

April 20, 2020

The Honorable Kay Ivey
Governor of Alabama
State Capitol
600 Dexter Avenue
Montgomery, AL 36130

RE: Requested Report of 5th Congressional District Advisory Committee on Reopening Alabama's Economy

Dear Governor Ivey:

At your request ("Exhibit A", below), I formed an Alabama 5th Congressional District Advisory Committee ("Advisory Committee") to offer recommendations to reopen Alabama's economy in light of the economic damage done by the COVID-19 Pandemic and resulting shut down orders.

This document is the requested report of the Advisory Committee.

5th District Advisory Committee Members

The Tennessee Valley is comprised of some of Alabama's best and brightest. The Advisory Committee members are:

- **Dr. Tim Brooks**, 38-year dentist, Past President of the Alabama Academy of General Dentistry
- **Dr. Mike Brown**, 36-year gastroenterologist, founder and partner of The Center for Colon & Digestive Disease
- **Sen. Tom Butler**, Alabama House of Representatives (12 years), Alabama Senator (18 years), Decades-long Pharmacist
- **Rep. Lynn Greer**, Alabama House of Representatives (22 years), 3+ decade General Contractor, past member of the Alabama Public Service Commissioner
- **Dr. Eric Janssen**, 28-year orthopedic surgeon, founder & managing partner of SportsMed Orthopedic Surgery & Spine Center
- **Mike Lee**, Nucor Steel Vice-President & General Manager, Decatur Plant
- **Angie McCarter**, President, AGM Consulting Services, Defense Policy Analyst, Governmental Affairs specialist for numerous Tennessee Valley defense and space companies

- **Stan McDonald**, former Limestone County Probate Judge, CEO and Owner of Jacob Title, decades long former farmer
- **Ron Poteat**, Past-President, Regions Bank/Huntsville & current Head of Customer Experience
- **Bill Roark**, founder & part owner of Torch Technologies
- **Rick Roden**, President & CEO of the Mountain Lakes Chamber of Commerce
- **Paul Sanford**, former Alabama State Senator, former 15-year owner of Little Paul's restaurant, President of The Sanford Group, Inc.
- **Billy Taylor**, CEO & owner of Home-Town Lenders (Alabama's largest independently owned Independent Mortgage Banker)
- **Mike Ward**, Sr. Vice-President, Government & Public Affairs, Huntsville-Madison County Chamber of Commerce

OVERVIEW

While the Order of the State Health Officer Suspending Certain Public Gatherings Due to Risk of Infection by COVID-19 issued by Dr. Scott Harris on April 3, 2020 (the "Stay Home Order") may have been a prudent precautionary COVID-19 measure when it was issued, it is also far and away the primary cause of Alabama's collapsing economy, huge job losses, closed businesses (many of which can never be revived), and lost incomes. Hence, the 5th District Advisory Committee focused its attention on the "Stay Home Order" and possible replacements and alternatives.

Each Advisory Committee member had the right to submit recommendations for consideration and vote. The recommendations were voted on by the Advisory Committee on Monday, April 20, 2020. All Advisory Committee members participated.

The vote was conducted by a formal roll call vote, where each member voted "yes", "no", or "abstain".

It cannot be stressed enough how important it is for the State of Alabama to act immediately on these recommendations. Every delay day causes more economic suffering by Alabama citizens. Every delay day is a nail in the coffin of otherwise income and job-producing enterprises. At some point, the job creating business is dead, forever, to the detriment of all of Alabama.

Advisory Committee Recommendations on Opening Up Alabama's Economy

The Advisory Committee made the following recommendations:

1. **Let “Stay Home Order” Naturally Expire On Its April 30, 2020 End Date.** **On a 10-4 vote**, the Advisory Committee recommended that the “Stay Home Order”, and all similar or related shutdown orders, be allowed to expire on April 30, 2020, **without any replacement government mandates (except as stated below)**. However, and not inconsistent with the foregoing, the Advisory Committee recommended that the State of Alabama do all it can to help inform Alabama citizens about how they can best protect themselves from COVID-19.
2. **Immediately Kill “Stay Home Order”.** **On a 10-0 vote**, the Advisory Committee recommended that the “Stay Home Order”, and all similar or related shutdown orders, be **rescinded today** (immediately), **without any replacement government mandates (except as stated below)**. However, and not inconsistent with the foregoing, the Advisory Committee recommended that the State of Alabama do all it can to help inform Alabama citizens about how they can best protect themselves from COVID-19.
3. **Keep Stay Home Order Section 9.** Notwithstanding Recommendations #1 & #2, above, **on a 13-1 vote**, the Advisory Committee recommended that Stay Home Order Section 9 be continued by the State of Alabama for so long as a COVID-19 Pandemic emergency exists. Section 9 states:

Effective immediately, any person who has tested positive for COVID-19—other than institutionalized persons—shall be quarantined to their place of residence for a period of 14 days after receiving positive test results. Any person quarantined pursuant to this provision shall not leave their place of residence for any reason other than to seek necessary medical treatment. Any person requiring assistance while under quarantine may contact Alabama Voluntary Organizations Active in Disaster (VOAD), <http://alvoad.communityos.org/cms/>. While under quarantine, the person must shall (SIC) take precautions as directed by his or her health care provider or the Department of Public Health to prevent the spread of the disease to others.
4. **Support & Abide By President Trump’s “Open Up The Economy” Plan.** In the alternative to recommendations #1 & #2, above, **on an 11-3 vote**, the Advisory Committee recommended that the State of Alabama follow and abide by President Trump’s “open up the economy” proposal that was issued by the White House last week.
5. **Recommendations & Mandates Concerning Employer/Employee Relationships During COVID-19 Health Emergency.** **On a 12-0 vote**, the Advisory Committee recommends that the State of Alabama adopt & promulgate recommendations (with some mandates relating to “high risk” citizens) stated in Exhibit B, below.
6. **Promote Telehealth & Telemedicine On A Permanent Basis.** **On a 12-0 vote**, the Advisory Committee recommends that State of Alabama take such steps as are

necessary to promote and continue telehealth and telemedicine healthcare even after the COVID-19 crisis has ended.

- 7. Repeal Any & All Certificate of Need Laws.** The COVID-19 Pandemic highlighted a glaring problem in Alabama: Certificate of Need laws artificially retard and limit health care competition and the availability of hospital beds and other healthcare services that are sorely needed during a pandemic. **On a 10-0 vote**, the Advisory Committee strongly recommended repeal of all anti-competitive Certificate of Need laws.

Respectfully,

Mo Brooks

Congressman Mo Brooks (AL-05)

EXHIBIT A

Governor Ivey request to set up Working Groups (Saturday, April 11)

MEMORANDUM

To: Members, Alabama House Delegation
From: Governor Kay Ivey
Date: April 11, 2020
Re: Getting Alabama Back 2 Work (GAB2W)

This is a follow-up to a conversation my chief of staff, Jo Bonner, and federal relations director, Julia Pickle, had with your respective chiefs of staff this morning. Forgive me for sending this to you on the Saturday before Easter. At your convenience, I hope you will look over this outline – and the attached organizational template – and let me know your thoughts. Naturally, we would welcome your input as well as any constructive suggestions.

Broadly speaking, I am asking each of our seven Members of Congress from Alabama to lead a district-by-district working group that would meet virtually, beginning early next week, with key leaders from your respective districts. The primary task of these seven groups would be to assess different options that might work best in each of your Congressional Districts in hopes of bringing as many businesses and entities back to life as soon as possible. Because my current Stay at Home order runs through April 30th, it would be especially helpful to receive your recommendations/suggestions on or before Wednesday, April 22nd. You may want to conduct a Telephone Town Hall Meeting, utilize Survey Monkey or some other means of communication with your constituents in order to get a broader collection of suggestions and recommendations on what the people of Alabama would like to see their state government, with your assistance, do to be most helpful.

As Jo and Julia outlined to your chiefs of staff, we are providing a suggested template for you to consider using. That said, by no means would you be limited to representatives from these different segments of our economy. Naturally, as the leader of these individual working groups, you would be given broad latitude to structure these conversations in as meaningful, yet expedited, way as possible. My hope would be that as soon as you've had a chance to reflect on this opportunity, you will notify me and my staff no later than by noon on Monday, April 13th, of your interest in helping us get some solid, realistic ideas in place about how to "restart the economic engine" of Alabama. Clearly, one of the things we're going to have to consider is how these recommendations line up with the very legitimate concerns of Alabama's medical community, starting with State Health Officer Dr. Scott Harris.

Thank you, in advance, for looking at this outline and for your willingness to help lead our state in developing a comprehensive plan going forward. As you may know, I

recently encouraged Lieutenant Governor Will Ainsworth to charge the Small Business Commission he leads to come up with some recommendations that can be considered.

The Lieutenant Governor has already reported that his group is busy at work. At the end of the day, we can't have too many good ideas as it relates to finding the proper balance between good public policy and a healthy, resilient Alabama.

If I don't speak with you before, I hope you and your families have a Happy, Blessed Easter. Thank you, again, for your consideration of this request.

Exhibit B

Recommendations for Protection of Employees

**5th Congressional District Advisory Committee
for Governor Ivey's Reopen Alabama Plan**

Proposal By Committee Members:

Bill Roark, Torch Technologies Founder

Mike Lee, Nucor Steel, Vice-President & General Manager

Ron Poteat, Past-President, Regions Bank/Huntsville; currently Head of Customer Experience

These recommendations shall only be effective during periods that a healthcare emergency has been declared by the President of the United States or the Governor of Alabama.

Recommendations for Protection of Employees

1. Recommended Procedures and PPE for employees:

- a. Wash hands often. Use soap and water for at least 20 seconds or clean your hands with alcohol-based hand sanitizer that contains at least 60% alcohol
- b. Avoid touching your face
- c. DO NOT SHAKE HANDS
- d. Maintain social distancing at all times.
- e. Encouraged to stay home in the event of not feeling well
- f. Daily wipe down of all high-touch areas (doors, elevators, vending machines, and breakroom appliances)
- g. Readily available hand sanitizer or hand washing stations

2. Recommended critical company policies for workers to return to work:

- a. Training on the CDC guidelines for best practices to prevent the spread of COVID-19
- b. Employees are suggested to have the freedom to wear reasonable protective equipment (face mask and gloves or work behind a protective barrier). It is recommended that the employer supply these.
- c. Recommend temperature check daily upon arriving at work (a reading of 99.14 degrees Fahrenheit or above will be sent home. Retest a 2nd time to confirm reading before sending home)
- d. Ready access to hand sanitizer or warm water and soap must be available
- e. When returning to work, the social distancing needs to continue as much as practical.
- f. Reduce at-work employee population to the minimum extent practical by introducing additional shifts and teleworking where practical
- g. Cubicles shall only be utilized if social distancing can be maintained.
- h. Weekly cleaning of all work areas with special COVID-19 cleaning methods and increased frequencies for all areas of support
- i. Daily sanitization of restrooms and high-traffic entry ways and common areas
- j. Avoid gathering of employees for meetings where minimum social distancing guidelines cannot be maintained
- k. To the degree possible, maximize the number of employees that can work remotely.
- l. Break into multiple shifts if possible so that employees who must be physically present at work can spread out as much as possible among the available desks. Remove personal items from desks.

- m. Gloves are encouraged for office areas and mandated for construction projects

3. Additional recommended guidelines for retail businesses:

- a. All employees interacting with the public at a fixed workstation wear face masks/shields or be shielded by a barrier and wear gloves. These are to be provided by the employer. These items are to be assigned to individuals and not to be used by other personnel. Protective barriers (glass, plexi, etc.) surrounding fixed workstations for positions that interact with public are an acceptable substitute for the face mask.
- b. Allow medical offices to reopen following the social distancing guidelines, temperature readings, and mandated sanitization.
 - i. Waiting with 6 ft. social distancing or can be rendered by appointment only with clients being called in from cars when time slot is available.
- c. Retail establishments may ask customers entering retail establishments wear a mask to protect other customers and employees.
- d. Facial covering and gloves worn by the provider for close-contact services such as hair salons and dental care with instrument and chair cleaning between each customer/patient. Temp of customer must be below 99.14 degrees.
- e. With regard to restaurants,
 - i. In-restaurant dining should maintain minimum 6 foot social distancing.
 - ii. Patrons should wear masks, with the understanding they can remove the masks to eat.
 - iii. All servers and employees should be masked.
- f. Institute new elevated sanitization guidelines for routine cleaning for public locations,
- g. For personal care providers (i.e. barbers, nail and beauty salons) encourage services by appointment only with encouraged temperature reading and sanitization. Mask and gloves are essential.
- h. Self-serving food service such as buffets or self-service food stands should be avoided
- i. Day Care – Need input from that industry

4. For those “high-risk” workers that can’t return to work environment:

The high-risk category as defined by the Centers for Disease Control and Prevention (CDC), people who are high risk for severe illness include the following:

- a. Older Adults
 - i. People 65 years and older
 - ii. People who live in a nursing home or long-term care facility
- b. People with Asthma
- c. People with HIV

- d. Groups at Higher Risk for Severe Illness - People of all ages with underlying medical conditions, particularly if not well controlled, including:
 - i. People with chronic lung disease or moderate to severe asthma
 - ii. People who have serious heart conditions
 - iii. People who are immunocompromised Many conditions can cause a person to be immunocompromised, including cancer treatment, smoking, bone marrow or organ transplantation, immune deficiencies, poorly controlled HIV or AIDS, and prolonged use of corticosteroids and other immune weakening medications
 - iv. People with severe obesity (body mass index [BMI] of 40 or higher)
 - v. People with diabetes
 - vi. People with chronic kidney disease undergoing dialysis
 - vii. People with liver disease

- e. For those who are high risk (as evidenced by the employee submission to the employer of a “high risk” determination by a medical professional).
 - I. Recommended employer support for the high-risk employee:
 - A. Allow/encourage them to telework if possible
 - B. Treat it like FMLA, keeping a similar position open for them for a period of twelve weeks and allowing them extend health insurance if they are covered.
 - C. Sick pay restrictions loosened
 - D. Leave of absence
 - E. Altered unemployment benefits
 - F. Unpaid, position held
 - G. Consider advancing leave or providing a zero to low interest loan to employee.

 - II. High-risk employees shall have the right to:
 - A. Use personal protection equipment (face masks, face shields, disinfectants, etc.) so long as the personal protective equipment does not interfere with their ability to adequately perform their job.
 - B. The employee has the right to provide the employee’s own personal protective equipment.

5. Other General Recommendations:

- a. Continue to maximize teleworking
- b. Consider multiple shifts to minimize the number of employees in the building at one time and to support families with children until daycare returns to normal

- c. Initiate thermal temperature scans and questionnaires for all employees and visitors.
- d. Minimize travel. Do not travel to highly infected areas.
- e. Install protective barriers for positions that interact with public (glass, plexi, etc).
- f. Create a cleaning regimen.
 - i. Professional cleaning of common areas
 - ii. Provide adequate supplies for team to keep their workspaces clean:
 - 1. Face coverings
 - 2. Disinfectant
 - 3. Sanitary wipes
 - 4. Hand sanitizers
 - 5. Spray bottles
 - 6. Anti-bacterial soap
 - iii. Promote clean and sanitized workspaces
- g. Minimize gatherings of groups of people
 - i. Conduct business meetings via online platform
 - ii. Continue to encourage a minimum 6' social distancing guidance, facial coverings required when this is not feasible
 - iii. Alter production schedules and/or stagger turnover to not congregate people in one area (break rooms, locker rooms, entry/exit gates)
 - iv. Discourage carpooling, multiple people in equipment
 - v. Limit cafeterias to "to-go" items only
- h. Set up a local task force to address items specific to your operation:
 - i. How would you handle a positive case?
 - ii. What is your policy/procedure if a team member feels ill?
 - iii. What is your policy/procedure if a team member is tested for COVID-19?
 - iv. What is your policy/procedure if a team member's immediate family member is tested for COVID-19?
 - v. CDC Guidance here: <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>