

**AMENDMENT NO. 2 TO
AN EXECUTIVE ORDER OF THE MAYOR OF THE CITY OF KNOXVILLE
CONTINUING COVID-19 MITIGATION MEASURES AND
IMPLEMENTING VOLUNTARY COVID-19 VACCINATION INCENTIVE**

WHEREAS, on March 16, 2020, I declared a civil emergency in response to the coronavirus disease 2019 (“COVID-19”) pandemic, and both the COVID-19 pandemic and civil emergency remain ongoing; and

WHEREAS, the COVID-19 pandemic has exacted a tremendous toll on Knox County, with at least 650 residents dead, over 1,400 residents hospitalized, and over 51,000 residents infected; and

WHEREAS, according to United States Centers for Disease Control and Prevention (“CDC”) data, the vast majority of COVID-19 transmission is occurring among unvaccinated people; and

WHEREAS, the COVID-19 pandemic continues to pose a serious threat to the health of all Knoxvilleans and City employees; and

WHEREAS, on July 27, 2021, the CDC updated its public health recommendations for areas experiencing substantial or high levels of COVID-19 transmission; and

WHEREAS, according to CDC data, both the State of Tennessee as a whole and Knox County are areas experiencing substantial or high levels of COVID-19 transmission; and

WHEREAS, in these areas, the CDC recommends that unvaccinated people become vaccinated and that all people, whether vaccinated or unvaccinated, wear masks in public indoor settings to help prevent the spread of COVID-19 and protect others; and

WHEREAS, I have determined that the City’s COVID-19 mitigation measures should be modified to reflect these updated CDC recommendations by requiring all employees to wear face masks while working, except in certain circumstances.

NOW, THEREFORE, I, Indya Kincannon, Mayor of the City of Knoxville, pursuant to the authority vested in me by Sections 104, 301, 303, and 305(C) of the City Charter of the City of Knoxville and Sections 2-3, 2-6, 2-381, 2-478(b)(5), 2-478(c)(5), 2-506 through 2-515, and 9-6(10) of the Knoxville City Code, hereby amend the Executive Order dated May 12, 2021, entitled “An Executive Order of the Mayor of the City of Knoxville Continuing COVID-19 Mitigation Measures and Implementing Voluntary COVID-19 Vaccination Incentive,” as amended, as follows:

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1. **Paragraph 10 Amended.** Effective immediately, Paragraph 10 is amended by deleting the said paragraph in its entirety and substituting in lieu thereof the following:

10. **Face Mask Use.** Except as set forth below (in Paragraph 11), employees shall wear face masks properly and continuously while on property owned, managed, operated, or leased by the City; inside a vehicle owned, operated, or leased by the City; or performing official duties on behalf of the City.

Examples of locations where face masks will be worn include but are not limited to indoor common areas or shared workspaces (including open floorplan office spaces and cubicle embankments), break rooms, conference rooms, convention facilities, dining areas, elevators and elevator lobbies, entryways, hallways, kitchens, lobbies, lounges, maintenance garages, meeting rooms, reception areas, restrooms, security checkpoints, service counters and service lines, stairways and stairwells, waiting rooms, work areas, health care settings such as The Center, correctional facilities, homeless shelters, public transportation facilities such as airports and bus and train stations and on all buses, planes, trains, and other forms of public transportation traveling into, within, or out of the United States, and where required by federal, state, local, tribal, or territorial laws, rules, and regulations, including local business and workplace guidance.

For the avoidance of doubt, nothing in this Order prohibits any employee from wearing a face mask in circumstances beyond those required by this Order.

2. **Paragraph 11 Amended.** Effective immediately, Paragraph 11 is amended by deleting the said paragraph in its entirety and substituting in lieu thereof the following:

11. **When Face Mask Use is Not Required.** The requirements set forth above (in Paragraph 10) shall not apply when an employee is:

- Teleworking from within the employee's household;

- Alone in an office enclosed on all sides by closed doors, closed internal windows (if any), and floor-to-ceiling solid walls;
- Alone in a vehicle;
- Eating and/or drinking consistent with the requirements set forth in Paragraph 12;
- While outdoors with adequate physical distancing;
- Required to lower their mask briefly for identification or security purposes;
- Exempted from wearing a face mask due to a risk to the employee related to their work as determined by federal or state regulators, workplace safety guidelines, or the Director of Employee Benefits and Risk Management; or
- Subject to a reasonable modification to this requirement approved by the Director of Employee Benefits and Risk Management due to a disability that prevents wearing a face mask, which may be verified by medical documentation.

3. **Paragraph 12 Amended.** Effective immediately, Paragraph 12 is amended by deleting the said paragraph in its entirety and substituting in lieu thereof the following:

12. **Eating and/or Drinking.** Employees may temporarily remove their face mask while eating and/or drinking in break rooms, employee lounges, and similar common indoor spaces, at their desk or workspace within an open floorplan office space or cubicle embankment, and in vehicles owned, operated, or leased by the City.

4. **Paragraph 17 Amended.** Effective immediately, Paragraph 17 is amended by deleting the last bullet point therein and substituting in lieu thereof the following:

- Require all in-person attendees to wear a face mask except as provided in Paragraph 11.

5. **All Other Provisions Unchanged.** All other provisions of the Executive Order dated May 12, 2021, entitled "An Executive Order of the Mayor of the City of Knoxville Continuing COVID-19 Mitigation Measures and Implementing Voluntary COVID-19 Vaccination Incentive," as amended, shall remain in full force and effect.
6. **No Right or Benefit.** This Order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the City, its departments, boards, commissions, agencies, or offices, its officers, employees, or agents, or any other person.
7. **Savings Clause.** If any provision of this Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, such invalidity shall not affect any other provision or application of this Order which can be given effect without the invalid provision or application.



Indya Kincannon
Mayor

For Mayor Kincannon

Date: 8-2-21