

Indiana Enters Stage 4 of Reopening Plan

By Brian L. McDermott, Dorothy Parson McDermott & Robert Frederick Seidler

June 11, 2020

Meet the Authors



Brian L. McDermott

(He/Him)

Office Managing Principal

317-489-6930

Brian.McDermott@jacksonlewis.com



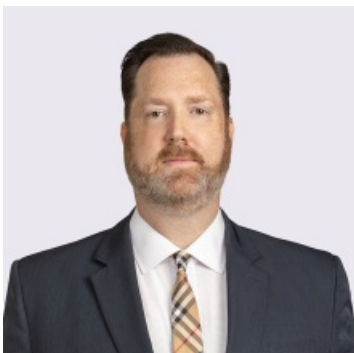
Dorothy Parson McDermott

(She/Her • Dottie)

Principal

317-489-6940

Dorothy.McDermott@jacksonlewis.com



Robert Frederick Seidler

(He/Him)

Indiana continues to move through its five-stage, "[Back on Track](#)" plan to reopen the state. Stage 4 is set to begin on June 12, 2020.

With certain restrictions, this stage permits:

- Social gatherings of up to 250 people if they follow Centers for Disease Control and Prevention (CDC) social distancing guidelines;
- Professional office buildings to work at full capacity with social distancing guidelines in place;
- Retail stores and malls to open at full capacity with social distancing guidelines in place; and
- Bars, nightclubs, movie theatres, and bowling alleys to open at 50% capacity.

If still on track, counties may advance to Stage 5 on July 4, 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 5, face coverings will be optional and social gatherings of over 250 people may take place with adherence to social distancing guidelines.

Businesses Opened

The following businesses (with the exceptions noted below) may reopen during Stage 4, provided they follow Occupational Safety and Health Administration and CDC guidelines:

- Beaches and shorelines
- Boating
- Campgrounds
- Commercial businesses
- Day services for adults with disabilities
- Daycare at school facilities
- Malls
- Non-contact community recreational sports (public and private)
- Professional office buildings
- Public libraries
- Playgrounds
- Raceways at 50% grandstand capacity
- Racing and karting at 50% capacity
- Retail shops
- State, county, and local government buildings by appointment

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

Related Services

COVID-19

Disability, Leave and Health
Management

Workplace Safety and Health

practices guidelines.

The following may operate with additional restrictions:

- Amusement parks and water parks may open at 50% capacity with reservations preferred;
- Venues may open at 50% capacity;
- Pari-mutuel horse racing may open with no spectators;
- Charity and gaming casinos may open after June 15 with permission from the Indiana Gaming Commission;
- Movie theatres, bowling alleys, and like facilities may open at 50% capacity;
- Gyms and exercise and fitness centers may continue operations with employees required to use face coverings, social distancing and equipment spacing, equipment cleaning after use, and limited class sizes to maintain social distancing;
- Personal services (such as hair salons, barbershops, nail salons, spas, and tattoo parlors) may continue to operate; appointments are preferred. 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;
- Museums, zoos, aquariums, and other cultural, entertainment, and tourism sites may open at 50% capacity;
- Contact sports may resume after June 19, provided that the host submits a COVID-19 response plan to their local health department at least 72 hours before the event;
- Restaurants may continue operations at 75% capacity with operational limitations. Bars and nightclubs will open at 50% capacity. Servers and kitchen staff must continue to wear face coverings;
- Outdoor visitation may take place at assisted living facilities and nursing homes; and
- Hospital visitations are encouraged with precautions.

Businesses Remaining Closed

The following closures remain, in whole or in part, during Stage 4:

- Large events such as festivals, conventions, sports events, fairs, and parades; and
- K-12 buildings, facilities, and grounds closed for school-sponsored activities through June 30.

Guidelines for Employers

During Stage 4, Governor Eric Holcomb continues to encourage businesses and employers to take the following actions:

- Allow employees to telework and videoconference when possible;
- 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 through June 18:

- Public gatherings are limited to 50 people.
- Religious gatherings permitted at 50% capacity with social distancing required. No capacity limit for outdoor services if social distancing is followed.
- Indianapolis Public Library may open at 50% capacity. Staff are required to wear face coverings; patrons are highly encouraged to wear face coverings.
- 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.
- Campgrounds may reopen provided social distancing is maintained.
- Daycare and child care may resume. Staff must wear face coverings.
- Pools may open at 50% capacity not to exceed 100 patrons. Staff must wear face coverings; patrons are encouraged to wear face coverings. Social distancing between families is required.

Effective June 19, Marion County will move to Stage 4, adopting all guidelines outlined above by Governor Holcomb.

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](#).

(Summer clerk Cheyna Galloway contributed significantly to this article.)

©2020 Jackson Lewis P.C. This material is provided for informational purposes only. It is not intended to constitute legal advice nor does it create a client-lawyer relationship between Jackson Lewis and any recipient. Recipients should consult with counsel before taking any actions based on the information contained within this material. This material may be considered attorney advertising in some jurisdictions. Prior results do not guarantee a similar outcome.

Focused on labor and employment law since 1958, Jackson Lewis P.C.'s 1000+ attorneys located in major cities nationwide consistently identify and respond to new ways workplace law intersects business. We help employers develop proactive strategies, strong policies and business-oriented solutions to cultivate high-functioning workforces that are engaged, stable and diverse, and share our clients' goals to emphasize inclusivity and respect for the contribution of every employee. For more information, visit <https://www.jacksonlewis.com>.