

ALERT: Governor Kemp Issues Executive Order Effective May 14, 2020

May 13, 2020

Governor Kemp issued an executive order on Tuesday, May 12, 2020 with instructions for Georgia residents and Georgia businesses as we enter the next phase of the public health emergency. The provisions of this Order take effect May 14, 2020 and remain in effect through May 31, 2020.

Dealers are encouraged to review this recent Order to ensure all dealerships operations will comply. [View Executive Order](#). A brief summary is below.

Importantly for GADA members, this 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.

Are there new safety measures that 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 signs of illness, such as a fever over 100.4 degrees Fahrenheit, cough, **or shortness of breath or difficulty breathing, fever, chills, muscle pain, sore throat, or new loss of taste or smell. "Workers" include employees, independent contractors, agents, volunteers, or other representatives of a business, establishment, corporation, non-profit corporation, organization, or other entity;**
2. Requiring workers who exhibit signs of illness to not report to work or to seek medical attention;
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. Gatherings mean more than 10 persons physically present at a Single Location if, to be present, persons are required to stand or be seated within 6 feet of another person. Therefore, groups of more than 10 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 should be frequently cleaned and sanitized;
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; and
17. **Frequently disinfecting Personal Identification Number ("PIN") pads, PIN entry devices, electronic signature capture, and any other credit card receipt signature capture devices if in use.**

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

1. Providing 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.

