

Indiana Orders Stay at Home, Limits Gatherings, Restricts Business Operations

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Meet the Authors



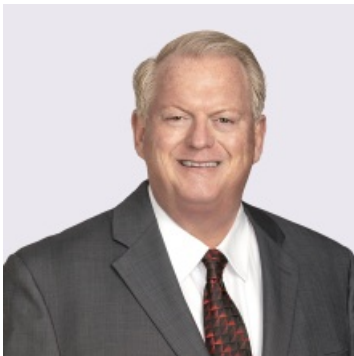
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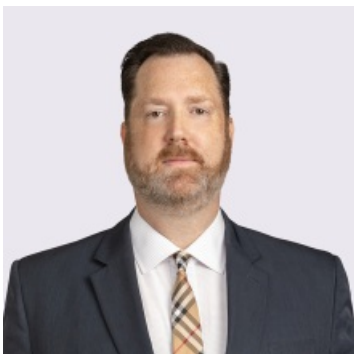
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In response to the coronavirus (COVID-19) pandemic, Indiana Governor Eric Holcomb has issued [Executive Order 20-08](#), limiting the activities of all Hoosiers. The Order goes into effect at 11:59 p.m. on March 24, 2020, and will remain in effect until 11:59 p.m. on April 6, 2020 (unless terminated sooner or extended).

Stay at Home

1. All individuals currently living in Indiana must stay at home or their place of residence (which includes hotels, motels, shared rental units, and similar facilities), except for essential activities, which the Order defines as:

- For health and safety (including seeking emergency services, obtaining medical supplies or medication, or visiting a healthcare professional);
- For necessary supplies and services (including food and groceries, supplies needed to work from home, household consumer products, auto supplies, and supplies needed to maintain the safety, sanitation, or essential operation of the home or residence);
- For outdoor activity, provided social distancing is followed;
- To perform work providing “essential products and services,” as defined by the Order, or to otherwise carry out activities specifically permitted by the Order, including “Minimum Basic Operations,” which the Order defines as the minimum necessary activities to maintain the value of the business’s inventory, preserve the condition of its physical plant/equipment, ensure security, process payroll and employee benefits, and related functions;
- To take care of a family member, friend, or pet as permitted by the Order;

2. Individuals may leave their homes to work for or obtain services at any Human Services Operations, as defined in the Order;

3. Individuals may leave their residences to work for or obtain services through Healthcare and Public Health Operations, as defined in the Order; and

4. Individuals may leave their residences in order to provide any services or to perform any work necessary to offer, provision, operate, maintain, and repair “Essential Infrastructure” as defined in the Order.

Limitation on Gatherings to Fewer than 10

Gatherings of 10 or more individuals are prohibited outside of individuals’ homes or residences. However, the Order makes clear that individuals can still go outside, so long as they maintain social distancing requirements.

Closure of Additional Businesses

The Governor previously ordered the closure of all K-12 public and private schools

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Related Services

COVID-19

Disability, Leave and Health
Management

Reductions-in-Force/WARN Act

Workplace Safety and Health

and restricted restaurants to take-out, drive-through, and delivery orders only.

This latest Order expands those closures to include all non-essential businesses and operations, including places of public amusement (for example, amusement parks, aquariums, zoos, museums, arcades, playgrounds, bowling alleys, movie and other theaters, concert and music halls, and country or social clubs). However, the Order makes clear that these businesses may continue to perform necessary activities (such as cleaning, payroll, and maintenance) during the closure.

The Order provides that the definition of essential businesses and operations includes those identified in the U.S. Department of Homeland Security's March 19, 2020, *Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response*. The Order expressly identifies the following businesses as "essential":

- Stores that sell medicine and groceries;
- Food, beverage, and agriculture businesses;
- Charitable/social service organizations;
- Religious entities (but such entities must follow the Centers for Disease Control and Prevention's (CDC) guidance on social gatherings);
- Media;
- Gas stations and transportation businesses;
- Financial and insurance institutions;
- Hardware and supply stores;
- Critical trades (plumbers, electricians, janitorial staff, security staff, and so on);
- Mail, post, shipping, logistics, delivery, and pick-up services;
- Educational institutions (for purposes of distance learning, critical research, and so on);
- Laundry services;
- Restaurants for off-premises consumption;
- Businesses that supply, sell, or manufacture products needed for people to work from home;
- Businesses that sell, manufacture, or supply other Essential Businesses and Operations with support or materials necessary to operate;
- Transportation providers (airlines, taxis, rideshares, and the like);
- Home-based care and services;
- Residential facilities and shelters;
- Professional services, such as legal, accounting, insurance, and real estate services;
- Manufacturing, distribution, and supply chain for critical products and industries;
- Critical labor union functions;
- Hotels and motels; and
- Funeral services.

Restrictions on Business Operations

Any Essential Businesses and businesses engaged in Minimum Basic Operations must, where possible:

1. Designate six-foot distances to maintain appropriate distance;
2. Provide hand sanitizer and sanitizing products to employees/customers;

3. Implement separate operating hours for the elderly and vulnerable customers;
and
4. Post online whether a facility is open, how best to reach the facility, and continue services by phone or remotely.

Implications

Temporary or permanent job loss for many Hoosiers may result. The Indiana Department of Workforce Development (DWD) has permitted individuals to apply for unemployment online, as opposed to in-person (see www.unemployment.IN.gov). In addition, for questions, the DWD has asked the [public to call 1-800-891-6499](tel:1-800-891-6499) on a day corresponding with the first letter of their last name to assist with wait times (Monday A – E; Tuesday F – I Wednesday J-M; Thursday N-T; Friday U-Z and if you missed the prior options).

Further, the [DWD issued a guidance](#) for employers planning mass layoffs of approximately 50 or more employees, seeking specific information in a spreadsheet it has prepared and included on its website to facilitate swifter processing of claims. The information requested includes: full name (last, first, middle – in alphabetical order); employee SSN (last 4 digits only); last day worked; and amount of deductible income paid to claimant upon layoff (vacation, sick, paid time off, and so on).

Business closures may implicate the federal Worker Adjustment and Retraining Notification (WARN) Act and, even on such short notice, care must be taken with handling reductions in force, furloughs, and other closures.

The COVID-19 situation remains fluid. If you need guidance in handling the complicated issues pertaining to COVID-19, please contact a Jackson Lewis attorney.

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