

Indiana's Restrictions for Employers under Stage 3 of Reopening Plan

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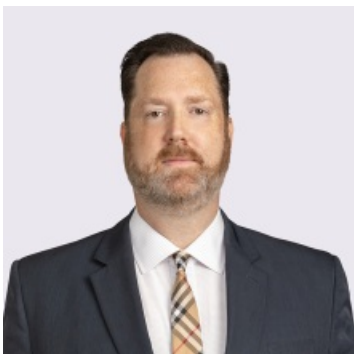
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Indiana has moved steadily through its five-stage, **“Back on Track”** plan to reopen the state. It is in Stage 3, which is in effect until June 13, 2020. With certain restrictions, this stage permits:

- Social gatherings of up to 100 people if they follow Centers for Disease Control and Prevention (CDC) social distancing guidelines;
- Essential and non-essential travel;
- Continued remote work whenever possible; and
- Religious services, which are not subject to the limitation of 100 people, so long as social distancing is followed.

If still on track, counties may advance to Stage 4 on June 14, 2020, after considering the number of hospitalized COVID-19 patients, capacity for critical care beds and ventilators, ability to test for COVID-19, and capacity for contact tracing. Executive Orders on the remaining stages are expected. In Stage 4, face coverings will be optional and social gatherings of up to 250 people may take place, and large venues may open with adherence to social distancing guidelines.

Businesses Opened

The following businesses (with the exceptions noted later in this article) may reopen during Stage 3, provided they follow Occupational Safety and Health Administration and CDC guidelines:

- Retail
- Restaurants
- Professional services
- Personal services
- Cultural and entertainment
- Public amusement
- Gyms and exercise and fitness centers
- Sports and athletic activities
- Outdoor activities
- Child care
- Day camps
- Adult care
- Education
- Healthcare providers and operations
- Financial and insurance
- Social services
- Charitable and religious
- Laundry
- Hotels and motels

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Related Services

COVID-19

Workplace Safety and Health

- Manufacturing and production
- Trades
- Shipping and delivery
- Transportation, industrial, and labor infrastructure
- Media and governmental businesses

General guidance for these industries requires providing employees and customers with the business's COVID-19 policies, making provisions to maintain social distancing, screening employees daily, and utilizing face coverings according to best practices guidelines.

The following may operate with additional restrictions:

- Child care facilities;
- Drive-in theaters;
- Mini-golf;
- Gyms, exercise and fitness centers, with employees required to use face coverings, limitation to 50% of customer or client occupancy; social distancing and equipment spacing, equipment cleaning after use, 50% of class sizes, no contact sports or workouts, and saunas or steam rooms limited to one person or household unit at a time;
- Retail and commercial businesses (including those that have been open for the necessities of life under previous executive orders) may operate at 75% of capacity (examples include apparel, furniture, jewelry, and liquor stores that have been operating as curbside or delivery only);
- Shopping malls may open at 75% capacity, with indoor common areas at 50% capacity;
- Personal services (such as hair salons, barber shops, nail salons, spas, and tattoo parlors) may continue to operate by appointment only with operational limitations. Employees must wear face coverings, workstations must be spaced to meet social distancing guidelines, and other requirements must be met. Customers should wear face coverings to the extent possible; and
- Restaurants and bars that serve food may continue operations at 50% capacity with operational limitations. Bar seating will remain closed with no live entertainment. Servers and kitchen staff must continue to wear face coverings.

Businesses Remaining Closed

The following closures remain, in whole or in part, during Stage 3:

- Bars/taverns and nightclubs;
- Bar areas and live music/entertainment in restaurants;
- Cinemas/movie theaters/stages;
- Bowling alleys;
- Skating rinks;
- Carnivals, amusement parks, theme parks, funplexes, arcades, fairs, festivals, parades, and water parks;
- Zoos, museums, and aquariums;
- Youth overnight camps;
- Contact sports (*e.g.*, football, wrestling, rugby, basketball), though conditioning and non-contact drills for such sports may occur;

- Campground common areas (shower facilities and drinking fountains);
- Racing, spectators not permitted; and
- Fishing tournaments.

Guidelines for Employers

During Stage 3, Governor Eric Holcomb continues to encourage businesses and employers to take the following actions:

- Allow as many employees as possible to telework and videoconference;
- Update sick leave policies with flexibility and non-punitive considerations in mind to encourage sick employees to stay home for themselves, children, or other family members;
- Encourage employees to do daily self-assessments for COVID-19 symptoms;
- Actively encourage sick employees to stay home until they are fever-free and symptoms have improved for at least 72 hours (three full days), and at least seven days have passed since symptoms first began;
- Suspend the requirement for healthcare provider return-to-work notices;
- Separate sick employees, send them home immediately, and restrict access until recovery;
- Reinforce key messages on health and hygiene, including posters in areas most likely to be seen, and provide supplies (including soap, water, hand sanitizer, tissues, and no-touch disposal receptacles);
- Frequently perform enhanced environmental cleanings; and
- Be prepared to change business practices to maintain critical operations.

Stay at Home – *Indianapolis/Marion County*

As the Governor notes in Executive Order 20-28, local governments may impose more restrictive guidelines than those at the state level. On May 27, 2020, Indianapolis Mayor Joe Hogsett and Marion County Public Health Department Director Virginia Caine began moving Indianapolis and Marion County toward a tiered, Stage 3 reopening, each announcing that indoor worship services could resume at 50% capacity beginning May 29, with social distancing and mandatory face coverings. Further, beginning June 1:

- Public gatherings are limited to 50 people.
- Restaurants may resume indoor dining at 50% capacity.
- Non-essential retail business, including malls, may operate at 75% capacity.
- Personal services (*e.g.*, hair and nail salons, tanning, and barbershops) may resume by appointment only, with staff and patrons required to wear personal protective equipment.
- Gyms and fitness centers/clubs may open at 50% capacity while employing additional cleaning measures.
- Non-contact sports courts/fields may resume operations at 50% capacity.
- Raceways may reopen without spectators.

When out in public, all Marion County residents are asked to wear a face mask or covering and continue to maintain good hygiene, frequent handwashing, and proper social distancing.

Government Resources

Indiana has issued resources and guidance regarding the COVID-19 pandemic, including an [informational website](#) maintained by the Indiana Department of Health and a hotline (1-877-826-0011, available 24/7). Regular updates and resources, including when to seek medical attention and courses of action for those in counties with positive cases of COVID-19, are available at the website and the hotline.

The CDC has information at <https://www.cdc.gov/coronavirus/2019-nCoV>, as well as [tips and guidance](#) to assist with physical and mental health during the pandemic.

Reopening orders contain extensive requirements creating compliance issues that can vary significantly depending on the specific state or local jurisdiction. Jackson Lewis attorneys are closely monitoring updates and changes to legal requirements and guidance and are available to help employers weed through the complexities involved with [state-specific or multistate-compliant plans](#).

If you have questions or need assistance, please reach out to the Jackson Lewis attorney with whom you regularly work, or any member of our [COVID-19 team](#).

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