

Congress of the United States
House of Representatives
Washington, DC 20515-0106

April 22, 2020

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

Dear Governor Ivey:

I appreciate the opportunity to offer some observations and suggestions on how business owners within Alabama's Sixth Congressional District can begin reopening successfully after the stabilization of the COVID-19 pandemic.

First of all, it should be obvious that the state must maintain its effort to contain the spread of the COVID-19 while allowing businesses to reopen. A key part of the state's plan to fully reopen will depend on having access to test kits necessary to quickly test those showing symptoms of being infected by the virus.

It is also important for the state to get input directly from industry groups and associations on best practices for reopening Alabama's diverse economy that will protect the health and well-being of their employees and their customers. Small business owners who do not have big association groups to represent them should also be given the opportunity to give input in order to establish an atmosphere of collaboration and trust. The initial input from industry, small business and medical and dental groups along with the Small Business Emergency Task Force offer insights and suggestions that make an additional detailed report from my office unnecessary. With that in mind, I do have a few observations that I hope will be of value for your consideration.

The following is representative of the ideas and concerns that I have received from businesses owners representing a broad cross section of Alabama's economy.

Establish Strong Oversight of the Unemployment Benefits: Unfortunately, due to a provision contained in the CARES Act which provides an additional \$600 per week in unemployment benefits, some individuals are choosing the unemployment route rather than returning to work or accepting available employment. This has unfortunately become an "unemployment bonus" that is prompting individuals to leave their jobs even though they have not been furloughed. I have even received reports from business owners that some workers are still in their jobs, yet have

applied for and received approval for unemployment compensation. It is the responsibility of the State Department of Labor to ensure that only individuals who have lost their jobs as a direct result of the COVID-19 outbreak be approved for unemployment compensation. The Alabama Department of Labor must limit unemployment to those who are truly unemployed, not those refusing to return to work or those turning away offers of employment. The underlying intent of the CARES Act was not for people who quit their jobs or refuse to work in order to take advantage of the increase in unemployment pay; it was intended to help individuals who have lost their jobs. The Department of Labor should create a reporting mechanism for employers to submit information on individuals who refuse to return to work, and those individuals should be removed from unemployment benefits. The failure to prevent this abuse is already creating a workforce issue for businesses that are still open and will reduce the available workforce for businesses that are reopening.

Access to PPE: Recognizing that protecting healthcare providers is the highest priority in terms of personal protection equipment, business owners are also concerned about the ability to protect their employees and would like to be assured that they will have access to PPE to protect employees and customers. A market appears to be developing for supplies, and owners would like to have direct access to the market without a middleman markup or complications in obtaining supplies.

The availability and affordability of personal protective equipment and sanitation supplies will be critical to successfully reopening Alabama for business. Your office should work with the appropriate state and federal agencies to remove unnecessary barriers that inhibit the production of these supplies such as allowing distilleries to produce sanitation supplies. There are already small and large businesses that have the capability to produce face shields, medical gowns and face masks to help meet the need for those supplies in the short term. The state should also vigorously enforce our laws against price gouging.

Equal Opportunity: Fundamentally the business owners in the Sixth District are looking forward to the opportunity to reopen and attempt to save their businesses. They believe that they can implement social distancing standards like any other business that has been deemed essential. They are prepared to enforce any new occupancy limits (these occupancy limits would be beneficial to assist with patrons who are unwilling to comply) and follow any essential mandates that allow them to operate and compete.

Communication: In addition to guidance from the state, owners would like for the state to communicate clear expectations for operation but also give consideration to their ideas for maintaining a healthy workplace. There is also a communication/marketing role in the early phases of recovery for the state to communicate to consumers that by continuing to practice social distancing and proper hygiene it is safe to go back to work and shop, thus restoring confidence in the market and reducing the fears of the public.

In addition to these topline issues, which apply across the board, there are some business specific issues which have been communicated and those follow:

Medical Facilities (Dental/Optomety/Etc.): Medical providers are especially concerned about safety issues. For instance, dentist offices in particular need a reliable supply of N95 masks, face shields and disposable gowns in order to reopen and care for patients. They also need the ability to test patients to make sure they are not bringing the virus onto the premises.

Retail: Retail owners are prepared to implement standardized social distancing guidelines to keep patrons properly separated both while shopping and checking out. They are prepared to use signage to remind people of spacing requirements and to wear protective equipment. One idea for small retail outlets or areas with a small population is to shop in scheduled appointments or for customers with known needs to continue shopping with curbside service to limit the number of people in the store and physical interaction.

Restaurants: Restaurant owners are prepared to shift, if necessary and medically recommended, to disposable products including disposable menus, serving items and utensils. They are also prepared to provide individual sized condiments instead of community style. It would be very beneficial for restaurants with dine-in customers to be provided guidance for procedures on sanitizing sitting areas after each use. Restaurants also see the need to distance customers and it might be necessary to seat by appointment only and limit the amount of seated time to accommodate all customers. This would require scheduled arrivals and scheduled departures.

Hotels: Hotel owners would appreciate guidance on cleaning rooms and are considering spacing occupants or isolating certain areas/rooms for cleaning while the other areas are in use. They will likely, in the initial stages, close exercise facilities and pools.

Industry: We have the benefit of learning from adjustments that companies deemed essential have made during continuous operations. Some of these companies have limited entry points to help ensure only screened personnel enter the plant; implemented questionnaires prior to entry (workers who have traveled in the past 14 days, are feeling ill etc. may be asked to stay home); limited or prohibited nonessential visitors and isolated delivery personnel. Some of these companies have hourly cleaning schedules and believe that they can compete in the market if, for a limited time, all companies are held to the same health standards.

Nursery/Daycare Facilities: Facilities that care for children are concerned about spacing requirements and the difficulty related to keeping children six feet apart during care hours. In addition to not having unlimited space, children naturally migrate to each other, so these owners are looking for a waiver/accommodation on the social distancing requirement. Caring for children requires close human contact. Notwithstanding, the operators of these facilities understand that they must adapt and are prepared to meet any extra sanitary requirements and the need to keep sick children out of the facilities.

Homebuilders/Realtors: Homebuilders have implemented a program where contractors/supervisors do a 'safety stand-down,' stopping the job and going over precautions. There are sanitizers and wipes on the job site and interaction with homeowners is limited. Realtors are showing homes virtually and social distancing inside homes should they be on site.

Hair Stylist and other salons: Barbers and other personal stylists are preparing to wear gloves, gowns and face masks and to position workstations at appropriate distances in order to maintain a safe and healthy work environment. These businesses that are necessarily in close contact with their customers are ready to implement measures to make sure that their employees show up at work healthy and conduct their work within guidelines approved by the state.

It is clear to me that businesses in the Sixth Congressional District are prepared and ready to reopen, with access to the personal protective equipment for their employees, the sanitation supplies needed to keep workplaces clean and with appropriate guidance in a cooperative atmosphere from state and local governments.

The economic impact on closed businesses has been devastating, so I look forward to working with you, Lt. Governor Ainsworth and the people of the 6th Congressional District as we return Alabama to work.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gary Palmer". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Gary Palmer
Member of Congress