employing extra crews to meet deadlines.

State Relief: Statutory/Regulatory/Legislative

- Local autonomy in timing, phasing and strategies associated with the re-opening of local government buildings and facilities and the resumption of services, activities and programs; including, but not limited to, playgrounds, pavilions, libraries, recreation centers, senior centers, community centers, convention centers, performing arts centers, amphitheaters, athletic fields, gymnasiuks and programming for youth and seniors or that involve gatherings in excess of CDC guidelines.
- Clear guidance concerning expectations for local enforcement of elements of Governor Lee’s re-opening plan and the authority to fulfill those expectations.
- Clear guidance and authority with respect to local enforcement of elements of Governor Lee’s re-opening plan
- State’s allocation under the federal CARES ACT to be shared with local governments with populations less than $500k
- Greater flexibility with regards to allowable uses of Local Government Relief Grants to include offsetting of loss of revenues
- No alteration of statutory formulas that determine amount and allocation of state-shared revenues. No limiting of local tax authority. No legislative modifications to existing sources of local government revenues.
- No reductions in state-shared revenues or existing sources of local government revenues.
- Extension of Executive Order No. 16, authorizing local government to conduct meetings electronically (Expires May 16)
- Relaxing MOE requirements for education that require local government to budget at least as much as was appropriated from local revenue sources in the prior year’s budget
- Waiving or reduction in any state cost-matching requirements
- Temporarily suspending state /local administration fees assessed to locals for transfer of revenues and other state processes
- Extension of contractual deadlines for certain state grants (TDOT, TDEC, etc.)
- Pursuing legislative relief from the automatic application of appraisal ratios in property tax appeals
- Flexibility with regards to setting the FY ’21 property tax rate
- Waiver or flexibility concerning ratification of local workplace policies and procedures enacted in response to COVID-19 and in accordance with executive orders
- Guidance concerning the conduct of local and statewide elections
• Waiver or provision of accredited online training to meet various state-mandated professional and vocational certification requirements for local government employees.
• Flexibility with regards to FY ’21 budget process and public hearing requirements.
• Relaxation of requirements and deadline associated with adoption of ADA Transition Plans.
• Extend state permits/licenses/reporting dates applicable to local governmental utilities. These renewal processes are time-consuming and extension of existing deadlines will allow continued operation and provision of services in the interim.
• Extension of deadline for completion of cancer screening of firefighters under the Barry Brady Act.
• Consideration of how the suspension of court proceedings will impact local government functions related to land use planning and development.
MANUFACTURING REPORT

Governor Lee,

Manufacturing is a substantial driver of Tennessee’s economy, accounting for 15.32% of the total output in the state, directly employing approximately 351,000 employees or 11.45% of the total workforce. With approximately 4,500 manufacturing firms across the state, total output from manufacturing was $56.01 billion in 2018. Average annual compensation of employees is $70,971 in 2017. Manufacturers further help to drive Tennessee’s economy, with $31.02 billion in manufactured goods exports in 2018. Trade helps create jobs in the state, and 22.80% of its employment stemmed from exports in 2011. Small manufacturers make up approximately 80% of all manufacturers in Tennessee.

Consistent with Tennessee Executive Order #22, manufacturing is defined as essential or critical infrastructure as laid out by (U.S. Department of Homeland Security, Cybersecurity & Infrastructure Security Agency) guidelines. Manufacturers have been allowed to operate during recent stay at home guidelines. Manufacturers have been at the forefront of developing internal policies and plans related to the pandemic to ensure a healthy and safe work environment and are listed below. We recommend this definition and operation status be maintained throughout the pandemic. Manufacturers have demonstrated during the Covid-19 pandemic that Tennessee’s manufacturing community has risen to the challenge, with many companies creating “return to work” plans and pandemic response teams with the primary goal of making employee health and safety a priority. The manufacturing industry is one where employee protection, communication and cleaning and sanitizing are the key tools in combating COVID-19. Manufacturing companies generally have limited interaction with customers on a daily basis; however, most have a rather large employee base that operates on multiple shifts in a 24-hour period. Regardless of where a company exists in the product life cycle, the management of goods-in and goods-out will also require increased attention during these unique circumstances. The recommendations in this report suggest training, oversight, and additional supplies, such as sanitation and personal protective equipment.

As requested, we asked members of the sub-group to discuss the current state of their operations. Operations vary by manufacturing sectors with some noting increased operations of 30% while others reported operations decreasing by 30%. Members did note the automotive manufacturing sector that includes tiered suppliers has noticed significant disruptions with automotive plants closed in the state. Tennessee, compared to other states, has been noted as having one of the largest automotive manufacturing sectors. Overall, members of the sub-group are cautious about the economy and the impacts the pandemic is currently and will have on operations. Successful state mitigation strategies are crucially important and must include an accurate community and testing data component and a significant public outreach component.

The detailed recommendations for the Manufacturing Industry are summarized in the measures listed below but include more detail and guidance in the table following. Overall sub-group members noted that guidance should allow individual manufacturers flexibility to quickly and effectively implement a wide range of safety protocols. The overall categories include areas manufacturers are encouraged to develop comprehensive plans for their respective facility. These recommended measures include, but are not limited to:

- Monitoring the health of employees and sending home any employee who displays symptoms of COVID-19.
- Enforcing social distancing in all areas of the facility where possible. If not possible, physical barriers may be installed where needed.
- Increasing the frequency of all sanitizing and cleaning measures and establishing a strategy for sanitizing goods coming into the facility.
- Providing certain personal protective equipment (PPE) to employees and establishing an adequate supply of PPE.
- Establishing a library of best practices referenced in the chart below and COVID-19 prevention protocols available to manufacturers to develop plans specific to each site. Links to these resources will be available on the Tennessee Chamber website.

Sincerely,

- Chris Karsbowiak, Bridgestone Corporation, Chair
- Larry Combs, Brown Forman/JD, Co-Chair
- Nicole Barranco, V/W • Tracy Woodward, Nissan;
- Mary Beth Hudson, Wacker • Leisa Cagle, McKee Foods
- Don Michelotti, Carlax • Todd Essig, Rae Products,
- Joe Durante, Hyosung HICO • Jarah Hauger, John Deere,
- Leigh Shockey, Drexel Chemical • Debbie Kent, Malibu Boats,
- Jeff Weida, Arconic • Bob Marshall, Southern Champion Tray
- Jon Carley, Snap-On-Tools, Ed Carter, C&S Plastics,
- LaDon Byars, Colonial Diversified • Kyle Pennington, Bristol Metals
- Neil Poland, Multicon Flooring • David Rollins, Nashville Wire
- Glen Morris, M&M • Starr Wilson, Chatt Armature Works
- Carolyn Hardy, Henderson Transloading • Vanessa Presson, Tyson
- Charley Poe, Eastman • Bob Young, Custom Tool Inc.
- Mark Faulkner, Vireo Systems
### TABLE OF RECOMMENDED ACTIONS

<table>
<thead>
<tr>
<th>Topic</th>
<th>Task</th>
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| **Pandemic Response Team (PRT)**           | ● Set up the Pandemic Response Team (PRT)  
● Develop site-specific plans and protocols for topics included in this document                                                                                                                   |
| **Preventative Material Inventory**        | ● Confirm operation and stock of adequate PMI supply as needed for items such as soap, hand sanitizer  
● Have “non-touch” thermometers on-site for employee screening when needed                                                                                                                             |
| **Personal Protective Equipment**          | ● Establish PPE protocol for site  
● Confirm (necessary) stock of PPE such as face coverings, face shields, and glasses on-site and on order with lead time                                                                                                                   |
| **Disinfection Measures**                  | ● Establish and implement enhanced disinfectant procedures                                                                                                                                                                                                 |
| **Deep-Cleaning and Disinfection Protocol**| ● Develop appropriate deep-cleaning and disinfection protocol and criteria for triggering protocols                                                                                                                                                   |
| **Inbound Parts/Materials/Packages**       | ● Manage incoming supplies in accordance with best practice standards                                                                                                                                                                                           |
| **Audit/Checklist Practices**              | ● Implement audit checklist procedures and execute as warranted                                                                                                                                                                                              |
| **Social Distancing Protocol**             | ● Develop and implement social distancing protocol for site  
● Complete and continue to adhere to the Social Distancing  
● Where not possible develop alternatives (i.e. physical barriers, PPE, alternative schedules)                                                                                                     |
| **Health Screening / Isolation Protocols** | ● Determine appropriate screening procedures; may include pre-shift temperature check or employee questionnaires                                                                                                                                            |
| **Quarantining/ leave and return to work protocols or policies** | ● Establish and communicate return to work protocols to mitigate exposure to employees                                                                                                                      |
| **Visitors & Contractors Screening**       | ● Develop protocol for screening facility visitors, vendors, delivery personnel and contractors  
● Limit non-employee visitors or general access to business critical visits only                                                                                                                                 |
| **Communication Plans and Signage**        | ● Facility Signage, Labor Regulations, Federal Programs, etc.  
● Review of protocols with all employees                                                                                                                                                                                                                  |
Other State Policy Considerations:

- Litigation protection for manufacturers and businesses establishing a gross negligence standard that a plaintiff would have to prove during the COVID-19 pandemic.
- Ensure Workers’ Compensation does not include any presumption that an employer is responsible for claims alleging an employer is responsible for the employees infection of COVID-19.
- Develop PPE state purchasing systems where manufacturers can readily purchase needed PPE such as cloth face masks, touchless thermometers and hand sanitizer. These items were noted by sub-group members.
- Unemployment benefit safeguards, providing an employer hotline that can inform the Department of Labor when a job has been offered but declined.
- Comprehensive state communication effort to inform Tennessee citizens about safe health practices to avoid any outbreaks

Other Considerations: Employee Pay and Benefit Questions Regarding Covid-19 Impact:

Sub-group members also noted concerns with addressing and keeping employees informed regarding general facility health matters while remaining compliant with FFCRA requirements. In addition, preventing potential employee abuse in new paid leave provisions is a challenge to balance disciplinary action for infractions and violation of company policies.

Non-Essential Business Guidance:

Sub-group members also suggested that non-essential businesses should reference CDC guidance to assist employers in making decisions regarding reopening:

1. Consider Preliminary Questions Before Reopening
   - Are you in a community no longer requiring significant mitigation?
   - Will you be able to limit non-essential employees to those from the local geographic area?
   - Do you have protective measures for employees at higher risk (e.g. teleworking, tasks that minimize contact)?
   You should only consider reopening if you can answer “yes” to each of the three questions.

2. Take Recommended Safety Actions
   Promoting healthy hygiene practices;
   - Intensifying cleaning, disinfection (e.g., small static groups, no large events);
   - Canceling non-essential travel, and encouraging alternative commuting and telework;
   - Spacing out seating (more than six feet) and staggering gathering times;
   - Restricting use of any shared items and spaces; and
   - Training all staff in the above safety actions

3. Implement Safeguards For The Ongoing Monitoring Of Employees:
   - Encouraging employees who are sick to stay home;
   - Establishing routine, daily employee health checks;
   - Monitoring absenteeism and having flexible time off policies;
   - Having an action plan if a staff member gets COVID-19;
   - Availability of COVID 19 Rapid Test for coworkers of an infected employee.
   - Creating and testing emergency communication channels for employees; and
   - Establishing communication with state and local health authorities.

Trucking and Transportation Challenges during periods of controlled facility access:

Manufacturers/ Distribution also noted that during this pandemic a number of facilities have taken steps to prohibit visitors & limit access. Manufacturers are extremely reliant on trucking for raw material/ inventory and moving finished goods. Inherent to the job; research notes that truck drivers have higher exposure to the public and often visit multiple facilities and daily interactions.

Sub-Group Members suggest the following guidance to minimize interface and potential COVID-19 germ transmission:

1. Utilize gate guards, (many don’t have that benefit).
2. Exterior cameras to monitor in/ outbound trucks.
3. Buildings on lockdown, adequate signage prompting drivers a number to call to instruct what door/ dock to spot
4. Suggest greater communication with driver dispatch to facilitate above and encourage scheduled appointment times.
5. Highly visible & controlled areas that instruct drivers where load tickets/ BOL/ truck bills can be exchanged.
6. Plan in place minimize and/ or alleviate paperwork exchange
7. Recognize that LTL shipments require more driver interaction than T/L and plan accordingly.
On behalf of the members of the Economic Recovery Group’s Retail Subcommittee, we thank you and your team for your leadership during this time of crisis.

As you consider easing restrictions and reopening the state’s economy, we believe the protocols developed and implemented by retailers could be used by many different types and sizes of businesses to protect customers and employees. These protocols are constantly evolving and subject to state and local orders. The attached memorandum is not an exhaustive list of these protocols, rather, it is a compilation of those retail practices found to help slow the spread of COVID-19.

The retailers listed below represent approximately 480,000 Tennessee jobs. The ERG’s Retail Subcommittee includes traditional retail, grocery, convenience stores, auto parts suppliers, furniture and home goods, hardware, fuel, and pharmacy.

It is important to note that not all retailers are created alike. Some are large chains in cities while others are small businesses in rural areas. Retailers need flexibility to adopt the practices that best suit their particular store layouts and customer-employee interactions.

Please contact us for more information or to answer any questions. Thank you.

Sincerely,

Chair, Roland Myers
President & CEO, Tennessee Retail Association

David Berggren
Furniture Connection

Matthew Bourlakas
Tennessee Association of Goodwills

Angie Butler
Walgreens

Bo Carey
Greer’s Home Furnishings

Jimmy Granbery
H.G. Hill Realty Company

Gene Hoover
Walgreens

Rob Ikard
Tennessee Grocers & Convenience Store Association

Phil LaFoy
Blount Discount Pharmacy

Emily LeRoy
Tennessee Fuel & Convenience Store Association

David McKinney
AutoZone

Kelly Newell
The Home Depot

Tice White
Walmart

I. STATE OF THE INDUSTRY

- Since the COVID-19 crisis erupted, Tennessee’s retailers have worked diligently to provide products to customers and protect their employees while in a safe environment.
- As a direct result of the crisis, retail sales plunged by 8.7% last month. This is the worst single month decline in 28 years of government-tracked data. April’s figures are expected to be worse.
- Sales for auto dealers, furniture stores, clothing retailers, sporting goods stores, and department stores all declined by a range of 20-50%. Some Tennessee retailers report up to an 80% decline in sales.
- Over 1 million retail employees across the nation have been furloughed.
- The longer the sales decrease lasts, the worse the prospects are for retailers selling discretionary items and its related impact on sales tax revenue.

Retail here means any brick and mortar business open to the public offering goods and services. Many retailers are considered “essential” by all government standards to date. They are the last stop in the supply chain providing food, medicine, and cleaning and safety equipment among thousands of other products to the nation.

II. SAFEGUARDING STANDARDS

To manage the crisis, retailers have quickly developed and
and established many protocols to keep customers and employees safe and the business operating while complying with a mixture of local, state, and federal guidelines and mandates. These safeguards are working. These safeguards include:

- “Best Practices” are not always one size fits all.
- Each retail setting is unique to that community, its customers, and the products for sale. Retailers need flexibility to maintain safe standards on a per store basis.
- Adherence to CDC guidelines as a minimum standard; (3)
- Consulting national industry groups for recommended safety measures;
- Implementation of industry-type and store-specific protection measures; and,
- Specific customer and employee protection measures.

In addition to requiring strict adherence to CDC guidelines, retailers are encouraged, wherever possible, to:

### Customer Protection
- Dedicate shopping hours or appointment times for the elderly, medically vulnerable, and health care workers;
- Add social distancing “reminder” signs, personal stickers, floor decals, and audio announcements;
- Establish one-way aisles and traffic patterns for social distancing;
- Increase curbside, pickup, and delivery service options to minimize contact and maintain social distancing; and,
- Dedicate staff to prompt customers regarding the importance of social distancing.

### Employee Protection
- Ask employees to monitor their health and take their temperature prior to coming to work. If they experience COVID-19 symptoms, they are required to report it to their employer, stay home, and are encouraged to contact their health care provider.
- Employees testing positive for COVID-19 may not return to work until cleared by a qualified health care provider through written verification;
- Provide face coverings (not necessarily “masks”) and other personal protection items as recommended by the CDC;
- Provide training on personal protection items based on CDC guidelines;
- Provide a sanitizing station such as a wash basin with soap and/or bottle of hand sanitizer;
- Recommend the wearing of face coverings when it is not possible to maintain social distancing inside and outside the store; (4)
- Stagger shifts, breaks, and meals, in compliance with wage and hour laws and regulations, to maintain social distancing; and,
- Provide regular updates and training for employees about personal COVID-19 mitigation and store safeguards.

#### Store Maintenance and Layout
- Establish enhanced cleaning protocols that follow CDC guidelines including sanitizing check-out lanes, keypads, carts; break, dressing and rest rooms; and, all high traffic/high touch areas;
- Using a single, clearly designated entrance and another single, clearly designated exit to maintain social distancing;
- Use frequently cleaned plastic shields or barriers at checkout between the customer and clerk;
- Adjust store hours to allow time for enhanced cleaning;
- Prohibit the use of reusable bags (reusable bags may carry COVID-19); (5)
- Suspend “self-service” food stations and dining areas;
- Suspend the sampling of food and personal hygiene products; and,
- Task management-level employees within a store to monitor compliance.

#### III. BUSINESS CONSIDERATIONS

- Many retailers are open but with limited access and services. These retailers now have weeks of experience in what works to protect customers, employees, and communities, and what doesn’t work.
- Closed retailers, in fact all businesses open to the public, should use this experience as they reopen.
- Short-term, reopening retailers must invest in the “Safeguarding Standards.” This investment is in time and money but will protect customers and employees.

#### THE PATH TO REOPEN

Before the COVID-19 outbreak, Tennessee’s 79,000 retailers employed 890,000 Tennesseans. We know those numbers are now drastically different. The loss of “main street” businesses would be irreparable, not just for the people whose livelihoods depend on them or for the billions in state and local tax revenue they collect, but for the fabric of the communities in which they play such a vital role.

In addition to the “Safeguarding Standards,” retailers are urged to:
- Develop product delivery options such as home or business delivery and curbside pickup;
- Create a robust online presence as online sales (which have increased in recent weeks) are expected to continue to grow over the long-term;
- Remember that employees are a priority. Review wage, bonus, and leave benefits;
- Ensure the industry supply chain is in place to meet consumer demand before reopening;
- Setup or expand customer and employee communication and
feedback platforms; and,
- Review the Coronavirus Aid, Relief, and Economic Security (CARES) Act for loans, tax credit, and other COVID-19 related laws and relief opportunities.

**ISSUES TO CONSIDER AND CHALLENGES**

- Retailers need liability protection from frivolous lawsuits, meritless workers’ compensation claims, and unduly burdensome legal presumptions;
- States and communities that have restricted the number of people who can be in a store at a given time have created a number of problems: customer congregation outside the store (violating social distancing), a strain on employees to keep a precise customer head count, and a waste of law enforcement resources;
- Businesses need a uniform standard of laws and regulations. Local governments, by mandating curfews or ordinances stricter than the state standards, create confusion and non-compliance. The State’s messaging should make it clear that businesses will be held harmless if following State orders; and,
- Government can continue to support efforts to streamline the hiring process for unemployed or displaced workers, such as the Tennessee Talent Exchange.

**Sources**


“Getting Back to Work,” McKinsey & Company, April 17, 2020

Johns Hopkins, Public Health Principles for a Phased Reopening, 2020

Tennessee Economic Recovery Group Presentation, April 17, 2020

Winning the (local) COVID-19 War, McKinsey & Company, April 2020
SMALL BUSINESS INDIRECT & DIRECT REPORT

Governor Lee,

On behalf of the members of the Economic Recovery Group’s Small Business Direct/Close Contact and Indirect Contact Subcommittees, we thank you and your team for your leadership during this time of crisis. The industries listed in our report represent hundreds of thousands of Tennessee employers and employees.

As you move forward to ease existing restrictions, educate more Tennessee employers, employees and their customers, and reopen the state’s economy, we believe the recommended protocols already developed and implemented by many industry participants, as well as new recommendations shared by members of our subcommittee during virtual meetings, can be an excellent compass and resource for Tennessee’s business segments mentioned throughout our report.

The memorandum below is not an exhaustive list of recommendations; rather, it is a compilation of industry practices that should help to slow the spread of COVID-19, while allowing businesses to ramp up operations, rehire their workers, and serve their customers confidently and safely. These recommendations should be considered as strong starting points for industry participants, with the knowledge that some recommended industry practices can and likely will be modified in the months ahead.

We appreciate the opportunity to make the recommendations and for businesses to have flexibility to adopt the practices that best suit and support their particular industries, store and office layouts, and customer-employee interactions. Please contact us for more information or to answer any questions.

Sincerely,

Co-Chairs:
Jim Brown, National Federation of Independent Business
Bradley Jackson, Tennessee Chamber of Commerce & Industry

Small Business Direct/Close Contact Subcommittee Members:
Brigitte and Don Edwards, OrangeTheory Fitness
Josh Boyd, Computer Pros/Technology Labs
Johnny Davis, CrossFit Knoxville
Will Motley, Woodland Wine Merchant
Sally Edwards Darnell, Edwards Oil/QuickMart Convenience Stores
Paul Turner, Ajax Distributing
Senator Bill Powers, Wyatt-Johnson Automotive Group
Representative Clark Boyd, Agent/State Representative, State Farm
Debbie Melton, Don Ledford Automotive
Suzanne Post, Shine Salon
Kent Ritchey, Landers Automotive Group
Chris Lee, Bill Gatton Automotive
Tommy Allmon, White & Associates Insurance Agency
Derek Wright, Graham and Cook Insurance

Small Business Indirect Contact Subcommittee Members:
Ryan Meade/Noland Noffsinger, Ferguson
Jeff Pannell, Farm Bureau Insurance TN
Missy Acosta, Delta Dental of Tennessee
Gary Rotter, Comfort Keepers
Dr. Dan Meadows, Dentist and TN Board of Dentistry
Chad Spencer, Dufresne Spencer Group
Bob Weaver, Tennessee Automotive Association
Charles Schneider, Home Builders of Tennessee

Small Business Indirect Contact Subcommittee Members:
Chris Bird, Dillard Door & Security
Daryl Pater, Mainstream Heating and Cooling
Garry Floeter, CHC Mechanical
Jerry Barrix, Wade Electric
Nisha Powers, Powers Hill Design LLC
Representative Chris Todd, Envirogreen
Representative Jeremy Faison, Rocky Top Pest Control
Senator Mike Bell, Window Cleaning and Pressure Washing
Clay Cochran, Northwest Exterminating
Josh Boyd, Computer Pros/Technology Labs
Chris Caldwell, ServiceMaster Clean & Restore of Paris-Jackson
Christie Wilson, The Wilson Group Real Estate Services
Chris Snow/Luis Orbegoso, American Residential Services LLC
Charles Schneider, Home Builders of Tennessee

STATE OF SMALL BUSINESS/INDUSTRIES

• Since the COVID-19 crisis erupted, Tennessee’s small businesses have been impacted severely in many instances and significantly in most. A small percentage has benefited.
• “Essential” small businesses have had to modify their business plans greatly by limiting customer contact, altering sales operations significantly, while non-essential businesses were forced to close.
• Layoffs in various industries have been severe, with more than 320,000 Tennesseans filing unemployment claims the last month - an all-time record.
• Recent NFIB surveys have found about half of small businesses cannot survive more than two months under current business conditions, and another third won’t survive past six months. About three-quarters of small business owners (almost all employer businesses) have submitted an application for a PPP loan as of April 17, with only 20% receiving funds to date. In short, many small businesses are in jeopardy of closing.
• Many are eager to reopen or return to regular or modified operations, with a focus on protecting their employees and customers during the pandemic.
SAFE GUARDING STANDARDS

The Small Business Direct/Close Contact and Indirect Contact Subcommittee met several times through virtual calls to discuss general and industry-specific recommendations for employers whose employees are in direct, close, or near-close proximity to their customers and to protect all concerned. The goal is to create a holistic strategy for safeguarding Tennesseans along four elements that include: 1) recommendations for general protocols in businesses that have close or direct contact with customers; 2) recommendations specific to several of these business sectors, 3) identifying necessary resources; and 4) taking a measured approach to adoption.

To manage the crisis, small businesses have quickly developed and established protocols to keep customers and employees safe and the business operating while complying with a mixture of local, state and federal guidelines and mandates. These safeguards are working and include:

• Following the CDC’s and OSHA’s COVID-19 workplace guidance
• Educating employees about how they can reduce the spread of COVID-19 (e.g., avoid physical contact and face-touching, encourage use of personal hygiene such as regular hand washing and sanitizing)
• Actively encouraging employees who are sick or have sick family members to stay home
• Providing workers with personal protective equipment (e.g., face coverings, masks, etc.) and make hand hygiene supplies widely available (e.g., hand sanitizer, washing stations). Most of our subcommittee members advise against using gloves (not preventive, virus stays on the glove and isn’t absorbed by skin)
• Establishing policies/practices for social distancing (e.g., staggered shifts, use of scheduling to influence customer flow)
• Defaulting to videoconferencing & telework whenever possible
• Identifying a workplace coordinator responsible for COVID-19 workplace impacts
• Assessing where workers and customers might be exposed to COVID-19 on-site
• Performing routine, enhanced cleaning and disinfection, especially of high-touch surfaces
• Increasing ventilation by opening windows or adjusting air conditioning systems to increase outside air intake where possible
• Promoting tap and pay to limit handling of cash; using online transactions whenever possible

Measures of success have included and will include positive consumer sentiment, contagion containment, workers’ confidence that they are safe and protected, and an increase in consumer demand and job growth.

BUSINESS CONSIDERATIONS

In addition to the “Safeguarding Standards,” small businesses are urged to:

• Ensure employees’ and customers’ safety is a priority.
• Put up signs asking people who are sick not to enter their buildings.
• Develop product delivery options such as home or business delivery and curbside pickup.
• Ensure the industry supply chain can meet consumer demand before reopening.
• Provide/set up hand sanitizer stations and/or disinfectant wipes at high volume entry/egress points. Regularly ask employees and customers to use hand sanitizers and wash hands. Avoid use of gloves.
• Set up-expand customer and employee communication and feedback platforms.
• Use email marketing to communicate store policies and expectations, emphasizing hand sanitizing before entering and when leaving facilities and stores. Post signage and sandwich message boards with similar messaging.
• Review the Coronavirus Aid, Relief, and Economic Security (CARES) Act for loans, tax credit and other COVID-19 related laws and relief opportunities.
• Develop a “Return to Work” checklist that industry participants can use to hold collaborative teleconference pre-meetings with employees to outline plans, receive their feedback, set up training schedules.
• Keep doors wedged open, avoid use of elevators, take stairs whenever possible.
• Discourage workers from using other employee’s phones, desks, offices or other work tools and equipment, when possible. When not possible, hand sanitizer should be used both prior to use of communal items and immediately after.
• Reconfigure/close break rooms, gathering areas; conference facilities have 6’ physical distancing.
• Certain industries consider/implement taking infrared temperatures.
• Companies that repair products (computers, bicycles, automobiles) should disinfect repair objects before and after repair. Set up drop off tables outside if possible.
• Consider having employees traveling to customer sites drive in separate vehicles, as gas is inexpensive.
• Clean the credit card touch screen, keypad and counters after every customer touch; avoid cash. Touchless pay options (apps).
• Avoid reusable bags in stores. Avoid taking returns for the next 30 days but consider honoring the return after the 30-day period has ended.
• Rotate check-out lanes to clean those that have been in use.
• Enhance cleaning after hours.
ISSUES TO CONSIDER AND CHALLENGES

PPE Shortage: There is not enough PPE or hand sanitizer in the supply chain, and different industries will need different masks. Should/will the state exercise its buying power and procure large quantities of PPE? If so, will an online “Order Portal” be established that would allow employers throughout Tennessee to enter credentials and place orders for PPE that would be shipped directly to their addresses? It is our understanding that businesses that want to sell or donate PPE can contact the state via two emails: covid.ppevendors@tn.gov to make product(s) available for purchase and covid.ppedonations@tn.gov to donate, which we recommend be publicized widely.

Liability concerns: Do Tennessee small businesses have COVID-related liability protection from frivolous lawsuits and unduly burdensome legal presumptions? What federal and state actions can/should be pursued?

Unemployment: Will some/many workers decline to return to work in certain circumstances, because of the federal pandemic unemployment benefit that is available thru July 31? What federal and state actions can be taken to assist return to work?

Workers’ compensation: Maintain current workers’ comp standards and avoid COVID-related presumptions. Merit-based claims will make it through the system, and a new presumption is unnecessary.

Additional PPPL funding: This is critical to keep many small businesses open. Several rounds of federal funding will be needed to keep small business afloat.

Education: The governor’s executive order lifting the stay-at-home order May 1 exempts six counties – Davidson, Hamilton, Knox, Madison, Shelby and Sullivan. Many non-essential businesses in these jurisdictions will have different timetables to get up and running, which will require ongoing education and communication through various channels. Many of our subcommittee members emphasized the need to continue messaging that strongly encourages Tennesseans “not to let our guard down” in the weeks and months ahead and to use hand sanitizers frequently and to wear masks. Will the state consider charging the Governor’s Safety Office to develop statewide messaging to educate consumers going forward? Will the state consider drafting and sending posters to businesses to put at entrances to buildings, facilities and stores? Also, see the above email addresses for PPE sales and donations; both should be publicized. Lastly, we recommend each state board communicate the administration’s recommendations for re-openings and phase-ins directly to licensees/industry participants as soon as possible and to post prominently on state board websites.

COVID-19 REPORT – RECOMMENDATIONS FROM ECONOMIC RECOVERY GROUP SUBCOMMITTEES

Small Business Direct/Close Contact Services
Small Business Indirect Contact Services

OVERVIEW & GENERAL INDUSTRY COVID-19 MEASURES

The goal of this report is to outline important recommended industry-specific practices that will protect Tennessee workers and their customers. It is important during the pandemic to implement health and safety measures due to the frequent, and often necessary, interaction between employees and customers. Ensuring these businesses have access to, obtain, and utilize personal protective equipment (PPE) is critical to ensure safe, responsible reopening and continuance of operations at these businesses.

The Small Business Direct/Close Contact Services Industry includes businesses whose employers are in direct or very close proximity to their customers. The Small Business Indirect Contact Services Industry includes businesses who aren’t in very close proximity to their customers or can take precautions not to be near their customers. Some Direct/Close Contact industries include the non-essential businesses listed in Governor Bill Lee’s Executive Order 21. They include but are not limited to the gym and fitness, dental, and barber and salon industries. Many of the businesses in our Small Business Indirect Contact categories include essential businesses listed in Governor Lee’s Executive Order 22. They include small retail like gift, discount and furniture stores, engineering, outside services like landscaping and irrigation, insurance agents, and outdoor/indoor hybrids like pest control, window washing and HVAC.

Specific industry recommendations, along with information and considerations, are below, categorized by non-essential and essential businesses.

NON-ESSENTIAL BUSINESSES

EXERCISE FACILITIES – GYMS, FITNESS STUDIOS, YOGA, BARRE

INDUSTRY OVERVIEW FROM SUBCOMMITTEE MEETING

Gyms, fitness centers and other exercise facilities do not fall neatly into one category. They range from small boutique gyms and studios to larger more equipment-based facilities. Depending on the style of training and the level of exertion being performed at each facility, the participants inhalation and exhalation patterns can vary. Industry participants say use of facemasks will be challenging for clients when breathing/exhalation elevates, but customers should consider using them in an initial reopen phase. Employees, instructors and coaches near customers should use facemasks and consider wearing protective eyewear.
Spacing and ventilation will be very important. For the initial re-open phase, our group recommends limiting patrons to five per 1,000 square feet of space and avoiding groups of more than 10 in class type situations in order to adhere to CDC social distancing guidelines. Increased distancing for activities that induce a higher level of intensity and exhalation should be considered, and arrangement of equipment will be important to protect patrons and staff. Limiting workout duration and capping the number of participants in classes will allow for better policing of high-risk contact areas. Creating directional flow of customers of workout areas and facilities is encouraged to maintain distancing. We encourage use of infrared thermometers and temperature logging for all employees before shifts to track and protect customers.

**AVERAGE LEVEL OF CUSTOMER INTERACTION**

Customers and employees in exercise facilities can come in close physical contact with each other. Customers will benefit from safe-practice reminders upon entry/exit and when starting/ending classes.

**PROTECTIVE MEASURES FOR EMPLOYEES AND CUSTOMERS**

- Restrict facility access to staffed hours only and limit club occupancy to five members per 1,000 square feet. Follow this model for four weeks before considering return to full operation and service capacity.
- Keep all doors and windows open where possible.
- Employees and customers should be encouraged to wear PPE where applicable.
- Adjust equipment layout and close or restrict access to equipment as necessary to meet recommended social distancing requirements.
- Post signs encouraging social distancing (visible to customers).
- Conduct regular and thorough cleaning of all equipment, surfaces and areas of the facility using disinfectant cleaning supplies.
- Require that members wash or sanitize their hands upon entering and leaving the facility using supplied hand sanitizer.
- Require patrons to clean equipment with disinfecting wipes before and after use.
- Limit workouts/reduce workout times to avoid unnecessary exposure, allow for more cleaning/disinfecting.
- Temporarily close water fountains, common areas, break rooms, check in counters, where patrons/employees would be tempted to congregate.
- Encourage following of CDC guidelines for monitoring of employee and customer health. No sick patrons and employees should be allowed to enter the facility.
- Require employees to take and log temperature before shifts.
- Require employees to eat lunch off premises and work from home for all nonessential operations tasks.
- Consider reduced staffing requirements where possible.
- Close showers, locker rooms and lockers until further notice. Ask customers to use small gym bags to hold keys, wallet, etc. Designate employee in charge to manage/watch customer valuables and make a secure space available, if at all possible.

**SUMMARY**

Exercise facilities can safely reopen by following CDC recommended guidelines for sanitization, social distancing and good ventilation. Machines and/or equipment can be placed at a safe distance of 6 feet to discourage close contact between customers. Where necessary, additional barriers may be installed to avoid contact between customers. Customers should be encouraged to wear PPE, and employees, instructors and coaches should wear PPE.

**PHASE 1:** Suggested conditions for reopenings include: reduced class sizes; reduced number of people in spaces based on square footage; reduced length of time of classes to allow for sanitizing/disinfecting; delayed openings to ensure PPE supplies and supply chain adequate. After state says gyms and fitness centers can open, local guidelines may apply.

**INDUSTRY OVERVIEW FROM SUBCOMMITTEE MEETING**

At the outset of COVID-19, dentists’ offices were asked to stop non-emergency services and surrender all their PPE supplies for frontline healthcare workers which completely depleted their supply. They will need support in purchasing those supplies in order to reopen. Even if they order now, it could be 30-60 days before those supplies reach the dental offices. They need Type-3 masks, N95 masks, KN95 masks, or equivalent; nitrile gloves; face shields; and disposable gowns. Having these PPE is the limiting factor on treating patients.

For everyone’s safety, dentists and their staff will need to be treating all patients like they have COVID-19. Dentists are well trained in dealing with blood pathogens but guidance on aerosol pathogens of COVID is imperative.

**AVERAGE LEVEL OF CUSTOMER INTERACTION**

Dental work requires direct and close physical contact with the customer, with routine aerosol production.

**DENTISTS**

Note: Dental Offices are considered as “Essential Services.” However, most have all but closed because of the ban on elective services by the Governor’s Executive Order 22.

**INDUSTRY OVERVIEW FROM SUBCOMMITTEE MEETING**

At the outset of COVID-19, dentists’ offices were asked to stop non-emergency services and surrender all their PPE supplies for front-line healthcare workers which completely depleted their supply. They will need support in purchasing those supplies in order to reopen. Even if they order now, it could be 30-60 days before those supplies reach the dental offices. They need Type-3 masks, N95 masks, KN95 masks, or equivalent; nitrile gloves; face shields; and disposable gowns. Having these PPE is the limiting factor on treating patients.

For everyone’s safety, dentists and their staff will need to be treating all patients like they have COVID-19. Dentists are well trained in dealing with blood pathogens but guidance on aerosol pathogens of COVID is imperative.

**AVERAGE LEVEL OF CUSTOMER INTERACTION**

Dental work requires direct and close physical contact with the customer, with routine aerosol production.

**PROTECTIVE MEASURES FOR EMPLOYEES AND CUSTOMERS**

- Services provided by appointment; avoid walk-in patients and ask them to schedule.
- Staff member meet patient at the office entrance, wearing a face-
mask and gloves for temperature screenings and to answer questions about the patient’s health.

- Plastic barrier between office staff and patients.
- Take patient temperature and look for other symptoms of COVID-19; patient should not be admitted to the office and the appointment will be rescheduled if they are sick.
- Limit waiting room use, and practice social distancing when in use. Remove all magazines, coffee and water stations. Patients should be taken directly to the treatment room. (Parents with children or adults accompanying elderly patients may wait in the examining room with the patient)
- Patients will be separated from other patients in the office by at least 6 feet.
- Provide hand sanitizing stations. Provide masks for those waiting in the office.
- Dental employees will wear N95 masks when appropriate, KN95 masks when appropriate, Type-3 masks when appropriate (depending on the degree of exposure to aerosol), gloves, full face shields and cloth or disposable gowns.
- Contaminated gloves and gowns will be disposed of after each patient. Cloth gowns are acceptable if they are cleaned after contamination.
- All instruments will be either disposed of or sterilized in an autoclave and will be individually wrapped for each patient.
- Dental chairs, facial shields, and other surfaces will be cleaned and sanitized after each patient.
- Dentists meet with all staff and present the COVID-19 guidelines and instructions.
- Staff will be required to adhere to guidelines established by the American Dental Association and the CDC.
- Use of rubber dam when possible.
- Have patient rinse with hydrogen peroxide solution or other disinfectant mouth rinse.
- The protocol for cleaning and sanitizing is established by the CDC and ADA. Dental offices will be required to use N-95, KN-95, or Type-3 masks, full face shields, and disposable paper gowns or cloth gowns that can be laundered when contaminated.
- The staff member handling check-ins and check-outs should use hand sanitizer frequently.
- Credit card receipts should be emailed or mailed to the patient; no exchange of paper between staff and patient should occur. In cases where this does occur, hand sanitizer should be used before and after transaction.
- Dental offices should formulate correspondence digitally 48 hours prior to appointment for initial health screening. Office will advise patients of COVID-19 protocols prior to their appointment and confirm understanding with patient.
- Dental offices may establish self-service kiosks to handle administrative activities with patients. If kiosks are used, sanitize after each use by each patient.

- No employee will be allowed to work if they have a fever or any other symptoms of COVID-19. Employee’s temperatures should be taken every day.
- Any bathroom in the office should be sanitized by staff after each use.

**SUMMARY**

Dental practices to follow strict guidelines issued by the American Dental Association and the CDC to protect the health of their patients and employees. Extensive sanitizing protocols after each use of treatment surfaces to be implemented. N95 masks, KN95 masks, or Type-3 masks, and gloves will be worn daily by members of the staff treating patients.

**PHASE 1:** Challenges; Necessary PPE supplies do not appear to be adequate currently; the supply chain may take time to catch up for many dentists. After state says dentists can open fully, local guidelines may apply.

**BARBERS**

**AVERAGE LEVEL OF CUSTOMER INTERACTION**
Barbers’ work requires close physical contact with the customer.

**PROTECTIVE MEASURES FOR EMPLOYEES AND CUSTOMERS**

- Services provided by appointment; no walk-in customers until further notice.
- Customers sanitize their hands upon entering the building and also before each treatment. Provide/set up hand sanitizer stations and/or disinfectant wipes.
- Signs posted stating that any customer who has symptoms of COVID-19 must reschedule their appointment.
- Barbers should use face coverings. One facemask can be used per day. Avoid using gloves, which can be more dangerous.
- Limitations will be placed on the number of customers in the barber shop to one per barber.
- Barber shops with three or fewer barbers resume operations with social distancing and barber stations separated at least six feet from other stations.
- Barber shops with four or more barbers stagger the work schedules; no more than 50% of the normal number of barbers in the barber shop at a time.
- Stylists sanitize all equipment, capes, and chairs after providing services to each client, as well as their hands.
- No barber displaying symptoms of COVID-19 will provide services to customers.
- Owner communicate the above measures verbally and in writing to technicians.
PHASE 1: After state says barbers can open, know that local guidelines may apply.

HAIR SALONS

INDUSTRY OVERVIEW FROM SUBCOMMITTEE MEETING
Salon owners are receiving important communications from the state and also Barbicide, which is offering COVID specific training. Their products should be properly mixed and sprayed on a surface and then left wet for 10 minutes to kill bacteria, viruses, germs. Hairstylists are well trained and educated in being in client’s “personal space.” Clients who want to purchase products should ask the stylist to retrieve and bag the product.

AVERAGE LEVEL OF CUSTOMER INTERACTION
Work requires direct physical contact with customer.

PROTECTIVE MEASURES FOR EMPLOYEES AND CUSTOMERS
- Services provided by appointment; no walk-in customers until further notice.
- Post a sign outside the front door/window that states that any customer who has symptoms of COVID-19 must reschedule their appointment.
- Salons limit the number of clients in the store to one per stylist.
- Customers sanitize their hands upon entering the building and also before each treatment. Provide/set up hand sanitizer stations and/or disinfectant wipes.
- No persons wait in the store while a stylist is with another customer.
- Salons with three or fewer employees resume operations with social distancing and stylist stations separated at least six feet from other stations.
- Salons with four or more stylists stagger the work schedules; no more than 50% of the normal number of stylists in the salon at a time.
- All stylists wear face coverings. One facemask can be used per day. Avoid using gloves, unless required for certain treatments.
- Owner meet with all stylists to communicate above measures verbally and in writing.
- Stylists sanitize all equipment, capes, and chairs after providing services to each client, as well as sanitize hands.
- No stylist with COVID-19 symptoms will provide services to clients.
- The number of clients in a salon at a time should be limited to three or 50% of normal capacity.
- The salon should remove all books, magazines, or any reading material for clients.
- Communicate new protocols with customers by phone, email or website prior to appointment.
- Customers swipe card payments and the terminals cleaned by shop employees after each use.
- Payment for services encouraged to be non-cash only.

PHASE 1: After state says salons can open, know that local guidelines may apply.

NAIL SALONS

AVERAGE LEVEL OF CUSTOMER INTERACTION
Provide services for manicures and pedicures; gel polish manicures; dip manicures and acrylic nail treatment. Work requires direct physical contact with the customer.

PROTECTIVE MEASURES FOR EMPLOYEES AND CUSTOMERS
- Services provided by appointment; no walk-in customers until further notice.
- Customers sanitize their hands upon entering the building and also before each treatment. Provide/set up hand sanitizer stations and/or disinfectant wipes.
- Signs posted stating that any customer who has symptoms of COVID-19 must reschedule their appointment.
- All stylists wear face coverings. One facemask can be used per day. Avoid using gloves, unless required for certain treatments.
- Salons limit the number of customers in the salon to one per technician.
- Salons with three or fewer technicians resume operations with social distancing and technician stations separated at least six feet apart from other stations.
- Salons with four or more technicians stagger the work schedules so that no more than 50% of the normal number of technicians will be in the salon at a time.
- Owner meet with all stylists to communicate above measures verbally and in writing.
o Stylists sanitize all equipment, capes, and chairs after providing services to each client.
o No stylist with COVID-19 symptoms will provide services to clients.
o The number of clients in a salon at a time should be limited to three or 50% of normal capacity.
o No persons should sit in waiting area.
o The salon should remove all books, magazines, or any reading material for clients.
o Communicate new protocols with customers by phone, email or website prior to appointment.
o Customers swipe card payments and the terminals cleaned by shop employees after each use.
o Payment for services encouraged to be non-cash only.

PHASE 1: After state says salons can open, know that local guidelines may apply.

TANNING SALONS

AVERAGE LEVEL OF CUSTOMER INTERACTION
Minimal customer interaction.

PROTECTIVE MEASURES FOR EMPLOYEES AND CUSTOMERS

- Employees who display symptoms of COVID-19 will be sent home.
- Provide a place to wash hands.
- Customers sanitize their hands upon entering the building and also before each treatment. Provide/set up hand sanitizer stations and/or disinfectant wipes.
- Employees wear face coverings. One face covering can be used per day. Avoid using gloves.
- Implement mobile messaging that will allow customers to wait in their cars until their session is ready.
- Clean and disinfect tanning beds before and after use.
- Take all steps to comply with guidelines on sanitation from the Centers for Disease Control and Prevention and the Tennessee Department of Health.
- Practice sensible social distancing, maintaining six feet between co-workers.
- Provide workers and customers with tissues and trash receptacles.
- Retrain employees in proper hygiene practices.
- Encourage employees to report any safety and health concerns to the employer.
- Sanitize all tanning equipment and client contact surfaces with disinfectant after each use.
- Encourage customers to wear a face covering.

- Provide no-touch disposal receptacles.
- No stylist with COVID-19 symptoms will provide services to clients.
- The number of clients in a salon at a time should be limited to three or 50% of normal capacity. No persons should sit in waiting area.
- The salon should remove all books, magazines, or any reading material for clients.
- Communicate new protocols with customers by phone, email or website prior to appointment.
- Customers swipe card payments and the terminals cleaned by shop employees after each use.
- Payment for services encouraged to be non-cash only.

PHASE 1: After state says salons can open, know that local guidelines may apply.

WAXING SALONS, BODY ART & TATTOO, MASSAGE THERAPY

AVERAGE LEVEL OF CUSTOMER INTERACTION
Work requires direct physical contact with customer.

PROTECTIVE MEASURES FOR EMPLOYEES AND CUSTOMERS

- Use ALL disposable materials & supplies according to Tennessee Department of Health rules.
- Customers sanitize their hands upon entering the building and also before each treatment. Provide/set up hand sanitizer stations and/or disinfectant wipes.
- Services provided by appointment; no walk-in customers until further notice.
- Post a sign outside the front door/window that states that any customer who has a fever or other COVID-19 symptoms must reschedule their appointment.
- Businesses limit the number of clients in the store.
- No persons wait in the store; customers wait in car until service provider is ready.
- All employees wear facemasks. One facemask can be used per day. Avoid using gloves, unless required for certain procedures.
- Employees should have temperature taken upon beginning each workday.
- Employees should wear a disposable lab-coat or protective gown.
- (Tattooing) – Permanent makeup – Use disposable equipment and dispose of after service for each client.
- (Microblading) – Dispose of blades after each use.
- Owner meet with all employees and communicate measures verbally in writing.
Business should print and distribute rules from Tennessee Department of Health, Board of Cosmetology, Board of Massage Therapy, as applicable.

No employee with a fever or any other symptoms of COVID-19 will provide services to clients.

All equipment, chairs, and tables used by an employee sanitized between clients.

Communicate new protocols with customers by phone, email or website prior to appointment.

Customers swipe card payments and the terminals cleaned by shop employees after each use.

Payment for services encouraged to be non-cash only.

**PHASE 1:** After state says salons can open, know that local guidelines may apply.

**OPEN & ESSENTIAL BUSINESSES**

**SMALLER RETAIL – GIFT, DISCOUNT, AUTOMOTIVE, WINE & LIQUOR, JEWELRY, INSURANCE AGENTS & OTHER STORES**

**INDUSTRY OVERVIEW FROM SUBCOMMITTEE MEETING**

Smaller retailers benefit when they communicate what a safe shopping experience looks like. Smaller retail stores can better control what their retail space and employees do but should educate customers to understand and follow good store practices during COVID-19. Many retailers have put up protective sneeze shields at counters, social distancing markers have been placed six feet apart, and employees are wearing masks.

Where applicable, subcommittee members shared customers should be encouraged to order online and then receive a confirmation email that instructs them to text the store when they arrive, have a photo ID available to show through a closed window, and have their trunk open so their purchase will be placed in the trunk, thereby avoiding any contact between the employee and customer. Some retailers are putting sandwich board signage at entrances and corners of their building communicating store protocols.

Businesses like retail computer stores, bicycle shops and automotive repair facilities are disinfecting computers/bikes/specific points of contact in the car before and after repairs are completed. Many, like Tennessee’s 3,400+ franchised and independent motor vehicle dealers, are opening doors to ventilate showrooms, closing coffee stations and removing magazines. Insurance agents and claims adjusters are encouraging mitigating in-person contact and taking photos instead. Please find attached a letter from the Tennessee Automotive Association, which includes their request to extend the provision in Executive Order 24 which allows for the online temporary perfection of liens on motor vehicle titles even when the County Clerk Offices are closed or on limited working schedules.

**PROTECTIVE MEASURES FOR EMPLOYEES AND CUSTOMERS**

- Open early to disinfect and stay late to do the same. All showcases and common areas are wiped down, floors vacuumed, inventory displayed or secured.
- All employees wash their hands and put on gloves upon arriving at work and before any inventory is touched or moved, and also allow for additional sanitation measures to be taken.
- Customers sanitize their hands upon entering the building. Provide/set up hand sanitizer stations and/or disinfectant wipes.
- Masks provided/offered to customers in close proximity situations.
- Staff meetings at the beginning of each day should be used to ensure all measures are being implemented.

**PHASE 1:** Already open. Continue safe practices and implement new ones learned.

**REAL ESTATE AGENTS**

**PROTECTIVE MEASURES FOR EMPLOYEES AND OFFICE STAFF**

- Only staff (receptionists, office managers, bookkeepers, etc.) to be allowed in offices and adhere to social distancing guidelines
- Clients may come to the office but must adhere to social distancing guidelines
- Tenants may not enter office and must leave rent checks in a dropbox and email the company for their receipt (if paying by paper check or money order)
- All staff to wipe down any office equipment and surfaces before and after use
- Real estate agents to work remotely as much as possible

**PROTECTIVE MEASURES FOR REAL ESTATE IN THE HOMES**

- Realtor and client drive in separate cars
- Disinfecting wipes/supplies made available for agents and clients for all in-person real estate showings
- Upon entering a home, Realtor and buyers wear masks and booties (agent and buyer to bring their own). Maintain social distancing requirements on showing.
- Booties to be disposed of in garbage outside of the home.
- Sanitizing station in home-minimum soap, paper towels, garbage can, hand sanitizer if possible, provided by seller.
- Only Realtor or sellers turn lights on, open doors, cabinets, closets etc. Sanitize everything touched.
• Only allow adult buyers in the home - no other family members.
• Buyers and sellers are asked if they have been sick or displayed symptoms of COVID-19; if yes, may not have their house viewed in person if seller and may not be seen in person by the buyer.
• Upgrade housekeeping efforts; seller to wipe down doorknobs/ handles again upon returning to their home.
• No overlapping showings of Realtors and buyers.
• When returning the key to the lockbox, wipe down the lockbox with disinfecting wipe.
• Videographers/photographers follow recommended protocols.
• Real estate appraisers follow recommended protocols.
• Home inspectors/tradesmen follow recommended protocols.
• Digital notary seal and remote signings.
• Deal only with the decision maker when showing a house.
• Require proof of funds prior to private showings, limiting the number of family members per showing. Only adult buyers in the home.
• No sick or recently sick people come inside.
• Use virtual tours and virtual open houses.
• Use electronic closing on home loans (if allowed by lender).
• Use digital notary seal and remote signings (if allowed by lender).
• No public open houses or broker open houses.

PHASE 1: Already open. Continue safe practices and implement new ones learned.
Governor Lee,

On behalf of the members of the Economic Recovery Group’s Staffing/HQ/Call Center Subgroups, we thank you and your team for your leadership during this time of crisis. The industries listed in our report represent hundreds of thousands of Tennessee employers and employees. Our group includes both large and small companies ranging from corporate headquarters for major companies, professional services companies such as law, engineering, and accounting firms, and many other companies offering business services. Additionally, our group represents the non-profit sector which operates all across our state helping Tennesseans with a variety of services.

Our general recommendation is that remotely working employees in this business subgroup remain in that status for a few weeks even after the ‘remain at home’ Order expires April 30 and businesses are able to reopen on May 1.

Our reasoning is that some employers in this subgroup may require additional time to address planning and third-party customer logistical issues before bringing all or even some employees back to work.

One common attribute of these businesses and organizations in this subgroup is that the traditional primary area function is to assist others in performing their work or achieving their objective. That attribute requires a significant amount of interaction with customers, clients and in many instances the general population. Thus, these particular employers may need a longer period of time to address third-party interaction issues before bringing their remotely working employees back to traditional work areas. Employee health and safety is our guiding priority as we move toward reopening the economy.

Nevertheless, some of the employers within this subgroup could certainly decide in the next few days to start the process of bringing essential or other employees back to offices or other work areas. For those employers, we recommend that the protocols and procedures generally announced by the Centers for Disease Control and Prevention (CDC) be adhered to as much as possible. We have some thoughts in that regard which will be outlined later in our report.

As you move forward to ease existing restrictions, educate more Tennessee employers, employees and their customers, and reopen the state’s economy, we believe the recommended protocols already developed and implemented by the CDC and many industry participants, as well as new recommendations shared by members of our subgroup during meetings, can be an excellent compass and resource for Tennessee’s business segments in this subgroup.

The report below is not an exhaustive list of recommendations; rather, it is a compilation of industry practices that should help to slow the spread of COVID-19, while allowing businesses to ramp up operations, retrain and/or rehire workers, and serve their customers confidently and safely. These recommendations should be considered as strong starting points for industry participants in this subgroup, with the knowledge that some recommended practices can and likely will be modified in the months ahead. Given the accelerated timeline of your request, we recommend that the Departments of Health and Commerce & Insurance review our specific industry recommendations this week to ensure consistency and compliance with existing Tennessee guidance and nomenclature, as some of our recommendations resulted from reviews of other states’ recent recommendations.

We appreciate the opportunity to make these recommendations and for businesses to have flexibility to adopt practices that best suit and support their particular industries, office layouts, and customer-employee interactions.

Please contact us for more information or to answer any questions.

Sincerely,

Chair, Kelly McCreight, Hamilton-Ryker
Jeff Bates, TA Staffing
Warren Wells, Unum
Carl Hartley, Baker Donelson
Eddie Jett, MBI Companies
Jim Schmitz, Elliott Davis
Nassar Nassar, Savant Learning Systems
Susan Mealer, Answering Advantage
Ken Lin, International Paper
Jam Stewart, Mars Petcare
Maria Houchins, Philips
Pete Horchan, Smile Direct Club
Dakasha Winton, BlueCross BlueShield of TN
Stephen Wilson, United Health Care
Harriet Schiftan, Gilda’s Club Middle Tennessee
Pat Sheehy, Tennessee Business Roundtable
Tari Hughes, Center for Nonprofit Management
Wanda Lyle, UBS
STATE OF THE INDUSTRY

- Our Subgroup is composed of a variety of business ranging from company headquarters located in major metropolitan areas to professional services firms in the legal, engineering, and accounting sectors. Also included is the non-profit sector, staffing companies, and a host of other companies offering business services across Tennessee and our nation.
- While most of our Subgroup member companies have been able to work through remote settings, many are eager to reopen or return to modified operations in traditional offices or other work areas, with a focus on protecting their employees and customers during the pandemic.
- Due to the inherent nature of the services that these companies provide, a continued focus on remote work in the interim continues to be the recommended course of action with a focused and phased plan of returning to physical locations in the near future.
- In order for a Return-To Work Strategy to be successful, the issue of proper and available PPE is at the forefront of everyone’s mind.
- Concerns around HIPAA, employment laws and other potential liability issues are also at the forefront of our deliberations.
- Several of our subgroup members are part of global organizations that have defined protocol and procedures for a Return To Work place environment
- Other issues such as child care availability, different approaches depending on company size, and the definition of “essential worker” were also discussed

SAFEGUARDING STANDARDS

Many of our Subgroup member companies have detailed safeguarding plans outlining the best practices for worker safety as well as intricate “Return To Work” plans. The primary goal for all of our subgroup member companies in securing the workplace should focus on five key elements:
- Separation
- Testing and Surveillance
- Personal Health Measures
- Worker Behavior and Policies
- Return to Workplace Training.

We recommend that the protocols and procedures prescribed generally announced by the CDC be adhered to as much as possible, when practical, and also. Additionally, we recommend following the phasing criteria outlined in the White House Framework for Reopening America guidelines on a phased approach for Return to Work. In addition, we recommend the following measures be considered and adopted by office employers as appropriate, according to each employer’s assessment of the risks posed by COVID-19 in its workplace(s): are some recommendations, proposals and other comments which may assist in augmenting those protocols, and procedures, and guidelines.
- Guidelines for specific measures to protect workers, customers, and third-party interactions (e.g., business process adaptations, physical and behavioral measures).

Separation

- Phased return to the workplace based on criteria specific to each that business, and starting with such as identifying and filling the minimum-risk job functions followed by the phased return of additional remainder of the job functions according to their operational necessity and risk levels.
- Returning employees should avoid (where practicable) crowded situations within the workplace, such as lobbies during rush hours, crowding elevators, etc. lobby and other areas -- and consideration should be given to staggered
- Work schedules can be staggered or alternated to promote distancing.
- (one hour earlier or later than rush hour for example) -- and where practicable eliminate carpooling and other similar practices should be avoided at this time.
- Restrict the number of people using the elevator.
- Social distancing of at least six feet should be maintained throughout the workplace.
- Visitation by any non-employee should be prohibited, including clients, vendors, family members, etc., unless cleared in advanced through the responsible person or committee (discussed further below) and upon triage and wellness certification.
- Where practicable, no more than 50% of the employees who would otherwise perform tasks in that workplace should return to the workplace, utilizing (where practicable) a split team approach for purposes of populating the workplace on rotating days.

Testing and Surveillance

- Returning employees should to be virus free – if possible and practical, confirmed by certification signed by the employee (online certification if practical) together with triage temperature and wellness confirmation before entering the workplace.
- Employees developing COVID-19 type symptoms (including fever, persistent cough, shortness of breath, persistent chest pain or pressure) to immediately leave the office to seek proper medical attention, and should not be able to return to the workplace for a minimum of seven days having elapsed since the onset of the symptoms and a minimum of three of those days with out the use of fever-reducing medications. Return to the workplace should be accompanied with a doctor certification of virus free status.
- Review of other COVID-19 testing programs, such as the anti
body test, should be researched as possible alternatives to companies for ensuring their employees are virus-free.

**Personal Health Measures**
- Masks should be worn when not in an office alone, and a Acceptable masks should include fabric or surgical-type masks either provided by the employee or employer.
- Gloves should be worn while using shared equipment (copiers, postage machines, etc.) and while servicing of workplace computers or equipment.
- Proper virus protection hygiene should be in effect at all times, including the availability of antibacterial soap and alcohol-based hand sanitizer and directions to employees to avoid touching the face and requiring proper use after touching surfaces within the office.
- Masks should be worn when not in an office alone, and acceptable masks should include fabric or surgical-type masks either provided by the employee or employer.
- Gloves should be worn while using shared equipment (copiers, postage machines, etc.) or for servicing of computers or equipment used in the workplace. Employers should establish protocols for the safe pickup and delivery of mail and other supplies to employees.
- Proper virus protection hygiene should be in effect at all times, including the availability of antibacterial soap and alcohol-based hand sanitizer and directions to employees to avoid touching the face and requiring proper use after touching surfaces within the office.

**Worker Behavior and Policies**
- Deep cleaning protocols should be implemented before other employees return to work or, if needed, close all or parts of the workplace upon determination that illness exposure has or may have occurred in that workplace, reverting to remote working for a period of time consistent with these policies.
- Employers should establish protocols for the safe pickup and delivery of mail and other supplies to employees.
- If possible, employees leaving the office to perform work-related activities should log out/in through a triage staging area and identify the address destination, purpose of the trip and the anticipated individuals with whom the contact is to be made.
- Non-essential work-related travel should be avoided as outlined in the various phases from the White House. Companies should follow White House guidelines and the CDC guidelines regarding isolation after travel. Each company will have a be responsible person or committee would reevaluate the current status of the COVID-19 pandemic in conjunction with advice from the Governor’s Office for purposes of determining relief from travel suspension; and, even then, continuing the suspension with respect to destinations which are considered as hotspots or otherwise areas of concern for COVID-19.
- Social distancing of at least six feet should be maintained throughout the workplace.
- Visitation by any non-employee should be prohibited, including clients, vendors, family members, etc., unless cleared in advanced through the responsible person or committee (discussed further below) and upon triage and wellness certification.
- If possible, employees leaving the office to perform work-related activities should log out/in through a triage staging area and identify the address destination, purpose of the trip and the anticipated individuals with whom the contact is to be made.
- Proper virus protection hygiene should be in effect at all times, including the availability of antibacterial soap and alcohol-based hand sanitizer and directions to employees to avoid touching the face and requiring proper use after touching surfaces within the office.

**Return to Workplace Training**
- Returning employees should be required to review information view a brief training video or paper instructions on the proper use of PPE and social distancing.
- Review of other COVID-19 testing programs, such as the antibody test, should be researched as possible alternatives to companies for ensuring their employees are virus-free.

**Specific Safety Measures**
- Returning employees should avoid (where practicable) crowded situations such as rush hour lobby and other areas -- and consideration should be given to staggered work schedules (one hour earlier or later than rush hour for example) -- and where practicable eliminate carpooling and restrict the number of people using the elevator.
- Non-essential work-related travel should be avoided as outlined in the various phases from the White House. Companies should follow White House guidelines and the CDC guidelines regarding isolation after travel. Each company will have a be responsible person or committee would reevaluate the current status of the COVID-19 pandemic in conjunction with advice from the Governor’s Office for purposes of determining relief from travel suspension; and, even then, continuing the suspension with respect to destinations which are considered as hotspots or otherwise areas of concern for COVID-19.
- Review of other COVID-19 testing programs, such as the antibody test, should be researched as possible alternatives to companies for ensuring their employees are virus-free.
- Where practicable, no more than 50% of the employees who would otherwise perform tasks in that workplace should return to the workplace, utilizing (where practicable) a split team approach for purposes of populating the workplace on rotating days.
- Another employee should be required to review information view a brief training video or paper instructions on the proper use of PPE and social distancing.
- Review of other COVID-19 testing programs, such as the antibody test, should be researched as possible alternatives to companies for ensuring their employees are virus-free.
BUSINESS CONSIDERATIONS

In addition to safeguarding standards, we recommend the following business practices be adopted:

- Recommendations for industry-wide best practice, monitoring, and compliance.
- Employers establish a responsible person or responsible committee for purposes of creating, implementing and enforcing virus protection and wellness criteria for use throughout the workplace with respect to all employees.
- Regular e-communications (video, audio, email, etc.) among those responsible for employee wellness, concentrating not only on obtaining status reports from the Governor’s Office as well as other sources but also on monitoring the wellness of the employer’s employees on a daily basis.
- Maintain a log of all major policies and enforcement actions, including tracking any employee who leaves the office because of illness symptoms of whatsoever nature, and a log with respect to each such employee (including where the employee worked, the tasks involved, and the other employees with whom the subject employee had or may have contact with on a regular basis).
- Deep cleaning protocols should be implemented before other employees return to work or, if needed, close all or parts of the workplace upon determination that illness exposure has or may have occurred in that workplace, reverting to remote working for a period of time consistent with these policies.
- Responsible person or committee to understand and implement protocols consistent with building management’s protocols for all public areas to ensure the safe ingress and egress to the building, including control of elevator queuing and the number of people allowed together.
- Development of a clearing-house dashboard to identify companies that have Returned to Workplace with industry best practices.

ISSUES TO CONSIDER AND CHALLENGES

- Assessment of financial viability, sustainability, and intermediate-term economic impacts.
- These wellness policies, both the implementation and enforcement of such policies, will constrain normal business activities that would otherwise occur during normal non-COVID-19 situations.
- Financial sustainability of these policies and enforcement should be viewed as essential not only for the workplace but also for the families of employees who return to work, thus expanding the real objective of these policies.
- Requests for state resources and support (e.g., public communications, personal protective equipment) as necessary.
- Daily communications from Governor’s Office regarding the status of the COVID-19 virus exposure in this State will be critical to mission objective, and such information should be transmitted more often than daily if possible.
- Additionally, best practices information from the Governor’s Office on a frequent basis would also be essential to the mission objective, including updates with respect to PPE, enhancement of video and triage information, among others.
- Identification of regulatory issues/challenges.
  - Responsible person/committee should work in tandem with HR and labor/employment counselor so as to avoid as much as possible violation of an employee’s rights notwithstanding the mission object being for the common good of all employees.
  - Potential publication of additional Executive Orders from the Governor’s Office addressing the suspension of certain regulations and policies enforced by the Department of Labor and Workforce Development would also assist in achieving the mission objective.
- PPE Availability
  - There is currently not enough available PPE to protect our employees and visitors to our companies.
  - Members of our subgroup include the non-profit sector and due to the enormous strain around fundraising, they would need funding to purchase PPE for their employees as well as their customers and the general population they serve.
- HIPAA, Worker’s Comp, and other HR issues
  - Employer custody/handling of employee temperature-check information.
  - Employer treatment of employees thought to be at enhanced risk from coronavirus.
  - If an employee returns and he/she gets sick, is there a potential workers’ comp claim?
  - If an employee is asked to return and he/she refuses to return to work out of concern about contracting COVID-19, what are the potential options for employers?
  - If one of my customers or vendors contracts COVID-19, what are the potential employer options?
COVID-19 Recommended Best Practices for
Highway Construction Worksites (Jobsite/Office/Material Production Site)

The following summary of best practices have been developed from various sources to assist association members in managing their worksites to ensure the continued maintenance and construction of essential Tennessee transportation infrastructure. This summary is intended to be used as a resource only, and not to be relied upon as legal or official guidance. Individual companies are encouraged to consult with legal, safety, insurance, labor, and HR professionals to determine the appropriate practices for their respective operations.

- Communicate key Center for Disease Control and Prevention (CDC) recommendations and worksite procedures to staff, tradespeople, inspectors, and vendors:
  - How to Protect Yourself
  - COVID-19 Symptoms
  - Distribute (posters, job boards, electronically, etc.) information that encourages staying home when sick, cough and sneeze etiquette, and hand hygiene.
  - Discuss procedures with project Owner as part of pre-construction meeting including protocol if anyone who has been on the worksite tests positive for COVID-19.

- All employees/vendors should be asked COVID-19 screening questions prior to entering the worksite. If they answer “yes” to any, they should be asked to leave the worksite immediately.
  - Have you, or anyone you have had close contact with, been in contact with a person that has tested positive for COVID-19?
  - Have you, or anyone you have had close contact with, been in contact with a person that is in the process of being tested for COVID-19?
  - Have you, or anyone you have had close contact with, traveled outside of the U.S. within the last two weeks?
  - Have you been medically directed to self-quarantine due to possible exposure to COVID-19?
  - Are you having trouble breathing or have you had flu-like symptoms within the past 48 hours, including: fever, cough, shortness of breath, sore throat, runny/stuffy nose, body aches, chills, or fatigue?

- Manage sick employees to ensure any illness is not spread to other workers.
  - Actively encourage sick employees to stay home. It is critical that individuals NOT report to work while they are experiencing illness symptoms such as fever, cough, shortness of breath, sore throat, runny/stuffy nose, body aches, chills, or fatigue. Individuals should seek medical attention if they develop these symptoms.
  - Employees who have symptoms of acute respiratory illness are recommended to stay home and not return to work until they are free of fever (100.4°F [38.0°C] or greater using an oral thermometer), signs of a fever, and any other symptoms for at least 24 hours, without the use of fever-reducing or other symptom-altering medicines (e.g. cough suppressants).
  - CDC recommends to immediately separate and send home employees who appear to have acute respiratory illness symptoms (i.e. cough, shortness of breath) upon arrival to work or become sick during the day.
  - Communicate your company’s Human Resources practices for managing sick time related to COVID-19.

- Personal Protective Equipment (PPE)
  - Do not share PPE.
  - Ensure used PPE is disposed of properly.
  - Sanitize reusable PPE per manufacturer’s recommendation prior to each use.
  - Utilize disposable gloves where appropriate; instruct workers to wash hands after removing gloves.
APPENDIX: CONSTRUCTION, INFRASTRUCTURE & TRANSPORTATION

- **Tools, Supplies, Equipment**
  - Do not share hand tools (shovels, floats, loots, hand saws, etc.)
  - Disinfect reusable supplies before and after use.
  - Operators use the same piece of equipment all day.
  - Clean surfaces of construction equipment (pavers, end loader, rollers, cranes, etc.) and service/fleet vehicles including steering wheel, gear shift, instrument panels, etc. at beginning and end of shifts. Use aerosol sanitizers inside closed cabs.

- **Documentation/Weight Tickets**
  - If allowed, consider submitting required documentation (inspections, certifications, invoices, prevailing wage reports, etc.) electronically.
  - For documents requiring paper copies or wet signatures, consider drop boxes or other non-contact means to transfer paperwork between Contractor and Owner.
  - Use e-ticketing for truck weight tickets.

- **Social Distancing**
  - Restricting access to confined areas (field office, control room, etc.) to only essential staff needed to operate.
  - If possible, stagger work hours to avoid everyone arriving and leaving at the same time.
  - Do not congregate in lunch areas – eat separately.
  - Do not use a common water cooler. Use individual bottles or personal cooler.
  - If possible, keep operations separate. Do not stack trades/subcontractors.
  - Discourage carpooling to worksite
  - When possible, perform all meetings online or via conference call. Do not host large group meetings - CDC defines large group as 10+ people.
  - When possible, keep a 6 foot distance between people.
  - When possible, allow non-essential personnel to work from home to limit the number of people at a worksite.
  - Non-contact greetings only. Discourage hand-shaking and other contact greetings.

- **Use Face Coverings**
  - When social distancing is not possible wear a face covering.
  - Suggested items for face covering are bandanas, gaiters, scarves, t-shirts, etc
  - Cloth face coverings are not surgical masks or N-95 respirators.

- **Promote good hygiene.**
  - Provide hand sanitizing stations. If soap and water is not available, use alcohol-based (60 – 95%) hand sanitizer.
  - Encourage people to cover mouth and nose with a tissue when you cough or sneeze or use the inside of elbow.
  - Throw used tissues in the trash.
  - Discourage touching eyes, nose and mouth.
  - Provide additional port-a-potties.
  - Provide routine environmental cleaning (doorknobs, keyboards, counters, and other surfaces).
  - Utilize disposable hand towels and no-touch trash receptacles. Identify specific locations and practices for daily trash.
  - Request additional/increased sanitation (disinfecting) of portable toilets.
  - Avoid cleaning techniques, such as using pressurized air or water sprays that may result in the generation of bioaerosols.

- **Resources**
  - [Center for Disease Control and Prevention](https://www.cdc.gov)
  - [OSHA Guidance on Preparing Workplaces for COVID-19](https://www.osha.gov)
  - [TN Department of Health](https://tn.gov/health)
## COVID-19 Basic Infection Prevention Measures

COVID-19, caused by a new coronavirus, is a respiratory illness that can spread from person to person. The following infection prevention measures may help prevent transmission on construction job sites.

<table>
<thead>
<tr>
<th></th>
<th>Stay home if you are sick. DO NOT WORK.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Wash hands frequently or provide alcohol-based hand rubs containing at least 60% alcohol.</td>
</tr>
<tr>
<td></td>
<td>Cover coughs and sneezes.</td>
</tr>
<tr>
<td></td>
<td>Practice social distancing — try to maintain 6 feet between each worker.</td>
</tr>
<tr>
<td></td>
<td>Reduce the size of any group at any one time to ten (10) people or less or LIMIT all in-person meetings.</td>
</tr>
<tr>
<td></td>
<td>Minimize ride-sharing. While in vehicle, employees must ensure adequate ventilation.</td>
</tr>
<tr>
<td></td>
<td>Avoid sharing tools with co-workers, if possible.</td>
</tr>
<tr>
<td></td>
<td>Clean and disinfect frequently used tools, equipment, and frequently touched surfaces (door handles, handrails, machinery controls, cell phones, tablets) on a regular basis.</td>
</tr>
<tr>
<td></td>
<td>If N95 respirator masks are not available, minimize dust and airborne contaminants by using engineering and work practice controls.</td>
</tr>
<tr>
<td></td>
<td>Use proper personal protective equipment (PPE) when cleaning and disinfecting, such as gloves and eye protection.</td>
</tr>
</tbody>
</table>
COVID-19 Medidas Básicas de Prevención de Infecciones

COVID-19, causado por un nuevo coronavirus, es una enfermedad respiratoria que puede propagarse de persona a persona. Las siguientes medidas de prevención de infecciones pueden ayudar a prevenir la transmisión en sitios de trabajo de construcción.

<table>
<thead>
<tr>
<th>Icono</th>
<th>Instrucción</th>
</tr>
</thead>
<tbody>
<tr>
<td>![Cápsula]</td>
<td>Quédate en casa si estás enfermo. NO TRABAJES.</td>
</tr>
<tr>
<td>![Mano con gel]</td>
<td>Lávese las manos con frecuencia o proporcione desinfectantes para manos a base de alcohol que contengan al menos 60% de alcohol.</td>
</tr>
<tr>
<td>![Máscara]</td>
<td>Cubra la tos y los estornudos.</td>
</tr>
<tr>
<td>![Distancia Social]</td>
<td>Practique el distanciamiento social: intente mantener 6 pies entre cada trabajador.</td>
</tr>
<tr>
<td>![Reunión]</td>
<td>Reduzca el tamaño de cualquier grupo en cualquier momento a diez (10) personas o menos o LIMITE todas las reuniones en persona.</td>
</tr>
<tr>
<td>![Compartido]</td>
<td>Minimice el viaje compartido. Mientras estén en el vehículo, los empleados deben garantizar una ventilación adecuada.</td>
</tr>
<tr>
<td>![Compartir Herramientas]</td>
<td>Evite compartir herramientas con compañeros de trabajo, si es posible.</td>
</tr>
<tr>
<td>![Limpiar]</td>
<td>Limpie y desinfecte las herramientas, el equipo y las superficies que se tocan con frecuencia (manijas de las puertas, pasamanos, controles de maquinaria, teléfonos celulares, tabletas) con frecuencia.</td>
</tr>
<tr>
<td>![Máscaras N95]</td>
<td>Si las máscaras de respirador N95 no están disponibles, minimice el polvo y los contaminantes en el aire utilizando controles de ingeniería y prácticas de trabajo.</td>
</tr>
<tr>
<td>![Protección Personal]</td>
<td>Use equipo de protección personal (PPE) adecuado cuando llimpie y desinfecte, como guantes y protección para los ojos.</td>
</tr>
</tbody>
</table>
**Prevention**

- Stay home when you are sick
- Avoid contact with people who are sick
- Get adequate sleep and eat well-balanced meals
- Wash hands often with water and soap (20 seconds or longer)
- Dry hands with a clean towel or air dry your hands
- Cover your mouth with a tissue or sleeve when coughing or sneezing
- Avoid touching your eyes, nose, or mouth with unwashed hands or after touching surfaces
- Clean and disinfect "high-touch" surfaces often
- Call before visiting your doctor
- Practice good hygiene habits

**Clean all “High-touch” surfaces every day**

High touch surfaces include counters, tabletops, doorknobs, bathroom fixtures, toilets, phones, keyboards, tablets, and bedside tables. Also, clean any surfaces that may have blood, stool, or body fluids on them. Use a household cleaning spray or wipe according to the label instructions. Labels contain instructions for safe and effective use of the cleaning product including precautions you should take when applying the product, such as wearing gloves and making sure you have good ventilation during use of the product.

02-27-2020

Additional information from the Centers for Disease Control and Prevention: [https://www.cdc.gov/coronavirus/](https://www.cdc.gov/coronavirus/)
Best Practices at Work Sites

Running water stations at sites.

Elevator floor painted to limit employees riding and to maintain social distancing

Pictures Courtesy of Skanska
Best Practices at Work Sites

Hand sanitizer on all working floors

Give Each Other Space

Signs added at all gates to encourage safe social distancing

Pictures Courtesy of Skanska
APPENDIX: CONSTRUCTION, INFRASTRUCTURE & TRANSPORTATION

PLEASE MAINTAIN SOCIAL DISTANCING AND A SAFE DISTANCE FROM OUR CREWS AT ALL TIMES.
Use of Cloth Face Coverings to Help Slow the Spread of COVID-19

How to Wear Face Cover
Face coverings should—
- fit snugly but comfortably against the side of the face
- be secured with ties or ear loops
- include multiple layers of fabric
- allow for breathing without restriction
- be able to be laundered and machine dried without damage or change to shape

CDC on Homemade Face Covers
CDC recommends wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain (e.g., grocery stores and pharmacies), especially in areas of significant community-based transmission.

CDC also advises the use of simple cloth face coverings to slow the spread of the virus and help people who may have the virus and do not know it from transmitting it to others. Cloth face coverings fashioned from household items or made at home from common materials at low cost can be used as an additional, voluntary public health measure.

Cloth face coverings should not be placed on young children under age 2, anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove the mask without assistance.

The cloth face coverings recommended are not surgical masks or N-95 respirators. Those are critical supplies that must continue to be reserved for healthcare workers and other medical first responders, as recommended by current CDC guidance.

Should cloth face coverings be washed or otherwise cleaned regularly? How regularly?
Yes. They should be routinely washed depending on the frequency of use.

How does one safely sterilize/clean a cloth face cover?
A washing machine should suffice in properly washing a face covering.

How does one safely remove a used face cover?
Individuals should be careful not to touch their eyes, nose, and mouth when removing their face covering and wash hands immediately after removing.

cdc.gov/coronavirus
Employee Notification

DATE: [DATE]

TO: [CLOSE CONTACT EMPLOYEE]

FROM: [COMPANY REP]

We have been informed by one of our [employees/customer/vendor/etc] working at [SITE] that he/she has a confirmed case of COVID-19, commonly known as “Coronavirus,” based on test results obtained on [DATE]. Per company policy, this [employee/customer/vendor/etc] has been directed to self-quarantine until permitted to return to work.

We are alerting you to this development because, based on the Company’s investigation, we believe that you may have come into contact with the confirmed-positive case, on or about [DATE]. Based on Company policy we are directing you not to report to work (i.e., self-quarantine) until, at least, [14 days from last contact with confirmed case]. In the interim, we encourage you to seek medical advice and a COVID-19 test, especially if you are exhibiting symptoms of the virus.

If you do not test positive for COVID-19, or experience symptoms, by [14 days from last contact with confirmed case], you may return to work. However, please inform [COMPANY CONTACT] if any of the following occur during your self-quarantine: you experience flu-like symptoms, including fever, cough, sneezing, or sore throat; or you test positive for COVID-19.

We are committed to providing a safe environment for all of our employees and top quality service to our customers. It is in the interest of those goals that we provide this information out of an abundance of caution.

We also want to take this opportunity to remind you that one of our core values as a company is respect for and among our employees [or customers]. We will treat information regarding the identity of employees [or customers] with suspected or confirmed cases of COVID-19 as confidential to the extent practicable and will comply with applicable laws regarding the handling of such information. Further, per Company policy, we will not tolerate harassment of, or discrimination or retaliation against, employees [or anyone].

Please contact [COMPANY CONTACT AWARE OF APPROPRIATE PROTOCOLS] at [PHONE NUMBER] if you have any questions or concerns.

For more information about COVID-19, please visit the CDC website at: http://www.cdc.gov/coronavirus/2019-ncov/index.html
APPENDIX: CONSTRUCTION, INFRASTRUCTURE & TRANSPORTATION

Notificación al Trabajador

FECHA: [FECHA]

PARA: [TRABAJADOR DE CONTACTO CERCANO]

DE: [REPRESENTANTE DE LA COMPAÑÍA]

Uno de nuestros trabajadores / cliente / vendedor / etc. que trabaja en [LUGAR] nos informó que ha dado positivo al COVID-19, comúnmente conocido como "Coronavirus", según los resultados de las pruebas obtenidas el [FECHA]. Conforme a la política de la Compañía, este [trabajador / cliente / vendedor / etc.] ha sido enviado a cuarentena voluntaria hasta que se le permita regresar al trabajo.

Conforme a nuestras investigaciones, le alertamos de esto puesto que creemos que usted puede haber entrado en contacto con el caso positivo en o alrededor del [FECHA]. Según la política de la Compañía, le pedimos que no se presente al trabajo (entre en cuarentena voluntaria) hasta, al menos, [14 días desde el último contacto con el caso confirmado]. Mientras tanto, le recomendamos que busque asesoramiento médico y se haga una prueba COVID-19, especialmente si presenta síntomas del virus.

Si no da positivo para COVID-19 o no experimenta síntomas antes de [14 días desde el último contacto con el caso confirmado], puede regresar al trabajo. Sin embargo, informe a [CONTACTO DE LA COMPAÑÍA] si durante su cuarentena ocurriese lo siguiente: experimenta síntomas similares a los de la gripe, como fiebre, tos, estornudos o dolor de garganta; o da positivo por COVID-19.

Estamos comprometidos a proporcionar un entorno seguro para todos nuestros trabajadores y un servicio de alta calidad a nuestros clientes. Conforme a estos objetivos y por precaución le proporcionamos esta información.

También queremos aprovechar esta oportunidad para recordarle que uno de nuestros valores fundamentales como empresa es el respeto por y entre nuestros trabajadores / clientes. Trataremos la información sobre la identidad de los trabajadores / clientes con casos sospechosos o confirmados de COVID-19 como confidenciales en la medida de lo posible y cumpliremos con las leyes aplicables con respecto al manejo de dicha información. Además, según la política de la Compañía, no toleraremos el acoso, la discriminación o las represalias contra los trabajadores / cualquier persona.

Si tiene alguna pregunta o inquietud, comuníquese con [CONTACTO CON LA COMPAÑÍA CONSCIENTE DE PROTOCOLOS APROPIADOS] al [NÚMERO DE TELÉFONO].

April 21, 2020

The Honorable Bill Lee
Governor, State of Tennessee
State Capitol
Nashville, TN 37219

Dear Governor Lee:

On behalf of the Officers, Directors and members of the Tennessee Automotive Association and the 25,000
Tennessee men and women who earn their living in our industry, I want to thank you for your service to our
state and pray for your strength and wisdom during these unprecedented times. We appreciate the opportunity
to serve on Commissioner Ezell’s Economic Recovery Direct Retail Subgroup. As an industry, we pledge our best
efforts to assist in any way we can.

As Tennessee continues to confront the coronavirus’s challenges, it is important to recognize that automobile
and truck dealerships – which include both service and sales departments — have been classified as essential
businesses to ensure Tennesseans have safe access to transportation, especially in times of national emergency.

• On the service side, Tennesseans must have the ability to maintain a safe and well-functioning vehicle.
  Motor vehicles are critical to ensure the public can access food, healthcare, and other necessities of life. In
  fact, since mid-March, the U.S. Department of Homeland Security issued official guidance to that effect.

• While it may seem at first glance that sales are non-essential, please consider: For many Tennesseans,
  repairs to a current vehicle may be unviable due to parts and labor costs. This makes the sales team
  essential for ensuring families can access reliable and affordable transportation in this vital time. Dealers
  provide transportation to medical and first responder personnel. Increased commercial delivery obligations
  will require companies to purchase vehicles. Many who have relied on mass transportation for some or all
  essential travel find now that a private vehicle provides the recommended social distancing public transit
cannot. Some consumers who want the filtration capabilities of newer vehicles may want to purchase those.
  In recognition of these situations, the U.S. Department of Homeland Security revised their official guidance
to specifically include auto and truck sales as essential services.

Motor vehicle dealerships offer wide spaces and one-on-one, more private interactions. Pair that with the fact
that foot traffic and sales are below normel levels, dealers are practicing social distancing, instituting shift work,
and going above and beyond to adhere to CDC guidelines for cleanliness, and work to best ensure the risk of
disease spread is low.

Attached for your review are A Dealer Guide to Safely Operating Your Dealership During a Pandemic and
frequently asked questions related to dealership operations, OSHA laws and employee health and safety,
Dealership Health and Safety Concerns During a Pandemic. Both documents were prepared by the National
Automobile Dealers Association. Taken together, they serve as the recommended, best practices for auto and
truck dealerships.
The Honorable Bill Lee  
March 22, 2020  
Page #2

Dealers have been adapting their sales processes to continue to serve their customers but with limited contact. We can and are delivering vehicles to customer homes, a process we can do with limited person-to-person interaction. We continue to provide automobiles to those citizens most in need. Those sales are mostly of less-expensive new and used vehicles for people that absolutely must have transportation – including to other essential jobs.

Governor Lee, when we have needed your help, you and your administration have been there. Executive Order No. 24, specifically paragraph 22.2, amending TCA §55-3-126(f) was a tremendous help to our industry. Your action allows motor vehicle dealers to timely perfect liens on motor vehicles titles even when County Clerk Offices are closed or working on limited schedules. This provision needs to remain in effect for the foreseeable future.

The state’s assistance in providing access to face coverings, sanitizers and infra-red forehead, no-touch thermometers is needed. Many times, and in many places, supplies are simply unavailable at any price.

Tennessee’s car and truck dealers will continue to serve customers in a safe, responsible manner so that the automobile industry can continue to be a critical driver in helping Tennessee move forward. Automotive sales comprise 20 percent of the total retail sales in Tennessee and account for the largest single source of state sales tax revenue. With a sales tax-based economy our ability to generate revenue is needed now more than ever. With your leadership and support, we will do our part.

Thank you again for allowing us to comment. Please let us know how we may be of assistance. You and your leadership team remain in our thoughts and prayers.

Respectfully Submitted,

Bill Powers, Wyatt-Johnson Automotive  
Kent Ritchey, Landers Automotive Group  
Debbie Melton, Don Ledford Automotive  
Chris Lee, Bill Gatton Automotive  

[Signature]

Roberts V. Weaver, Jr.  
President

cc:  Roland Myers, Tennessee Retail Association  
Bradley Jackson, Tennessee Chamber of Commerce & Industry  
Jim Brown, National Federation of Independent Business
Proposing Resumption of Essential Dental Care

On March 16, 2020, the New Mexico Dental Association made a recommendation to New Mexico’s dentists to limit treatment to urgent and emergent conditions as a response to the unfolding COVID-19 pandemic. This was prudent in light of emerging data from infectious disease and public health experts. The Governor’s order made those recommendations official nearly a week later. While the concerns about the presence of COVID-19 in the community are now well-documented, time has allowed the necessary guidelines to prevent transmission in health care settings to be established as innovations have been developed.

Danger of Deferring Dental Care

While the initial recommendations were valuable, the majority of dental treatment is now being delayed without any current timeline in which dentists can plan to resume care. Further delay will cause further harm to patients. In addition, those in greatest need of dental care are often the same patients with underlying health conditions that make them more vulnerable to COVID-19 complications. Regular, preventative, and supportive dental care is an important part of maintaining their overall health. We are substituting one health care crisis for another, resulting in more serious long-term effects.

Managing Risks

Dental offices routinely manage the risks of infectious disease transmission and are capable of adapting to these new risks as highly trained experts in dental medicine. Encounters at dental offices also present less risk to the community because these contacts are well-documented and easily traced, unlike the random encounters at grocery stores and takeout restaurants. For the good of the community, we must now take steps to begin providing additional essential dental care.

Importance of Testing

For dental offices to offer care at necessary levels, it will ultimately require point-of-care screening to determine if patients are not infectious. Such tests exist but have very limited availability at present. Deploying these tests to dental offices will not only facilitate needed dental care but will also provide essential surveillance of COVID-19 in the community by testing a broad cross-section of otherwise healthy people.

Dental care cannot wait until these tests are widely available. In the meantime, the New Mexico Dental Association is proposing a phased approach which allows offices to begin providing care as necessary PPE is available while utilizing techniques and protocols to mitigate risk in the dental setting. Although a specific date is not proposed for initiating the first phase, models suggest that COVID-19 infections in most of our communities have peaked or are peaking soon. Dentists are already on the frontlines dealing with emergencies and believe we must begin managing deteriorating dental health conditions now.
Necessary Supplies

Suppliers indicate that the minimal amounts of necessary PPE required to start Phase I may become available in early May. It is essential that dental personnel who have been delaying care for a month now be allocated the PPE necessary to begin providing essential care in the coming weeks. Dentists are prepared to conserve these resources but must have adequate access to essential supplies.

Recommendation

The New Mexico Dental Association recommends that the Governor broaden the definition of essential health care services and allow dental offices and other essential health services to begin preparation to provide expanded care. It would be desirable for all dental personnel to be tested prior to resuming full-time care, and we urge authorities to make testing available to establish a baseline for the dental workforce. Our phased proposal is:

Proposed New Mexico Dental Restart Program

Phase I

- During this phase minimal additional testing is available
- Office protocols would be similar to those already in use to treat emergencies including no waiting in the office, social distancing, prescreening patients for symptoms/history including temperature
- Administrative personnel working during non-clinical hours or isolated from the clinical setting
- Treatment limited to disease and trauma management, restoration of function, prevention, and maintenance
- Special management of medically-compromised and otherwise vulnerable patients
- Isolation of operatories being used for aerosol generating procedures which may include closing doors or use of dis-infectable drapes
- All non-sprayable surfaces receive barrier protection or are removed from the room
- Pre-treatment anti-microbial rinse for all patients without allergy
- Use of appropriate personal protective equipment as recommended by the American Dental Association and Center for Disease Control, based on the level of aerosol production including approved respirators, moisture resistant surgical masks, gloves, face shields, eye protection, and disposable garments
- Aerosol mitigation techniques which may include rubber dams and enhanced evacuation systems
- Modified schedules limiting the number of patients to prevent cross-contamination, thorough disinfection, and adequate social distancing
Phase II – implemented when rapid testing* is available on a limited basis

- Rapid antigen testing* with limited availability, perhaps at cooperative testing sites serving multiple dental offices
- Staff tested regularly as available
- Patients cleared for treatment at screening location within 24 hours before appointment
- Patients identified as positive for virus antigen are referred for definitive diagnosis or treated only for dental emergencies using approved CDC protocols prior to referral
- Limited waiting with social distancing
- Pre-treatment anti-microbial rinse for all patients without allergy
- Standard universal precautions for most procedures per CDC recommendations for non-infectious patients
- Rigorous surface disinfection
- No limit on procedures or number of patients if screened as non-infectious

Phase III – implemented when testing* is available in-office

- Staff tested at least twice per week
- Patients screened prior to entering office by office staff with appropriate PPE including pretreatment symptom/history
- Patients identified as positive for virus antigen are referred for definitive diagnosis or treated only for dental emergencies using approved CDC protocols prior to referral
- Limited waiting with social distancing
- Pre-treatment anti-microbial rinse for all patients without allergy
- Standard universal precautions for most procedures per CDC recommendations for non-infectious patients
- Rigorous surface disinfection
- No limit on procedures or number of patients if screened as non-infectious

Phase IV – implemented when effective vaccine and/or herd immunity is established

- Random testing as warranted
- Routine symptom/history screening as standard health history
- Pre-treatment anti-microbial rinse for all patients without allergy
- Standard universal precautions for most procedures per CDC recommendations for non-infectious patients
- Rigorous surface disinfection
- No limit on procedures or number of patients if certified non-infectious.

*These tests look for fragments of the virus itself to determine active infection and possible infectiousness as opposed to rapid antibody tests which detect previous infection or exposure with a possible degree of immunity.
Financial Implications

Ongoing research by the ADA Health Policy Institute indicates that dental practices are being devastated by the shut-down. Federal relief packages are aimed primarily at supporting office staffing, not the other fixed costs and debt associated with maintaining a practice. The results suggest that as many as 15% of dental practices will fail if the shut-down lasts until June 1st and a staggering 40% if extended to August 1st. It is important to emphasize that this is not a loss of dental providers; this is a loss of essential care delivery infrastructure. The number of providers, both dentists and dental hygienists, would remain constant but they would lack the means to provide care.

Phase I of this proposed plan would delay failures for a time, but it is not sustainable for a prolonged period. Reaching Phase III as soon as possible is essential. This is only achievable if tests to screen for the virus are provided to dental offices as soon as they are available. Phase I provides some of the care that is required but cannot support the community for a long period. The cost of providing care is going to be significantly greater during this phase and will tax strained budgets, dental benefits, and Medicaid.
FAQs – NMDA’s Phased Recovery Plan

What are our priorities during this pandemic?

NMDA is actively advocating for:

1. Safety of patients and dental team
   a. PPE availability at reasonable prices
   b. Access to rapid testing for patients and dental team
2. Economic relief for employer and employee dentists
   a. Tax relief
   b. Access to grants and low-interest financing
   c. Student debt relief
3. Dental care is an essential component of health care and the economy
   a. Stepwise approach utilizing to best professional judgement to apply ADA/CDC guidance
   b. Reduced burden on emergency and urgent care for oral infections and trauma
   c. Preventing dental emergencies by treating problems in a timely way
   d. Untreated dental conditions, including periodontal disease, are associated with serious long-term health effects such as heart disease, diabetes, and other inflammatory diseases

Why doesn’t the NMDA tell the Governor that dental care is essential and that we should be allowed to return to work?

Dental care is essential – we continue to stress this message to the Governor and the Department of Health. While limiting treatment to emergencies and urgent care served a purpose, we believe enough information from public health and infectious disease experts has allowed processes to be developed to deliver expanded dental care services safely.

The Governor strongly believes in aggressive testing, contact-tracing, and social distancing, and we believe our phased approach incorporates these principles. Physical distancing, enhanced engineering/administrative workplace controls, and proper PPE mitigate the risk to patients and staff as the level of testing is slowly increased. Oral health care is a critical component to overall health.

When can we start rescheduling patients and when can we rehire staff?

The current order from the Governor significantly limits dental treatment. We are asking that the current restrictions be modified to allow expanded and necessary dental care. We cannot continue to postpone the treatment of periodontal disease and decay. Without knowing when these restrictions will be lifted, we cannot advise you when to reschedule patients and rehire staff.

The NMDA will continue to update members on recommendations from government authorities, the ADA, and other public health experts.
**APPENDIX: ADA PROPOSED PHASED RESTART**

What type of masks and other PPE should dentists and staff wear?

Dentists should follow the advice of authorities at the CDC and ADA. Updated guidance is issued on a continuing basis. The ADA issued interim mask guidance on April 18, 2020:

- Interim Mask and Face Shield Guidelines
- Understanding Mask Types

Providers should exercise caution when ordering masks and PPE. Due to reports of fraudulent materials, we recommend placing orders through reputable dental distributors.

**Does that mean we have to wear N95s for all procedures?**

No. It is very dependent upon the procedures being performed. It should be noted that some infected individuals lack symptoms, so we cannot assume that asymptomatic and healthy appearing patients are COVID-19 free. Without being rapidly tested, we must treat these patients as potentially infectious. Therefore, masks and PPE should be chosen based on the risk of exposure, especially via aerosols, to staff and other patients in proximity. The risk of exposure will vary greatly depending upon the type of encounter with the patient. For example, oral examinations are not likely to produce the same level of risk as a surgical extraction, crown preparation, or the use of an ultrasonic scaler.

Dentists should exercise professional judgment and consider the availability of appropriate PPE to minimize risk of virus transmission. ADA/CDC guidance includes instances when recommended PPE is unavailable, but practices must also be mindful of OSHA requirements in determining how to protect themselves and staff. The NMDA and ADA continue to advocate for availability of PPE for dental providers at fair market prices.

**Why do universal precautions not seem adequate anymore?**

In order to address asymptomatic and pre-symptomatic transmission, we must assume each person is infected with the virus unless proven otherwise. Traditional standard precautions in dental settings are focused on reduction of transmission of blood-borne illnesses. Transmission of COVID-19 via respiratory droplets dramatically increases the risk of infection of dental staff and patients due to the production of aerosols during treatment and being in/near the oral cavity.

With access to rapid testing, dental providers could safely provide treatment to patients that are not infectious utilizing traditional universal precautions.

**What does rapid testing mean and why do we need access to the results?**

Rapid antigen tests look for viral components during active infection. A positive test would indicate possible infectiousness. Rapid antibody tests detect antibodies that develop as a result of an immune response to the virus and therefore may indicate previous exposure. It is currently unknown what degree of immunity can be inferred, but experts estimate some level would be expected. Both tests refer to administration outside of a laboratory, often called point-of-care testing, and could be administered in or near the dental office.
Dental offices could utilize the results of rapid antigen tests to rule out infectious COVID-19 patients. Traditional universal precautions and PPE could be utilized when treating these patients.

Why so many phases?

The Governor is very aggressive in her public health measures to protect the public. We believe demonstrating a measured and staged approach will demonstrate we have the safety of our patients and dental team as priorities. The health of our patients will be placed at risk if we continue to only treat emergencies, as their dental needs will continue to escalate in severity and financial burden. Prevention and treatment of dental disease is essential to our patients’ long-term health. A phased approach provides a reasonable roadmap of how to get to practicing with the least amount of outside intrusion.

How will we be able to proceed through the phases?

Once the Governor allows more dental treatment to be included as essential, we believe the progression to each subsequent phase will depend on how quickly testing is made available. Initially, when testing is not widespread, we will have to operate with caution and additional safeguards. We urge the Governor to make testing available to dental practices, which will facilitate the efficiency and volume of dental care we can provide. In addition, we can play an essential role in community disease surveillance.

How long can I afford to practice in Phase 1?

Our dental practices will fail if we continue to operate under the current conditions. We cannot maintain our practices with high overhead costs only providing emergency treatment and urgent care. This is why entering into Phase 1 is so important. While additional precautions and safeguards are present, multiple procedures can be performed in this phase. While this is far from normal practice, it is a step forward and will also benefit the health of our patients.

We recognize that long-term sustainability is not possible in Phase 1. There will be increased costs for PPE and far fewer patients will be seen. Costs will have to be absorbed by already financially burdened practices, third party payers will have to increase reimbursements, or patients will have to pay increased out-of-pocket fees. The Governor will have to deploy widespread testing before we reach the final phases, but she has indicated it is a priority for her administration.

What can I do to make Phase I more feasible?

One way to minimize the number of patient contacts while conserving PPE is to perform more comprehensive treatment such as combining appointments or treating an entire quadrant when needed and appropriate. Consider scheduling procedures that do not require enhanced PPE together to facilitate more rapid changing between patients. Designate rooms where you will not produce aerosols for faster disinfection and turnover.

How do I access the rapid antigen testing?

We are asking the Governor and Department of Health to include dental offices in rapid testing deployment and disease surveillance. In addition, the ADA is advocating for access to testing from manufacturers and distributors as they are approved.
What happens if my patient tests positive?

A positive rapid antigen test indicates that the patient may be infectious. No routine dental treatment should occur in a traditional office setting for a COVID-19 positive patient. The immediate medical needs of the patient should be addressed first, and all dental treatment should occur in an airborne infection isolation room (AIIR) with the highest level of respiratory protection.

What happens if my employee tests positive?

This person will have to isolate based on the recommendation of the physician making the diagnosis. The office should cease seeing patients and consult the Department of Health hotline for advice. All other staff will probably need to be tested and have negative results before returning to work. Any patients who were seen will have to be notified and state protocols for contact tracing will be implemented.

Issues like paid leave, workers’ compensation, OSHA reporting, and potential liability are legal questions that should be addressed in consultation with your attorney or HR advisor.

What can I do to help things return to normal?

1. Follow ADA and CDC guidelines
2. Exercise your professional judgement when appropriate
3. Contact the Governor’s office and your local legislators and ask them to support the NMDA’s Phased Recovery Plan
This report was compiled by the Tennessee Chamber of Commerce and Industry and the National Federation of Independent Business – Tennessee with the generous assistance of key industry leaders from throughout Tennessee.