

TENNESSEE'S GUIDELINES FOR RETURNING TO HOUSES OF WORSHIP IN THE PANDEMIC

On April 24, 2020 Governor Bill Lee released his administration's plan, the "Tennessee Pledge" for reopening Tennessee. Governor Lee calls upon employers, employees, and consumers to "take the pledge" by following published universal guidance and best practices for enhanced safety measures, including using face coverings and maintaining social distancing as suggested by the CDC. Many business sectors, including the restaurant, retail, gym and fitness, and salon/barber (close contact) industries received industry specific guidance. The plan applies to businesses in 89 of our state's 95 counties. Businesses in six counties – Davidson, Hamilton, Knox, Madison, Shelby, and Sullivan – were to have different timetables and recommended protocols.

The CDC has issued guidance, checklists, and protocols specific to faith-based organizations. You may find those here: <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/index.html> Similarly, On May 1, 2020 Governor Lee also promulgated a set of guidelines specific to reopening houses of worship. You may find these guidelines at: <https://www.tn.gov/content/dam/tn/governorsoffice-documents/House%20of%20Worship%20Guidance%20FBCI.pdf>

Some of the six counties that were to develop their own timelines and protocols contemplated their own draft of guidelines for houses of worship. Knox County actually amended its plan to remove its own guidelines and instead deferred to those from the state. Now, all of the six counties' plans refer to those guidelines from Governor Lee regarding returns to houses of worship.

Basic points of the Governor's guidelines for churches include these:

- A phased approach to resuming in-person gatherings is recommended. Vulnerable populations (everyone 65 years and older, people with disabilities, people with serious respiratory or cardiovascular conditions, people who are immunocompromised, and others) and children's activities/nursery programs should not gather in person until a later time.
- Consider solutions to minimize close personal contact that may be part of services, such as handshakes or sharing food and drink.
- As the phased approach begins, limit the size of attendance in a sanctuary and other confined spaces to create seating arrangements that provide at least 6-foot distancing between families. It is recommended not to exceed 50% of maximum capacity of the room and should enable full compliance with CDC recommendations for social distancing and hygiene.
- Wear face coverings.
- Encourage members to stay at home if they are symptomatic, have a fever, have been in close contact with someone who has tested positive, or have traveled internationally or to a domestic hot spot in the past two weeks.
- If a member of the congregation has tested positive for COVID-19, consult CDC guidelines and local health department recommendations to determine whether in-person gatherings should

cease immediately, the building should close for additional cleaning, or other protocol changes are required.

Importantly this guidance for churches published by the state of Tennessee states that it is provided as a “courtesy.” The document further says “These suggestions are not, and should not be construed as mandates or requirements by the State of Tennessee, the Governor’s Office of Faith-Based Community Initiatives, or any other entity of federal, state or local government.” Even though the guidelines for houses of worship are not mandates or requirements, they should be considered as benchmarks for assessing standards of care and conduct in our diocese. Frequently the Governor’s guidance refers to or incorporates protocols and guidelines from the CDC. Following these suggested protocols from the state and CDC (see the link above), documenting their implementation and use in parishes, and monitoring the CDC and other references for best practice updates will go far in defending against claims of liability for COVID-related matters.

The guidelines promulgated for reopening Knox County businesses include the suggestion that each organization appoint a COVID-19 coordinator for each physical location. This person is envisioned to “lead the implementation of strategies to reduce the spread of COVID-19.” Those guidelines suggest that the coordinator might be “an individual familiar with workplace safety (such as a safety point person, risk manager, employee health coordinator, etc.) or may have no previous experience with this topic.” The guidelines contemplate that the key qualities of a coordinator include someone who will take action to implement the recommended measures, stay aware of changes to recommendations through the official communication channels on the website, and has the authority to reinforce the need to follow the measures on an ongoing basis throughout the reopening phases. This suggestion of a COVID-19 coordinator seems prudent. This would be a person or persons who would assist the rector and vestry in coordinating and championing their collective efforts.

Finally, there are multiple communication resources readily available in the public domain. The state and each county has published through their respective health departments printable signage and communication documents regarding basic topics like social distancing, hand washing, hygiene efforts and the like. Please consider printing multiple copies of these and posting them prominently. Also, the Hamilton County health department conducted a webinar on Friday, May 15, 2020 on the topic of reopening houses of worship. The webinar was recorded and is available here: <https://youtu.be/RhikJUQNLI>.

**All information provided is valid as of May 20, 2020. Nothing in this flyer is intended to be legal advice or to create an attorney/client relationship between the author(s) and the reader(s). If you have specific legal questions, please consult with counsel.*