



County Judge Lina Hidalgo
D I R E C T O R

ORDER OF COUNTY JUDGE LINA HIDALGO
Providing Guidance for Reopening Retail Businesses

Whereas, on March 11, 2020, Harris County Judge Lina Hidalgo issued a Declaration of Local Disaster for Public Health Emergency to allow Harris County to take measures to reduce the possibility of exposure to the novel coronavirus (COVID-19) and promote the health and safety of Harris County residents in accordance with Section 418.108(a) of the Texas Government Code; and

Whereas, on March 13, 2020, Governor Greg Abbott issued a Declaration of State of Disaster, certifying under Section 418.014 of the Texas Government Code that COVID-19 poses an imminent threat of disaster for all counties in the State of Texas and to thus take additional steps to prepare for, respond to, and mitigate the spread of COVID-19 to protect the health and welfare of Texans; and

Whereas, in March 2020, the US Centers for Disease Control and Prevention (CDC) issued guidance as to individuals, recommending that individuals practice social or physical distancing to prevent the spread of COVID-19 by staying at least 6 feet from other people, by refraining from gathering in groups, by staying out of crowded places and by avoiding mass gatherings; and

Whereas, on March 15, 2020, the CDC issued guidance as to large events, explaining that larger gatherings (for example, more than 250 people) offer more opportunities for person-to-person contact and therefore pose a greater risk of COVID-19 transmission and community spread; counseling that based upon what is currently known about the virus, spread from person-to-person happens most frequently among close contacts (within 6 feet); and urging organizers to continually assess whether to postpone, cancel, or significantly reduce (if possible) the number of attendees at larger gatherings; and

Whereas, on March 17, 2020, the Harris County Commissioners Court extended the Declaration of Local Disaster for Public Health Emergency to March 25, 2020 in accordance with Section 418.108(b) of the Texas Government Code; and

Whereas, on March 19, 2020, after determining that COVID-19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code, Texas Department of State Health Services (DSHS) Commissioner John Hellerstedt issued the first Public Health Disaster Declaration released in the State of Texas since 1901; and

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William J. ...
COUNTY CLERK
HARRIS COUNTY TEXAS

Whereas, on March 19, 2020, Governor Abbott issued Executive Order GA-08, mandating certain obligations for Texans in accordance with the President's Coronavirus Guidelines for America, as promulgated on March 16, 2020 by President Donald J. Trump and the CDC, which called upon Americans to take actions to slow the spread of COVID-19 and prohibited Texans from gathering in groups of more than ten persons; and

Whereas, on March 19, 2020, the Harris County Judge issued an Order requiring that any person entering a building owned, occupied, or operated by Harris County may be screened for symptoms consistent with COVID-ID; and

Whereas, on March 24, 2020, the Harris County Commissioners Court extended the Declaration of Local Disaster for Public Health Emergency to April 29, 2020 in accordance with Section 418.108(b) of the Texas Government Code; and

Whereas, on March 24, 2020, the Harris County Judge issued a "Stay Home, Work Safe" Order prohibiting gatherings and providing that residents stay home other than to perform Essential Services as defined in Federal guidance. The Stay Home, Work Safe order provided that in performing or obtaining Essential Services, residents should follow CDC guidelines on social distancing; and

Whereas, on March 31, 2020, Governor Abbott issued Executive Order GA-14, superseding Executive Order GA-08, implementing Essential Services and Activities Protocols through April 30, 2020 and expanding the social-distancing restrictions and other obligations for Texans that are aimed at slowing the spread of COVID-19, including limiting social gatherings and in-person contact with people other than those in the same household; and

Whereas, on April 3, 2020, the Harris County Judge amended and extended the Stay Home, Work Safe Order effective April 4, 2020 through April 30, 2020; and

Whereas, on April 12, 2020, Governor Abbott issued a proclamation renewing the Disaster Declaration for all counties in Texas in accordance with Section 418.014 of the Texas Government Code; and

Whereas, on April 17, 2020, DSHS Commissioner Dr. Hellerstedt renewed the State's Public Health Disaster Declaration; and

Whereas, on April 17, 2020, Governor Abbott issued Executive Order GA-16 which supersedes Executive Order GA-14, and included the same social-distancing restrictions and other obligations for Texans according to federal guidelines that are aimed at slowing the spread of COVID-19; and

Whereas, on April 27, 2020, Governor Abbott issued Executive Order GA-18 which supersedes Executive Order GA-16, and providing among other things, that every person in Texas shall, except where necessary to provide or obtain essential services or reopened services, minimize social gatherings and minimize in-person contact with people who are not in the same

household in accordance with guidance from DSHS Commissioner Dr. Hellerstedt and to achieve the goals established by the President to reduce the spread of COVID-19; and

Whereas, on April 28, 2020, the Harris County Commissioners Court extended the Declaration of Local Disaster for Public Health Emergency to May 20, 2020 in accordance with Section 418.108(b) of the Texas Government Code; and

Whereas, on April 28, 2020, the Harris County Judge issued an Amended Order regarding the Use of Face Coverings which, among other things, encourages individuals to continue to maintain social distance of at least six feet when outside their residences and in a public place; and

Whereas, on May 1, 2020, the Harris County Judge issued the County's Second Amended Stay Home, Work Safe Phased Reopening of Services Order; and

Whereas, on May 5, 2020, Governor Abbott issued Executive Order GA-21, which supersedes Executive Order GA-18 and relates to the expanded reopening of services as part of the safe, strategic plan to Open Texas in response to the COVID-19 disaster; and

Whereas, on May 7, 2020, Governor Abbott issued Executive Order GA-22, which relates to confinement during the COVID-19 disaster; and

Whereas, on May 8, 2020, the Harris County Judge issued the County's Third Amended Stay Home, Work Safe Phased Reopening of Services Order, which furthered the goals and policies of the State of Texas as set out in Executive Order GA-21; and

Whereas, on May 12, 2020, Governor Abbott issued a proclamation renewing the Disaster Declaration for all counties in Texas in accordance with Section 418.014 of the Texas Government Code; and

Whereas, on May 15, 2020, DSHS Commissioner Dr. Hellerstedt renewed the State's Public Health Disaster Declaration; and

Whereas, on May 18, 2020, Governor Abbott issued Executive Order GA-23, which supersedes Executive Orders GA-21 and GA-22 and relates to the expanded reopening of services as part of the safe, strategic plan to Open Texas in response to the COVID-19 disaster; and

Whereas, on May 19, 2020, the Harris County Commissioners Court extended the Declaration of Local Disaster for Public Health Emergency to June 10, 2020 in accordance with Section 418.108(b) of the Texas Government Code; and

Whereas, Retailers and the retail workforce have an important role to play in inhibiting the spread of COVID-19; and

Whereas, the COVID-19 virus is contagious and spreads through person-to-person contact, especially in group settings; and

Whereas, a County Judge acts as the emergency management director for the county and serves as the Governor's designated agent in the administration and supervision of duties during a state of emergency declared by the Governor in accordance with Section 418.1015(a) and (b) of the Texas Government Code; and

Whereas, a County Judge, serving as the Governor's designated agent in the administration and supervision of duties during a state of emergency declared by the Governor, "may exercise the powers granted to the governor under this chapter on an appropriate local scale" in accordance with Section 418.1015(b) of the Texas Government Code; and

Whereas, a County Judge, serving as the Governor's designated agent in the administration and supervision of duties during a state of emergency declared by the Governor, may use state or federal resources without prior authorization from the division or the state or federal agency having responsibility for those resources in accordance with Section 418.1015(d) of the Texas Government Code; and

Whereas, a County Judge, serving as the Governor's designated agent in the administration and supervision of duties during a state of emergency declared by the Governor, is authorized to control ingress to and egress from a disaster area and control the movement of persons and the occupancy of premises on an appropriate local scale in accordance with Sections 418.1015 and 418.018 of the Texas Government Code; and

Whereas, upon Declaration of a Local Disaster, a County Judge is authorized to control ingress to and egress from a disaster area and control the movement of persons and the occupancy of premises in accordance with Section 418.108(g) of the Texas Government Code; and

NOW THEREFORE, I, COUNTY JUDGE FOR HARRIS COUNTY, TEXAS, PURSUANT TO THE AUTHORITY VESTED BY TEXAS GOVERNMENT CODE CHAPTER 418, HEREBY FIND AND ORDER:

That the findings and recitations set out in the preamble to this ORDER are found to be true and correct and they are hereby adopted by the County Judge and made a part hereof for all purposes.

Summary. The virus that causes 2019 Coronavirus Disease (COVID-19) is easily transmitted through person-to-person contact, especially in group settings, and it is essential that the spread of the virus be slowed to protect the ability of public and private healthcare providers to handle the influx of new patients and safeguard public health and safety. Because of the risk of the rapid spread of the virus and the need to protect the most vulnerable members of the community, this Order encourages the following minimum recommended health protocols for all retailers who are considering re-opening or who have opened their businesses. These minimum health protocols are not a limit on the health protocols that individuals may adopt. Individuals are encouraged to adopt additional protocols consistent with their specific needs and circumstances to help protect the health and safety of people in Harris County.

This Order is issued to further the goals and policies of the State of Texas as set forth in the Governor's executive orders and is to be construed consistent with and in harmony with the terms of such executive orders.

This Order takes effect upon signing and continuing until 11:59 p.m. on June 10, 2020, unless terminated or modified by an earlier order, the County Judge of the County of Harris, Texas, deems it in the public interest to order the following.

1. Retail workers should not return to work if they are sick. If someone in the retail worker's household is ill with COVID-19 or the worker has been exposed to a person with COVID-19, the worker should immediately notify his or her employer.
2. **Before retail businesses that have been closed during the COVID-19 pandemic are re-opened**, it is recommended that each business:
 - a. Conduct routine HVAC maintenance and change air filters;
 - b. Ensure regular cleaning and disinfection of all areas including offices, bathrooms, and common areas, focusing especially on frequently touched surfaces like doorknobs and drawer handles, including:
 - i. Cleaning surfaces with soap and water;
 - ii. Disinfecting surfaces using products that meet EPA's criteria for use against SARS-Cov-2, the virus that causes COVID-19, and that are appropriate for the surface; and
 - iii. Following the manufacturer's instructions for all cleaning and disinfection products for concentration, application method, contact time, and required personal protective equipment (PPE).
 - c. Designate a safety monitor on each site who has the authority to oversee and ensure guidelines are followed; all workers should know how to contact the safety monitor with COVID-19 concerns.
3. **After a retail business re-opens and to protect customers and staff**, it is recommended that each business:
 - a. Follow CDC guidance for regular cleaning and disinfection, especially of frequently touched surfaces, as well as handwashing, and social distancing;
 - b. Post clear signage that warns members of the public and workers not to enter if they are experiencing symptoms of respiratory illness, including fever or cough, and to maintain social distancing;

- c. Screen workers before entering the building for symptoms such as fever, cough, sore throat, loss of taste or smell, shortness of breath, or known close contact with a person who is lab-confirmed to have COVID-19;
- d. Ensure that retail workers do not return to work if they are sick. If someone in the worker's household is ill with COVID-19 or the worker has been exposed to the ill person, the worker should immediately notify his or her employer.
- e. Ensure that every worker who enters a store has signed in and keep a list of contact information for every worker who enters the store every day for the purpose of identifying and notifying workers if they have shared a jobsite with someone who has been confirmed to have COVID-19;
- f. Have workers wash hands when entering the building and provide hand sanitizer at accessible locations, including all restrooms and food preparation areas. Workers should wash their hands for at least twenty (20) seconds before beginning work, before initiating any food preparation, after any meal or restroom breaks, and immediately before the end of the work shift;
- g. Be flexible with hours; try staggering or assigning team shifts to reduce the number of workers arriving and leaving at the same time;
- h. Provide rest breaks so that workers may follow hygiene guidelines, at a minimum of once an hour;
- i. Make soap and paper towels available at all restroom hand sinks. Keep hand sanitizer of at least 60% alcohol available for staff and customers;
- j. Place visible signage to encourage frequent hand washing and other ways to help stop the spread;
- k. Require all workers to wear face coverings such as a mask, cloth mask, bandana, scarf or shield to protect others;
- l. Encourage all customers wear a fabric face covering;
- m. Where workers use gloves, ensure gloves are in good condition, with no holes or visible dirt;
- n. Ensure gloves are changed often or after each task, with hands washed each time gloves are changed;
- o. Where lines may form, ensure 6 feet distance using floor tape or visual markers;

- p. Increase routine cleaning frequencies and use approved disinfectants for restrooms, high traffic, and high touch customer use areas;
 - q. Use contactless payment options if available or take steps to minimize contact during transactions;
 - r. Consider providing physical barriers such as Plexiglas between workers and customers when 6 feet of distance is not possible;
 - s. Disinfect any items that customers use;
 - t. Where practicable, offer pick up or deliveries of grocery items and other essential supplies;
 - u. Designate shopping times for at-risk populations (seniors, pregnant people, and people with underlying health conditions) and exclude other shoppers not in those populations, with the exception of caregivers or individuals necessary to assist the member(s) of the at-risk populations;
 - v. Encourage all workers to report any health or safety concerns;
 - w. Provide clear information regarding the Families First Coronavirus Response Act (<https://www.dol.gov/agencies/whd/pandemic/ffcr-employer-paid-leave>) as applicable, including informing workers of the right to paid sick and paid family leave, pursuant to the Act;
 - x. Post the CDC guidelines for social distancing and face-covering, as well as information for workers to submit complaints regarding any negligent disregard for such guidelines, in a conspicuous place or places on a site where notices to workers are customarily posted in languages understood by all persons working there;
 - y. Avoid adverse action against a worker who submits complaints of any violations of the health and safety rules mandated by relevant laws;
 - z. Avoid adverse action against a worker who declines to work at a retail business if the worker believes in good faith that the site presents an imminent health risk of the worker or others due to COVID-19; and
 - aa. Avoid adverse action against a worker who has been quarantined, or advised to self-quarantine, due to possible exposure to COVID-19.
4. **Retailers further are urged to plan for the eventuality in which a worker contracts COVID-19 and must be absent from work. To that end, it is recommended that:**

- a. If a worker has a temperature above 100 degrees Fahrenheit or is confirmed to have COVID-19, the worker should be sent home immediately. Employers should notify the relevant local health department, inform all workers who are believed to have been in contact with the individual that a co-worker has been confirmed to have COVID-19 in accordance with state and federal law, and take actions consistent with appropriate protocols to prevent the further spread of the disease;
 - b. When a retail worker is suspected to have COVID-19 or has been diagnosed with COVID-19, the Food and Drug Administration recommends that retailers:
 - i. Close off areas used by the person who is sick;
 - ii. Clean and disinfect a sick worker's workspace. Wait twenty-four (24) hours or, if twenty-four (24) hours is not possible, as long as practical before you clean or disinfect;
 - iii. Open outside doors and windows to increase air circulation in the exposed area, if reasonable given food safety regulations;
 - iv. Collect information about the worker's contacts among co-workers, up to two (2) days prior to symptom onset, to identify other workers who could be considered exposed; and
 - v. If a worker is confirmed infected, inform fellow workers of their possible exposure to COVID-19 in the workplace but maintain confidentiality as required by the Americans with Disabilities Act. The employer should instruct fellow workers about how to proceed based on the CDC Public Health Recommendations for Community-Related Exposure.
 - c. Determine how you will operate with a reduced staff if workers cannot work due to illness, staying home to care for sick family members and those who must stay home to watch their children;
 - d. Prepare to implement flexible work and leave policies;
 - e. If the employer has not done so already, explore opportunities for staggered schedules to limit time spent in close contact;
 - f. Cross-train workers to perform essential functions, so the workplace can operate even if key workers are absent.
5. Retailers and retail workers are, at the very least, urged to employ the Checklist of Minimum Recommendations for Retailers attached in Appendix A to this Order.

6. Free COVID-19 testing is available for everyone. Retailers and retail industry workers are encouraged to get free testing at one of Harris County's testing sites. The updated online self-assessment tool is confidential and designed to serve the public in the Greater Houston area following the Centers for Disease Control and Prevention Coronavirus guidelines. To register for testing, please visit <http://covidcheck.hctx.net/>.
7. Retail workers who do not have access to the online self-assessment tool can call 832-927-7575 to be scheduled for testing. Free testing is available regardless of citizenship status and for those who are uninsured.
8. Retailers and retail workers may obtain additional information regarding safety measures during this pandemic at www.hcphtx.org.

This Order shall be effective until 11:59 p.m. on June 10, 2020 or until it is either rescinded, superseded, or amended pursuant to applicable law.

Harris County will post this Order on the Internet. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public asking for a copy. If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Order.

ORDERED at 7:33 p.m. on this 21st day of May, 2020, in the County of Harris, Texas.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'Lina Hidalgo', written in a cursive style.

**LINA HIDALGO
HARRIS COUNTY JUDGE**

Exhibit A

Checklist of Minimum Recommendations for Retailers

Health protocols for serving customers:

- Dedicate hours during the day for customers at a higher risk of severe illness
- Reduce the need for customers to enter the store by delivering purchased goods to the vehicle
- If practical, monitor what items customers touch to clean or disinfect when the customer leaves the retail establishment
- Encourage the use of contactless payment. If not available, minimize contact and sanitize hands

Health protocols for retail facilities:

- Regularly and frequently clean and disinfect any commonly touched surfaces, such as doorknobs, tables, chairs, and restrooms
- Disinfect any items that come into contact with customers
- Make hand sanitizer, disinfecting wipes, soap and water, or similar disinfectant readily available to workers and customers
- Visibly placed signage at the retailer to remind everyone of the best hygiene practices

Health protocols for retail workers:

- Train all workers on appropriate cleaning and disinfection, how to reduce the spread of COVID-19 and other infectious diseases by washing hands frequently, and covering coughs and sneezes
- Have workers maintain at least 6 feet of separation from other individuals. If such distancing is not possible, then rigorously practice other protective measures including face covering, hand hygiene, cough etiquette, cleanliness, and sanitation
- Have workers wash or sanitize their hands upon entering the retailer
- If an employer provides a meal for workers, individually package meals for each workers
- Consistent with the actions taken by many retailers across the state, consider having all workers wear cloth face coverings (over the nose and mouth). If available, workers should consider wearing non-medical grade face masks
- Screen workers before coming into the retailer
- Send home any worker who has any of the following new or worsening signs or symptoms of possible COVID-19:
 - Cough
 - Shortness of breath or difficulty breathing
 - Chills
 - Repeated shaking with chills
 - Muscle pain
 - Headache
 - Sore throat
 - Loss of taste or smell

- Diarrhea
 - Feeling feverish or a measured temperature greater than or equal to 100.0°F
 - Known close contact with a person who is lab confirmed to have COVID-19
- Do not allow workers with the new or worsening signs or symptoms listed above to return to work until:
- If the worker ***is diagnosed with COVID-19***, they may return to work when all three of the following criteria are met:
 - At least 10 days have passed *since symptoms first appeared*
 - At least 3 days (72 hours) have passed *since recovery* (having no fever without the use of fever-reducing medications)
 - The individual has improvement in respiratory symptoms (e.g., cough, shortness of breath)
 - If the worker has COVID-19 symptoms and does not get tested or evaluated by a medical professional, the individual ***is assumed to have COVID-19***. The individual may not return to work until the individual has completed the same three-step criteria listed above
 - If the worker or volunteer has symptoms that could be COVID-19 and wants to return to work before completing the above self-isolation period, the individual ***must obtain a medical professional's note clearing the individual to return to work based on an alternative diagnosis***
- Do not allow a worker with known close contact to a person who is lab-confirmed to have COVID-19 to return to work until the end of the 14 days self-quarantine period from the last date of exposure (with an exception granted for healthcare workers and critical infrastructure workers)