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## DEFINING A "SINGLE OFFICE" IN GOVERNOR ABBOTT'S EXECUTIVE ORDER FOR TEXANS RETURNING TO WORK

by Darin Brooks and Brian Waters, Gray Reed's Back to Business Task Force  
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On Monday, April 27, 2020, Texas Governor Greg Abbott announced plans for reopening businesses in Texas. In connection with the announcement, the Governor issued [Executive Order GA-18](#). It becomes effective May 1, 2020, and is set to expire at 11:59 p.m. on May 15, 2020.

GA-18 is one of a series of orders implementing the Governor's phased plan for safely reopening Texas businesses that prior orders shut down or restricted due to the COVID-19 pandemic. One highly debated section of that order focuses on potential ambiguities surrounding GA-18's impact on businesses operating in offices, particularly "single offices".

Pertinent to this alert, item 2(g) of GA-18 includes among the business operations that may reopen on Friday, May 1, "[s]ervices provided by an individual working alone in an office." Many business managers have interpreted item 2(g) as allowing an employee to return to work as long as the employee has his or her own individual office within the larger office space. Others have wondered whether "working alone in an office" actually only refers to a situation where someone truly works alone in his or her own business space with no co-workers or shared space, such as a solo lawyer with his or her own office and no staff.

Guidance provided in the "[Governor's Report to Open Texas](#)" released contemporaneously with GA-18 would seem to support the first interpretation of item 2(g). For example, the "Governor's Report to Open Texas" includes a health protocol checklist for reopened "Services provided by an individual working alone in an office" that includes safety measures that individuals should take when venturing to common areas, such as break rooms. Presumably, this guidance would only be necessary if "Services provided by an individual working alone in an office" included single-person offices within a larger communal office.

The Governor's office has acknowledged some of the instructions in the orders issued this week, including GA-18, could be clearer and confirmed the order was not intended to reopen businesses based in office buildings with employees having individual offices. According to the Governor's office, item 2(g) is in fact limited to individuals working alone in solo offices not part of a larger shared office space.

New orders further loosening restrictions on Texas businesses will likely take effect on May 16, provided COVID-19 remains under control throughout the state. The Governor's office has indicated that the May 16 orders may include some relief for the present restrictions on communal office operations. For the time being, however, business offices that do not fall within "Essential services" or another provision of "Reopened services" as outlined in GA-18 are unaffected by the order and should continue any work-from-home or other remote work restrictions in place prior to GA-18.

For a broad review of GA-18, please see Gray Reed's "[An Overview of Governor Abbott's Executive Order on Reopening Texas](#)."

### ABOUT THE AUTHORS



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