

Executive Order No. 20-003

**EXECUTIVE ORDER IMPLEMENTING “COVID-19: THE PATH FORWARD,”
A 30 DAY TRANSITION PLAN TO REINFORCE PANDEMIC MITIGATION
MEASURES AND RESTORE ECONOMIC PROSPERITY TO DEKALB
COUNTY**

I. LEGAL FOUNDATION

WHEREAS, pursuant to Section 13(h) of DeKalb County’s Organizational Act, the Chief Executive Officer shall seek to promote and improve the government of the County and promote and develop the prosperity and well-being of the citizens of the County;

WHEREAS, Governor Brian Kemp’s April 20, 2020 Executive Order allows certain businesses to begin in-person Minimum Basic Operations and requires those businesses to implement measures which mitigate the exposure and spread of COVID-19 and this Order is issued in accordance with the April 20, 2020 Order and does not conflict with the Order;

II. FINDINGS OF FACT

WHEREAS, COVID-19 is a contagious viral disease caused by a novel coronavirus that has not been previously identified and the World Health Organization has officially announced that COVID-19 is a pandemic;

WHEREAS, on March 23, 2020, Chief Executive Officer Michael Thurmond issued the County’s Executive Order declaring a public health and economic state of emergency;

WHEREAS, on March 27, 2020, the Chief Executive Officer issued the County’s Executive Order declaring a state of emergency and ordering that all individuals living in DeKalb County are directed to stay at their place of residence and encouraging non-essential businesses to cease all but Minimum Basic Operations;

WHEREAS, on April 2, 2020, the Governor issued an Executive Order directing residents to shelter in place and ordering that all businesses except those defined as “Critical Infrastructure” only engage in Minimum Basic Operations;

WHEREAS, on April 20, 2020, the Governor issued an Executive Order allowing certain businesses, including gyms, fitness centers, bowling alleys, body art studios, salons, and barber shops, as well as allowing certain estheticians, hair designers, and massage therapists, to begin in-person Basic Minimum Operations including remaining open to the public, effective Friday, April 24, 2020;

WHEREAS, with the re-opening of certain businesses and expiration of the Governor's Shelter-in-Place Order on April 30, 2020, preventing and slowing the spread of COVID-19 in the community is more essential than ever to ensure the well-being of the citizens of DeKalb County, and throughout Georgia, and to ensure that DeKalb County transitions back to economic prosperity in a responsible way that mitigates the threat of public health concerns as a result of COVID-19;

WHEREAS, Chief Executive Officer Michael Thurmond recognizes that the Governor's April 20, 2020 Order prohibits enforcement of any county order that is more restrictive than his April 20, 2020 Order and therefore, this order urges, advises, encourages and implores residents, businesses and organizations in DeKalb County to take enhanced measures to protect the community from COVID-19;

WHEREAS, people who are over the age of 65, live in a nursing home or long-term care facility or who are medically fragile in that they are at an increased risk of contracting COVID-19 because of an underlying health condition, including people with chronic lung disease or moderate to severe asthma, people who have serious heart conditions, people who are immunocompromised, people with severe obesity, people with diabetes, people with chronic kidney disease undergoing dialysis and people with liver disease, according to the Centers for Disease Control and Prevention, are strongly urged, advised, encouraged and implored to stay in their residence except as necessary to seek medical care;

WHEREAS, all individuals who reside in DeKalb County are urged, advised, encouraged and implored to follow the Centers for Disease Control and Prevention's recommendations related to how to protect themselves and others from COVID-19;

WHEREAS, COVID-19 is impacting African-Americans at a disproportionate rate and because of the large population of African-Americans residing in DeKalb County it is absolutely essential that businesses, organizations, houses of worship and citizens work cooperatively and with shared responsibility to mitigate the effects of COVID-19 in DeKalb County;

WHEREAS, DeKalb County Government has taken the following steps proactively to ensure the safety of its citizens, residents and employees:

1. Purchasing and warehousing of masks, gloves and other essential items prior to federal, state and local COVID-19 emergency declarations;
2. Implementing enhanced cleaning protocols for DeKalb County facilities prior to federal, state and local COVID-19 emergency declarations;
3. Focusing on communication to employees and citizens via the County's COVID-19 webpage, distribution of COVID-19 educational materials to DeKalb seniors, virtual press conferences, virtual town

hall meetings, the coronavirus task force, and inter-governmental communications and press releases;

4. Screening and evaluating employees who exhibit signs of illness, such as fever over 100.4 degrees Fahrenheit, cough, or shortness of breath;
5. Requiring employees who exhibit signs of illness, or who are caring for a family member displaying signs of illness, to remain at home and not report to work;
6. Enhancing sanitation of the workplace, to include deep cleaning of the County's facilities and installation of hand sanitizer at all elevators in the County's facilities;
7. Requiring hand washing or sanitation by employees at appropriate places;
8. Providing personal protective equipment as available and appropriate to the job function;
9. Prohibiting gatherings of employees during work hours;
10. Permitting employees to take breaks and meals outside, in personal workspaces and in other areas where social distancing is attainable;
11. Implementing socially distant service delivery strategy, ensuring continuation of essential services while allowing teleworking for all possible employees after a trial period;
12. Implementing staggered shifts for all possible employees;
13. Holding all meetings and conferences virtually, wherever possible;
14. Delivering intangible services remotely, wherever possible;
15. Discouraging employees from using other employees' phones, desks, offices, or other work tools and equipment;
16. Prohibiting handshaking and other unnecessary person-to-person contact in the workplace;
17. Placing notices that encourage hand hygiene in workplace areas;
18. Enforcing social distancing of non-cohabitating persons while present at County facilities;
19. Increasing physical space between employees and customers/citizens;
20. Providing disinfectant and sanitation products for employees to clean their workspace, equipment, and tools;
21. Increasing physical space between employees' worksites to at least six (6) feet.
22. Implementing front-line pay for essential employees who are unable to perform their job functions remotely;
23. Providing food, clothing and shelter for DeKalb's homeless populations;
24. Implementing contingency plans for delivery of essential services ahead of employee absences, for example, placing all police and law enforcement back into uniform ahead of Governor's declaration of emergency and compiling a retiree auxiliary workforce comprised of retired County employees who have volunteered to return to active duty, if necessary;

25. Maintaining open lines of communication with DeKalb's federal, state county and municipal elected and appointed officials to work together to develop a long-term comprehensive strategy to use CARES Act funding to encourage awareness, testing and prevention.

WHEREAS, these and other measures appear to have mitigated the spread and reduced the fatality rate of those infected by the COVID-19 virus among DeKalb County's population. The Chief Executive Officer hereby issues an order implementing a 30 day transition plan entitled **COVID-19: THE PATH FORWARD**. The plan will reinforce and enhance existing mitigation measures and restore economic prosperity to DeKalb County, as such action is necessary to promote and secure the health, safety and economic well-being of the people of DeKalb County;

NOW THEREFORE, I, Michael L. Thurmond, Chief Executive Officer of DeKalb County, Georgia, ascend to and embrace the "Bully Pulpit" and hereby issue the following Executive Order:

III. EXECUTIVE ORDER

1. As previously declared by Governor Brian Kemp, there exists a public health emergency within the State of Georgia due to the COVID-19 pandemic and the following actions are recommended to promote and secure the health, safety, and economic well-being of all people in DeKalb County;
2. In light of the Governor's April 20, 2020 Order allowing certain businesses, including gyms, fitness centers, bowling alleys, body art studios, salons, and barber shops, as well as allowing certain estheticians, hair designers, and massage therapists, to begin in-person operations, the Chief Executive Officer is convinced that businesses and citizens must take additional steps to slow the spread of COVID-19 and recognize their individual and shared responsibility to help mitigate the exposure and spread of COVID-19.
3. **All Citizens and Residents.** All citizens and residents of DeKalb County are urged, advised, encouraged and implored to wear cloth face covers while in public and follow all recommendations of the Centers of Disease Control and Prevention, including washing hands often with soap and water for at least twenty seconds, avoiding close contact with people who are sick, practicing social distancing, and cleaning and disinfecting frequently touched surfaces daily. All citizens, but especially citizens who work at businesses that are re-opening as a result of the Governor's April 20, 2020 Order, are encouraged to report violations of the measures required by Paragraph 5 herein to the State Coronavirus Hotline at 844-442-2681.
4. **DeKalb Citizens and Residents who are over the age of 65, reside in nursing homes or long-term care facilities or who are medically fragile.** Individuals who are over the age of 65, reside in nursing homes or long-term care facilities or

who are medically fragile, as described herein, are strongly urged, advised, encouraged and implored to stay in their residence except as necessary to seek medical care. These individuals are also encouraged to wear a cloth face cover while in public and follow all recommendations of the Centers of Disease Control and Prevention for individuals who are at higher risk for serious illness from COVID-19, including washing hands often with soap and water for at least twenty seconds, cleaning and disinfecting frequently touched surfaces daily, avoiding close contact with people who are sick, practicing social distancing, stocking up on supplies, and avoiding all cruises and non-essential air travel.

5. **Businesses – Required Measures.** DeKalb businesses that are re-opening to the public as a result of the Governor’s April 20, 2020 Order shall implement measures to mitigate the exposure and spread of COVID-19. Such measures shall include:

- a. Screening and evaluating workers who exhibit signs of illness, such as a fever over 100.4 degrees Fahrenheit, cough, or shortness of breath.
- b. Requiring workers who exhibit signs of illness to not report to work or to seek medical attention;
- c. Enhancing sanitation of the workplace as appropriate;
- d. Requiring hand washing or sanitation by workers at appropriate places within the business location;
- e. Providing personal protective equipment as available and appropriate to the function and location of the worker within the business location;
- f. Prohibiting gatherings of workers during work hours;
- g. Permitting workers to take breaks and meals outside, in their office or personal workspace, or in such other areas where proper social distancing is attainable;
- h. Implementing teleworking for all possible workers;
- i. Implementing staggered shifts for all possible workers;
- j. Holding all meetings and conferences virtually, wherever possible;
- k. Delivering intangible services remotely wherever possible;
- l. Discouraging workers from using other workers’ phones, desks, offices, or other work tools and equipment;
- m. Prohibiting handshaking and other unnecessary person-to-person contact in the workplace;
- n. Placing notices that encourage hand hygiene at the entrance to the workplace and in other workplaces where they are likely to be seen;
- o. Suspending the use of Personal Identification Number (“PIN”) pads, PIN entry devices, electronic signature capture, and any other credit card receipt signature requirements to the extent such suspension is permitted by agreements with credit card companies and credit agencies;
- p. Enforcing social distancing of non-cohabitating persons while present on such entity’s leased or owned property;
- q. For retailers and service providers, providing for alternative points of sale outside of buildings, including curbside pickup or delivery of products

and/or services if an alternative point of sale is permitted under Georgia law;

- r. Increasing physical space between workers and customers;
- s. Providing disinfectant and sanitation products for workers to clean their workspace, equipment, and tools;
- t. Increasing physical space between workers' worksites to at least six (6) feet.

6. **Businesses - Enhanced Measures.** The Chief Executive Officer urges, advises, encourages and implores all businesses that are re-opening to take the following additional steps to mitigate the spread of COVID-19 within the context of the Governor's April 20, 2020 Order:

- a. Require workers to report when a member of his/her household is exhibiting signs of illness and to not report to work;
- b. Consider implementing additional front-line pay for the period of time that the State of Georgia is under a declaration of emergency;
- c. Focus on enhanced communication with employees and public;
- d. Encourage patrons to take precautions, such as wearing cloth face covers;
- e. Implement contingency plans in advance in the event that an employee becomes ill;
- f. Obtain extra personal protective equipment, when able to acquire without interfering with any need by healthcare workers;
- g. Consider expanding leave policies to encourage workers who are sick or need to care for a sick family member to remain at home and to accommodate workers who must care for their children due to school cancellation;
- h. Consider cleaning and sanitizing restrooms after every use;
- i. For businesses that primarily serve clientele that are over the age of 65, reside in nursing homes or long-term care facilities or who are medically fragile, as described herein, consider additional and more frequent disinfection and cleaning of the premises.
- j. Follow the recommendations and guidance issued by State of Georgia Boards that maintain workers' respective licenses.¹

7. **Houses of Worship.** The Chief Executive Officer urges, advises, encourages and implores all houses of worship to continue to provide remote faith-based services, to encourage members to wear cloth face covers while on their premises and follow all recommendations of the Centers of Disease Prevention and Control as it relates to COVID-19 prevention. Houses of worship shall not allow more than 10

¹ Safety Guidelines for reopening Barber and Cosmetology Salons can be found here - <https://sos.ga.gov/PLB/acrobat/Forms/28%20Safety%20Guidelines%20for%20Return%20to%20Work%20-%20COVID19.pdf>. To date, the Georgia Board of Massage Therapy has not posted safety guidelines.

persons to be gathered at a single location if such gathering requires persons to stand or be seated within 6 feet of any other person.

8. **Urging the Governor to Take Necessary Action.** The Chief Executive Officer urges the Governor and the State Department of Public Health to provide appropriate guidance and resources to those individuals who are medically fragile or experiencing homelessness, including, but not limited to, increased access to COVID-19 testing and distribution of sanitation kits to include appropriate face covers and hand sanitizer. The Chief Executive Officer further urges the Governor to appropriate funds for food, shelter and clothing for citizens of Georgia who are in economic distress.
9. The Chief Executive Officer further urges the State Department of Public Health to work in cooperation with DeKalb County's Board of Health and Dr. S. Elizabeth Ford, M.D., M.B.A., F.A.A.P, to develop and implement a plan before the end of May 2020 to expand testing capacity and test more broadly for COVID-19, isolate individuals who test positive for COVID-19 and perform contact tracing to map with whom a COVID-19 positive individual has interacted and who may have been exposed to COVID-19 so that the State of Georgia and DeKalb County can safely return to complete economic prosperity.
10. Finally, the Chief Executive Officer urges the Governor, the Georgia General Assembly and the State Department of Public Health to assist and support a rigorous investigation of the COVID-19 outbreak in Southwest Georgia and in African-American and communities of color in DeKalb County, and throughout the state of Georgia, to include an analysis of the cause and underlying factors that precipitated the outbreak and steps that must be taken to prevent pandemic infections in the future.

If one or more provisions contained in this Order shall be held to be invalid, in violation of the Georgia Constitution, in violation of Georgia law, or unenforceable in any respect, such invalidity, violation, or unenforceability shall not affect any other provisions of this Order, but, in such case, this Order shall be construed as if such invalid, illegal or unenforceable provision had never been contained within the Order.

This Order will be effective on April 24, 2020 at 12:00 a.m. and may be amended as necessary in order to adapt to the ever-changing health and economic situation in DeKalb County. This Order is not intended to and does not create any right or benefit, substantive or procedural, enforceable in law or equity by any party against DeKalb County, its officials, employees, or agents. This Order remains in effect until further notice; all provisions of this Order are subject to change or termination at any time, without prior notice.

So ORDERED this _____ day of _____ 2020.

Michael L. Thurmond
Chief Executive Officer
DeKalb County, Georgia

ATTEST:

Barbara H. Sanders-Norwood, CCC
Clerk to the Chief Executive Officer and
The Board of Commissioners

APPROVED AS TO FORM:

Viviane H. Ernstes
County Attorney

APPROVED AS TO SUBSTANCE:

Zachary L. Williams
Executive Assistant/Chief Operating Officer