ANDY BESHEAR
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

2020-968
November 18, 2020

STATE OF EMERGENCY

The novel coronavirus (COVID-19) is a respiratory disease causing illness that can range from very mild to severe, including illness resulting in death, and many cases of COVID-19 have been confirmed in the Commonwealth.

The Kentucky Constitution and Kentucky Revised Statutes, including KRS Chapter 39A, empower me to exercise all powers necessary to promote and secure the safety and protection of the civilian population, including the power to command individuals to disperse from the scene of an emergency and to perform and exercise other functions, powers, and duties necessary to promote and secure the safety and protection of the civilian population. Under those powers, I declared by Executive Order 2020-215 on March 6, 2020, that a State of Emergency exists in the Commonwealth. The Centers for Disease Control and Prevention (CDC) has concluded that COVID-19 most commonly spreads during close contact between people, and can sometimes be spread through airborne transmission, particularly among individuals in enclosed spaces. As a result, scenes of emergency exist where people gather together, potentially spreading COVID-19.

Kentucky is now experiencing a potentially catastrophic surge in COVID-19 cases, which threatens to overwhelm our healthcare system and cause thousands of preventable deaths. Despite Red Zone Reduction Recommendations, Kentucky is faced with exponential growth of COVID-19 cases.

Accordingly, new public health measures are required to slow the spread of COVID-19. Kentuckians can save lives if they remain Healthy at Home, which will continue to help protect our community from the spread of COVID-19.

Order

I, Andy Beshear, by virtue of authority vested in me pursuant to the Constitution of Kentucky and by KRS Chapter 39A, do hereby Order and Direct as follows:

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1. All prior orders and restrictions remain in full force and effect, except as modified below. In particular, all Kentuckians should continue to wear face coverings to protect themselves and others, as set forth in Executive Order 2020-931 (and any order renewing it) and 902 KAR 2:210E. Current guidance and restrictions shall continue to apply to any activity not listed below.

2. This Order does not apply to education, childcare, or healthcare, which operate under separately issued guidance and orders. Current guidance for all entities is available online at the Healthy at Work website (https://govstatus.egov.com/ky-healthy-at-work).

3. These restrictions shall take effect on Friday, November 20, 2020, at 5 p.m. local time, and shall expire on Sunday, December 13, 2020, at 11:59 p.m. local time.

4. **Restaurants and Bars.** All restaurants and bars must cease all indoor food and beverage consumption. Restaurants and bars may provide delivery and to-go service to the extent otherwise permitted by law. Restaurants and bars may provide outdoor service, provided that all customers are seated at tables, table size is limited to a maximum of eight (8) people from a maximum of two (2) households, and tables are spaced a minimum of six (6) feet apart. For the avoidance of doubt, this restriction applies to indoor dining facilities at retail locations, including food courts. A household is defined as individuals living together in the same home. Additional guidance for outdoor dining is available online at the Healthy at Work website (https://govstatus.egov.com/ky-healthy-at-work).

5. **Social Gatherings.** All indoor social gatherings are limited to a maximum of two (2) households and a maximum of eight (8) people. A household is defined as individuals living together in the same home.

6. **Gyms, Fitness Centers, Pools, and Other Indoor Recreation Facilities.** Gyms, fitness centers, swimming and bathing facilities, bowling alleys, and other indoor recreation facilities must limit the number of customers present inside any given establishment to 33% of the maximum permitted occupancy and ensure that individuals not from the same household maintain six (6) feet of space between each other. Indoor group activities, group classes, team practices, and team competitions are prohibited. Notwithstanding 902 KAR 2:210E, Section 2(3)(j), all individuals inside such facilities must wear face coverings at all times, including while actively engaged in exercise. For the avoidance of doubt, this provision does not apply to athletic activities at schools, for which separate guidance will be provided by KHSAA, or athletic activities at institutions of higher education.

7. **Venues, Event Spaces, and Theaters.** Indoor venues, event spaces, and theaters are limited to 25 people per room. This limit applies to indoor weddings and funerals. For the avoidance of doubt, this limit does not apply to in-person services at places of worship, which must continue to implement

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and follow the Guidelines for Places of Worship available online at the Healthy at Work website (https://govstatus.egov.com/ky-healthy-at-work).

8. **Professional Services.** All professional services and other office-based businesses must mandate that all employees who are able to work from home do so, and close their businesses to the public when possible. Any office that remains open must ensure that no more than 33% of employees are physically present in the office any given day.

9. Nothing in this Order should be interpreted to interfere with or infringe on the powers of the legislative and judicial branches to perform their constitutional duties or exercise their authority.

ANDY BESHEAR, Governor
Commonwealth of Kentucky

MICHAEL G. ADAMS
Secretary of State

Healthy at Work

TEAM KENTUCKY

VERSION 3.0 – Effective July 10, 2020

Minimum Requirements for All Entities

All entities that are currently closed will remain closed until it is determined it is safe for their sector to begin reopening.

Closed Entities Reopening. Each entity must meet the following minimum requirements before they can reopen. If any entity in a sector being reopened cannot comply with the minimum requirements set out below, they must wait to reopen until they are able to do so or until some or all of these restrictions are lifted.

Entities That Have Remained Open. For those entities that have been deemed life-sustaining and remained operating, they will be expected to meet the following minimum requirements no later than May 11, 2020.

1. **Continue telework where possible.** Entities should operate via phone or Internet to the greatest extent practicable. Employees who are able to perform their job duties via telework (phone or Internet) must continue to telework.

2. **Phased return to work.** Entities are encouraged to implement a phased return to work, including generous telework, sick leave, and family leave policies for those employees who are not able to come into work due to illness, taking care of a family member(s), or lack of childcare options.

3. **Enforce social distancing.** Entities must ensure, to the greatest extent practicable, that employees who are not able to telework and must be physically present at the office remain a minimum of six (6) feet away from all other employees and customers unless closer interaction is absolutely required to perform their job duties (e.g., health care examinations).

4. **Limit face-to-face interaction.** Entities must ensure that employees minimize face-to-face contact with one another and with customers to the greatest extent practicable. Meetings should be conducted via telephone or Internet if possible.

5. **Universal Face Covering and Other Necessary PPE.** As of July 10, 2020, people in Kentucky must cover their nose and mouth with a face covering when they are in situations that represent a high risk of COVID-19 transmission. *See* Executive Order 2020-586 and 902 KAR 2:010E, which are attached to this document.

Definitions Universal Face Covering and Other Necessary PPE.

Face covering: Facing covering means a material that covers the nose and mouth and is secured to the head with ties, straps, or loops over the ears, or is wrapped around the lower face. It can be made of a variety of materials, including cotton, silk, or linen, and ideally has two or more layers. Face coverings may be factory-made, homemade, or improvised from household items such as scarfs, bandanas, and t-shirts. Guidance on how to make a face covering at home is available at: https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-to-make-cloth-face-covering.html.

Entities: Entity means any construction businesses; manufacturing and distribution facilities; retail establishment; grocery store; pharmacy; hair salon/barbershop; nail salon/spa; tattoo parlor; child care facility; restaurant or bar (when not seated); health care setting, fitness center, venue or event space, or; any other indoor, public-facing facility or space.

Universal Face Covering Requirements for Entities

All entities must do the following:

- Require their employees, volunteers, and contractors wear a face covering in any indoor space where it is difficult to maintain a physical distance of at least six (6) feet from all individuals who are not members of that person's household. Entities need not require an employee/volunteer/contractor to wear a face covering when doing so would create a serious health or safety hazard to the employee/volunteer/contractor, when the employee/volunteer/contractor is working alone in an enclosed space, or when the employee/volunteer/contractor is working alone in an area with more than six (6) feet of social distancing.

- Provide face coverings or other face coverings at no cost to employees and shall provide instruction on proper use.

- Require customers and all other members of the public on the premises to wear a face covering, except for the following:

  (a) children five (5) years of age or younger;

  (b) persons with a disability or physical or mental impairment that prevents them from safely wearing a face covering;

(c) persons who are hearing impaired or communicating with someone who is hearing impaired;

(d) Any person engaged in work that a state or federal regulator has concluded would make wearing a face covering a risk to their health or safety;

(e) Any person who is seated and actively consuming food or drink at a restaurant, bar, or other establishment that offers food or beverage service;

(f) Any person who is obtaining a service that requires temporary removal of a face covering to perform;

(g) Any person who is required to temporarily remove their face covering to confirm their identity or for security/screening purposes;

(h) Any person giving a speech or broadcast to an audience and is able to maintain a safe distance of six feet from all individuals;

(i) Any person who is in a swimming pool, lake, or body of water;

(j) Any person who is actively engaged in exercise in a gym or indoor facility so long as six or more feet of separation between individuals exists, and where the gym or indoor facility engages in required cleaning;

(k) Any person who is actively participating in athletic practice, scrimmage, or competition that is permitted under separate Healthy at Work requirements or guidance available online; and

(l) Any person engaged in a lawful activity where federal and state law prohibits wearing a face covering.

- Refuse to serve any customer or other member of the public not specifically exempted above who refuses to wear a face covering or any person who removes their face covering once on the premises.

- Deny entry to any person not specifically exempted above who refuses to wear a face covering, and require any person who removes their face covering once on the premises to leave..

Access To Gloves: Entities must make gloves available to employees whose duties include touching items or surfaces often touched by others. Entities should also follow the CDC, OSHA, or other applicable federal guidelines relating to gloves.

6. **Adequate Hand Sanitizer and Encouraging Hand Washing.** Entities must supply adequate hand sanitizer (60% alcohol content or higher) for both employees and customers and ensure that it is made available near high-traffic and high-touch areas (e.g., doors or door handles). Entities must also encourage routine and consistent hand washing for employees and customers.

7. **Restrict Common Areas.** Entities must, to the greatest extent practicable, restrict common areas such as lobbies, waiting rooms, break rooms, smoking areas, lunch rooms, and concession areas to maximize social distancing and reduce congregating.

8. **Proper sanitation.** Entities must sanitize frequently touched surfaces and areas (e.g., door knobs, credit card machines, shared computers) in accordance with CDC guidelines. When they have identified an employee who has COVID-19 or the associated symptoms, entities must further ensure that they immediately restrict access to contaminated areas and post signage and adequately clean impacted areas. Any contaminated area should be off-limits to all but essential personnel for a minimum of 24 hours if practicable.

9. **Conduct daily temperature/health checks.** Entities must require employees to undergo daily temperature and health checks; these checks may be either self-administered or administered by the entities prior to workplace entry. Self-administered temperature and health checks may performed at home. Employees who have a fever and/or any symptoms of COVID-19 should be directed to their health care provider to be tested and then instructed to quarantine at home as soon as any illness is detected. This includes employees that passed a temperature and health check prior to reporting to work but became ill during the course of the day. Guidance on COVID-19 symptoms and how to conduct temperature and health checks can be found in the Health Requirements and Temperature Checks section below.

10. **Create a testing plan.** Entities must ensure that any employee with COVID-19 symptoms is tested by a health care provider for COVID-19 within 36 hours. Entities must ensure that employees are trained on how to isolate individuals with suspected or confirmed COVID- 19 and how to report possible cases. If an employee tests positive, the entities must immediately notify the local public health department.

11. **Make special accommodations.** Entities must, to the greatest extent practicable, make special accommodations for employees and customers at higher risk for severe illness. Individuals in these high-risk categories have been identified by the Centers for Disease

Control and Prevention – further information is available at: https://www.cdc.gov/coronavirus/2019-ncov/faq.html#Higher-Risk.

12. **Designate a "Healthy at Work" Officer.** Entities must ensure that an employee is designated as its Healthy at Work Officer. This individual will be responsible for the entity' compliance with this guidance and any other guidance provided. Entities

13. should allow for employees to identify and communicate potential improvements and/or concerns to the Healthy at Work designated Officer or management.

14. **Educate and Train Employees**. Entities must educate and train all individuals, including employees, temporary employees, contractors, vendors, customers, etc., regarding the Healthy at Work protocols. This training must be offered during scheduled work times at no cost to the employee.

15. **Contact Notification Responsibilities.** Entities opened must be prepared to assist public health officials if an employee test positive or becomes exposed to COVID-19. This assistance includes, but is not limited to, providing the employee's work schedule, workstation, hours or shifts worked, when the employee was potentially exposed, and the names and contact information of any other employee or other party exposed to the virus. Additional information about Contact Notification Responsibilities can be found in the Contact Notification Responsibilities Section Below.

If any entities fails to comply with this guidance, they can be reported to KYSAFER at 833-KYSAFER or kysafer.ky.gov.

Healthy at Work

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Requirements for Health and Temperature Screenings

- All businesses should instruct employees not to report to work if they are having fever and/or any symptoms of COVID-19.

- All businesses, once their sector has been reopened and they can comply with the requirements to reopen, must require employees to undergo a temperature and health check prior to beginning work each day to minimize the spread of COVID-19. This includes businesses that remained operating because they were deemed life-sustaining; those businesses must begin implementing health checks and the other minimum requirements starting May 11, 2020.

- These daily temperature and health checks may be administered by the employer at the business site or self-administered by the employee prior to arriving at work (atleast once every 24-hour period).

Health Screenings

•All businesses must assess employees each day to ensure that they do not have any COVID-19 symptoms. Businesses may choose whether to require: 1) an in-person assessment at the beginning of each day, or; 2) a self- screening that the employee conducts at least once every 24 hours and then reports the results to the business.

•Any in-person assessment or self-screening must answer the following questions:

- Have you had any of the CDC-recognized COVID-19 symptoms since your last day at work or the last time you were here? Please answer "Yes" or "No" to each question.
  - Employers should then list the CDC-recognized COVID-19 symptoms and have the employee respond to each symptom with a "Yes" or "No."
  - The current CDC-recognized COVID-19 symptoms are available at Centers for Disease Control (CDC) website: https://www.cdc.gov/coronavirus/2019-nCoV/index.html
  - These symptoms are sometimes updated or supplemented, so employers should be sure to check this website regularly and update their assessment in line with CDC guidance.
- Is there anyone in your household who is showing COVID-19 symptoms or who has been diagnosed with COVID-19?
- Have you been in close contact with anyone exhibiting sign or symptoms of fever, persistent cough or shortness of breath consistent with COVID-19 who has not been tested or is still awaiting testing?

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Temperature Screenings

- All businesses must assess employees each day to ensure they do not have a fever. Businesses may choose whether to require: 1) on-site temperature screenings, or; 2) self-screenings conducted by the employees at home at least once every 24 hours, ideally just before going to work, and reported to the employer prior to beginning work. Employees with a fever above 100.4° should not report to work.

- If the business opts for on-site temperature screenings, businesses should ensure that proper social distancing can still be followed. This may be accomplished by using no-contact thermometers or thermal imaging cameras. If that equipment is unavailable, it may be accomplished by setting up temperature check stations for employees to self- administer standard oral/aural thermometer checks and then report the results to on- site screeners. If standard oral/aural thermometers are used, they should be thoroughly sanitized after each use.

Acting on Screening Results

- If the employee answers "NO" to all of the screening questions AND has a temperature of 100.4°F or below, then they may begin their work day. However, employees should be instructed to continue to self-monitor during the day; if they develop symptoms during the workday, they should report those symptoms to a supervisor and leave work to report to a health care provider for testing.

- If the employee answers "YES" to any of the screening questions OR has a temperature greater than 100.4°F, then the employee must not be allowed into the workplace that day, unless cleared by a medical professional. They should self-isolate at home and follow current Kentucky Department for Public Health and/or CDC guidelines available at: Centers for Disease Control (CDC) website: https://www.cdc.gov/coronavirus/2019-nCoV/index.html

Healthy At Work: Contact Notification

Contact notification is the process of identifying, contacting, and supporting people who have been exposed to a disease. It is a critical part of our effort to stop transmission of COVID-19.

Public health officials will interview patients who have tested positive for COVID-19, to learn about their recent contacts. Officials will then reach out to all of the close contacts of COVID-19 positive persons to inform them of their status and risks.

Responsibilities of Entities Under Healthy At Work

Entities opened under Healthy At Work must be prepared to assist public health officials if an employee tests positive or becomes exposed to COVID-19. They should keep documentation of work shifts, work locations, meetings, and in-person clients or visitor contacts. Entities should be prepared to answer the following questions about the employee who tested positive:

- **What was that employee's work schedule prior to testing positive?**
- **Where was that employee working in the days prior to testing positive?**
- **When was the last day that employee came into work?**
- **Who could have come in close contact (defined as being within six feet for more than thirty minutes) with that employee in the two days prior to that employee testing positive?**
    - **Consider employees who were working nearby, sitting in the same meetings, interacting during breaks, entering or exiting the building together, or riding in a car together.**
    - **Consider customers, clients, or visitors who may have interacted with that employee based on visitor logs, invoices, billing statements, or meeting records.**
- **Please provide contact information for the employee who tested positive and anyone who may have come into close contact with that employee.**

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VERSION 3.1 – Effective July 22, 2020

Requirements for Auctions

In addition to the Healthy at Work Minimum Requirements, **auctions** must meet the requirements below in order to reopen and remain open:

Social Distancing Requirements for Auctions

- Auctions must continue to be held online or remotely to the greatest extent practicable.
- For those auctions that cannot be held remotely, they must be held outside to the greatest extent practicable.
- For those auctions that cannot be held remotely or outdoors, auctions must limit the persons, not including employees, present to 50% of the maximum permitted occupancy capacity of the auction space. All individuals in the venue or event space must be able to maintain six (6) feet of space from all people who are not members of their household. If the auction is not able to maintain six (6) feet of space between attendees or households at 50% capacity, the auction must limit the number of individuals in the area or space to the greatest number that permits proper social distancing. Additionally, auctions should plan for and encourage attendees to appropriately social distance.
- Auctions must ensure that all participants remain a minimum of six (6) feet away from each other and any auctioneers or staff. This includes during sign-in, previewing of the auction items, bidding, picking up items, and submitting payment. Chairs, if used, should be placed six (6) feet apart from one another to ensure proper social distancing.
- Auctions cannot serve food or drink.
- Auctions must ensure customers can pick up purchased items one person at a time and without in-person interaction, either by appointment or by establishing a designated space where each purchased item will be left for pickup.
- Auctions must use online registration, sign-in, and payment to the greatest extent practicable. For sign-ins or other documents that must be done in person, auctions must establish a system that minimizes in-person interaction to the greatest extent practicable, such as providing a designated space where one person at a time can sign documents.
- Auctions must stagger set-up, check-in, entry, exit, and breakdown times to avoid customers and auction staff congregating.

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Cleaning and Disinfecting Requirements for Auctions

- Auctions that cannot be held remotely or outside must ensure that their facilities, including breakrooms and restrooms, are properly cleaned and ventilated. Auctions that cannot be held outside are encouraged to open exterior doors and windows to increase ventilation.

- Auctions should provide hand sanitizer, handwashing facilities, tissues and waste baskets in convenient locations to the greatest extent practicable.

- Auctions must limit the use of shared equipment or items (e.g., pens, documents, bid paddles) to the greatest extent practicable. Any items that must be shared must also be thoroughly disinfected between each use.

- Auctions must limit touching of auction items to the greatest extent practicable. For those auction items that must be touched, they must be disinfected after each use if doing so is possible and would not diminish the quality or value of the item.

- Auctions making restrooms available must ensure frequently touched surfaces are frequently cleaned and disinfected (e.g., door knobs and handles).

Personal Protective Equipment (PPE) Requirements for Auctions

- Auctions must ensure that all staff wear facemasks or other face coverings whenever they are within six (6) feet of another person unless doing so would represent a serious risk to the staff member's health or safety.

- Pursuant to Executive Order 2020-586 and 902 KAR 2010E, which are attached to this document, all auctions must ensure that all customers, vendors, contractors, and any other member of the public who enters the premises wear a face covering so long as they are not subject to any of the exemptions listed in the Executive Order.

- If any person attempts to enter the auction without a face covering, the auction must inform them of the requirement to wear a face covering. If the individual refuses and is not subject to any of the exemptions listed in the Executive Order, the individual must not be permitted entry onto the premises.

- If an individual who was previously wearing a face covering removes it while on the premises and not subject to any of the exemptions listed in the Executive Order, the auction must ask them to put it back on. If the individual refuses to do so, the auction must not provide them service and must ask them to leave.

- Auctions who fail to follow these requirements of the Executive Order will be subject to a fine and may also be subject to an order from a local health department or the Labor Cabinet requiring immediate closure.

- For those auction items that must be touched and cannot be properly disinfected, auction staff and customers must wear gloves while examining the item and properly dispose of those gloves immediately after.

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Training and Safety Requirements for Auctions

- Auctions must train staff to use PPE. This training includes: when to use PPE; what PPE is necessary; how to properly put on, use, and remove PPE; how to properly dispose of or disinfect PPE; how to inspect PPE for damage; how to maintain PPE, and; the limitations of PPE.

- Auctions must establish log-in procedures for staff and customers and maintain that information for potential contact notification.

Healthy at Work

TEAM KENTUCKY

VERSION 1.0 – Effective May 11, 2020

Requirements for Office-Based Businesses[1]

In addition to the Healthy at Work Minimum Requirements, **office-based businesses** must meet the requirements below in order to reopen and remain open:

Social Distancing Requirements

- Businesses should conduct business via phone or Internet to the greatest extent practicable. Employees who are currently able to perform their job duties via telework should continue to telework.

- Businesses must ensure that no more than 50% of employees are physically present in the office on any given day.

- Businesses must ensure that employees wear face masks for any interactions between co-workers or while in common travel areas of the office (e.g., hallways, conference rooms, bathrooms, entries and exits). Employees are not required to wear face masks while alone in personal offices or if doing so would pose a serious threat to their health or safety.

- Businesses should ensure that employees use digital files rather than paper formats (e.g., documentation, invoices, inspections, forms, agendas) to the greatest extent practicable.

- Businesses must conduct meetings with customers over the phone or Internet to the greatest extent practicable. Where in-person meetings with customers cannot be avoided, the employees must wear face masks and remain six feet apart from the customers.

- Businesses should, to the greatest extent practicable, modify the office's traffic flow to minimize contacts between employees.

Cleaning and Disinfecting Requirements

- Businesses should ensure that offices and workstations are properly cleaned and ventilated.

- Businesses should encourage employees to frequently wash their hands or use hand sanitizer, which should be provided by the business.

[1] Office-based businesses include finance and accounting, legal, insurance, engineering, architecture, real estate, scientific/technical, property management, non-profit organizations performing administrative services, and other corporate offices and private office-based firms.

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Training and Safety Requirements

- Businesses should ensure that appropriate signage is posted throughout the office space to inform employees and customers about good hygiene and new office practices.

- Businesses should, to the greatest extent practicable, implement hours where service can be safely provided to persons at higher risk for severe illness per CDC guidelines. These guidelines are available at:https://www.cdc.gov/coronavirus/2019-ncov/faq.html#Higher-Risk