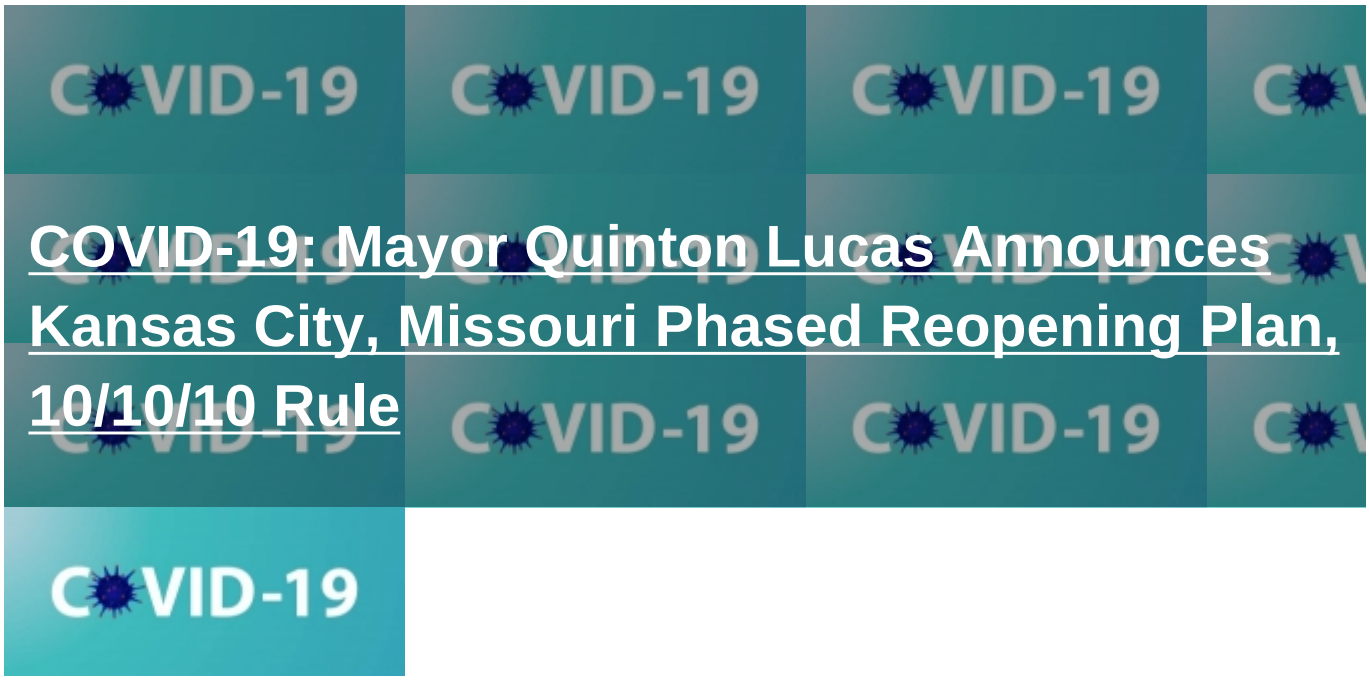


# COVID-19: Mayor Quinton Lucas Announces Kansas City, Missouri Phased Reopening Plan, 10/10/10 Rule

By Curry Sexton

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Mayor Quinton Lucas announced a plan Wednesday for a phased reopening of Kansas City businesses and institutions that have been closed down during the COVID-19 pandemic and related emergency order. Under the plan, a new emergency order (the “Order”) will go into effect at 12:01 a.m. on Wednesday, May 6 and will allow certain business activities to resume.

Under the impending Order, non-essential business operations that are not open to the public can resume in-person and delivery operations on May 6, but these businesses will continue to be subject to social distancing guidelines.

Kansas City will begin operating under a “10/10/10 rule” for all non-essential businesses that are open to the public. These businesses, which include non-essential retail stores and personal care services, can resume in-person operations but must comply with the 10/10/10 rule, which requires that:

- The number of customers allowed inside must be limited to no more than 10% of the building occupancy or 10 people, whichever is larger; and
- The names, contact information, and approximate entry/exit time of all customers who are on the premises for more than 10 minutes must be recorded and kept for a minimum of 30 days. (This portion is a recommendation rather than a requirement.)

Non-essential businesses, including retail stores, where the typical customer is on-site for less than 10 minutes do not have to record customer names and contact information. If your business is one that requires customers to sit down during the visit (*i.e.*, beauty salons, barbershops, and other personal service providers), it would be wise, generally, to record customer contact information.

The 10/10/10 rule does not apply to essential businesses.

Businesses that must stay closed until at least May 15 include: gyms, bars, museums, in-person restaurant dining, dog parks, playgrounds, movie theatres, and public access to government buildings and community centers. Mayor Lucas indicated that these businesses may be able to reopen on May 15

and would be, at least initially, subject to the 10/10/10 rule.

Interestingly, under the Order, employees of non-essential businesses can choose not to report to work until May 15 if they: feel sick; are immunocompromised; are over the age of 60 or otherwise in a high-risk group; must stay home to care for a child or sick family member; or otherwise do not have the capacity to return to work. Moreover, employees, like cashiers, who work in conditions where social distancing is not possible must be provided with appropriate PPE by their employers.

Mayor Lucas indicated that this Order is "the first phase of a gradual relaxation of the Stay-at-Home Order." Kansas City officials will continue to monitor health indicators to evaluate when and how to further relax restrictions. The City expects to move through several phases of reopening, and restrictions will gradually be more relaxed at each phase. There is no specific timeframe in place for when the next phase of reopening will begin. However, city officials did state that they hope to allow larger events, perhaps up to 50 people or 50 percent some time in June, and a return to full capacity likely will not occur until later this summer.

It is important to note that although Governor Mike Parson announced the "Show Me Strong Recovery Plan" earlier this week that outlined how certain Missouri businesses can begin reopening starting May 4, local officials are given the ability to make their own decisions regarding when and how to implement reopening plans. Therefore, businesses operating within the entirety of the City of Kansas City, including parts of the City in Platte and Clay Counties, are subject to this Order and may not begin reopening in accordance with Governor Parson's plan.

FAQs for the Order can be located here.

*This article is general in nature and does not constitute legal advice. Please note that new guidance is being provided by authorities on a near daily basis, so please monitor new developments and guidance. Readers with legal questions about how these orders apply to your business and your employees should consult the author, Curry Sexton (CSexton@sb-kc.com), or any shareholder in Seigfreid Bingham's Employment Law Group, including: John Vering, John Neyens, Brenda Hamilton, Mark Opara, Shannon Johnson, Christopher Tillery, or Julie Parisi, or your regular contact at Seigfreid Bingham at 816-421-4460. For more information and updates, visit our COVID-19 Resources page.*