

Serving Customers in the Midst of the Pandemic

As we all follow the “Tennessee Pledge” issued by the Governor to return Tennesseans to work in a safe environment, restore their livelihoods, and reboot our state’s economy, you must ask yourself—what will business be like in this new COVID-19 world?

To answer this question it is important to first ask, “where we have been in the past few weeks?”

Since March 22, 2020, when the Governor issued Executive Order No. 27, Tennesseans have been prohibited from social gatherings of 10 or more people. Restaurants, bars, and similar food and drink establishments were ordered to offer take-out or delivery options only, while gyms and fitness/exercise centers were directed to temporarily close and suspend in-person services. In addition, the Order restricted visitation in nursing homes, retirement homes, and long-term care or assisted-living facilities. On March 30, 2020, the Governor issued an order prohibiting close-contact personal services and ordering entertainment and recreational gathering venues to close. On April 2, 2020, the Governor issued an order requiring all persons to “stay at home, except when engaging in Essential Activity or Essential Services.” According to the Tennessee Pledge, there has been a \$218 million decline in motor vehicle-related sales year over year, with losses for April being significantly greater.

Now that “reopening the economy,” so to speak, is a reality and not a distant dream, you ask yourself, “How do I conduct my business now?”

All dealers should review The Tennessee Pledge at <https://www.tn.gov/governor/covid-19/economic-recovery/tennessee-pledge.html>, issued by the Governor, which advises that all employers: (i) screen all employees reporting to work for COVID-19 symptoms by asking a number of questions about an employee’s contact with confirmed COVID-19 and whether they have COVID-19 symptoms such as, fever, cough, shortness of breath, sore throat, etc.; (ii) conduct temperature screening; (iii) implement workplace cleaning and disinfection protocols that follow CDC guidelines, (iv) implement social distancing guidelines; and (vi) modify scheduling by allowing employees to work from home as much as possible. The Pledge also addresses other matters, such as updating employee illness policies, etc.

Dealers should consider limiting number of customers in your offices, with spacing at least 6 feet apart. Mark any indoor or outdoor waiting area so that social distancing standards are met (options can include a text system to alert guests of available seating, an intercom system, or only one member of a party being allowed to wait in the waiting area). Place hand sanitizer stations in the lobby and bathrooms, as well as at cashier stations. Sanitize all front-of-house contact surfaces including door handles, screens, phones, pens, keyboards and other areas of hand contact every two hours, at a minimum. Dealers should also encourage employees to (i) “stay home

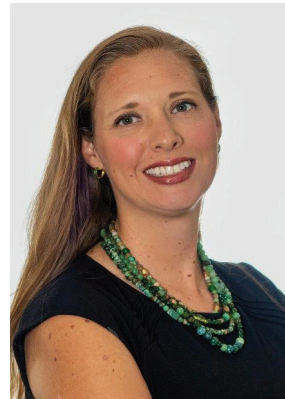
when feeling ill,” (ii) increase hygiene practices—wash hands more frequently, avoid touching face, practice good respiratory etiquette, wear a cloth face covering, and (iii) practice recommended social distancing to the greatest extent possible. Customers should be asked to wear face coverings inside the dealership.

Consider tailoring your business practices and advertising messaging to meet consumers’ most pressing needs. For example, remain open by appointment only, for customers in essential businesses or with time-sensitive needs. And describe to consumers what steps you are taking to act responsibly and protect consumers, in light of the pandemic and current health alerts and guidance. Consider offering test drives without a dealer-employee in the vehicle, or temporarily discontinue test drives altogether. If test drives are offered, ensure that all current protocols for vehicle cleaning are carried out after each test drive.

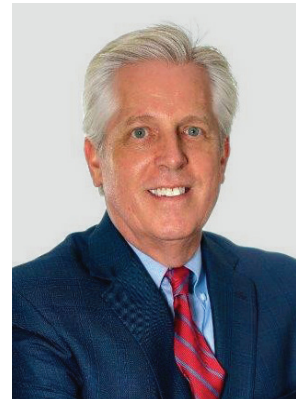
In addition, if you are considering changes to your underwriting model in light of the pandemic, remember that such changes would still be subject to scrutiny under federal and state discrimination laws. Accordingly, before you make any changes, be certain to consult legal counsel to ensure that your proposed alterations won’t inadvertently raise allegations of discrimination.

We will get through this, but all Tennesseans need to do their part.

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