

ALERT: Governor Kemp's Executive Order in Effect July 1, 2020

July 2, 2020

Governor Kemp issued an executive order on June 29 with additional instructions for Georgia residents and businesses as we enter the next phase of the public health emergency. The provisions of this Order remain in effect through July 15, 2020.

Dealers are encouraged to review this recent Order to ensure all dealerships operations will comply. A brief summary is below.

Importantly for GADA members, this Executive Order incorporates the U.S. Department of Homeland Security's recent update to the list of essential critical infrastructure workers. This includes ***"[w]orkers critical to the manufacturing, distribution, sales, rental, leasing, repair, and maintenance of vehicles and other transportation equipment (including electric vehicle charging stations) and the supply chains that enable these operations to facilitate continuity of travel-related operations for essential workers."*** Thus, dealership sales operations may remain open subject to conditions in the Order.

Does this Executive Order contain updated guidance for what safety measures must be implemented?

Yes. To continue in-person operations, businesses that qualify as Critical Infrastructure must implement measures which mitigate the exposure and spread of COVID-19. Such measures may include, but are not limited to, the following list below (those in bold are new):

1. Screening and evaluating workers who exhibit Symptoms of COVID-19("symptoms of COVID-19" mean symptoms identified by the CDC as symptoms of COVID-19 and shall include at least the following: fever or chills; cough; shortness of breath or difficulty breathing; fatigue; muscle or body aches; headache; new loss of taste or smell; sore throat; congestion or runny nose; nausea or vomiting; and diarrhea;

2. Requiring Workers who exhibit Symptoms of COVID-19 to not report to work or to seek medical attention; "workers" include employees, independent contractors, agents, volunteers, or other representatives of a business, establishment, corporation, non-profit corporation, organization, or other entity.
3. Enhancing sanitation of the workplace as appropriate;
4. Disinfecting common surfaces regularly;
5. Requiring handwashing or sanitation by Workers at appropriate places within the business location;
6. Prohibiting Gatherings of Workers during working hours. Under this Order, Gatherings mean more than **50** persons physically present at a Single Location if, to be present, persons are required to stand or be seated within six (6) feet of another person. Therefore, groups of more than **50** people are permitted if their grouping is transitory or incidental, or if their grouping is the result of being spread across more than one Single Location.
7. Permitting workers to take breaks and lunch outside, in their office or personal workspace, or in such other areas where proper social distancing is attainable;
8. Implementing teleworking for all possible workers;
9. Implementing staggered shifts for all possible workers;
10. Holding all meetings and conferences virtually, whenever possible;
11. Delivering intangible services remotely, whenever possible;
12. Discouraging workers from using other workers' phones, desks, offices, or other work tools and equipment;
13. Prohibiting handshaking and other unnecessary person to person contact in the workplace;
14. If in use, open sales registers must be at least six (6) feet apart;
15. Point of Sale Equipment, including PIN entry devices and signature pads, should be frequently cleaned and sanitized; and
16. Placing notices that encourage hand hygiene at the entrance to the workplace and in other workplace areas where they are likely to be seen.

In addition, the Order strongly encourages all businesses that continue in-person operations, including Critical Infrastructure operations, to implement the following measures:

1. Provide Personal Protective Equipment (PPE) as available and appropriate to the function of the worker within the business location;
2. Providing disinfectant and sanitation products for workers to clean their workspace, equipment, and tools; and

3. Increasing physical space between workers' worksites to at least six (6) feet.

What about local orders?

Under this Order, the operation of Critical Infrastructure businesses shall not be impeded by county, municipal or local ordinance.

What are the penalties for violating this Order?

Violating this Order is a misdemeanor. Officials enforcing this Order should take reasonable steps to provide notice prior to issuing a citation or making arrest. Law enforcement is empowered to mandate the closure of any business not in compliance with this Order, but must provide reasonable notice and at least two citations prior to doing so.

