

Indiana Reopening Plan Moves to New Stage 4.5

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Indiana Governor Eric Holcomb has delayed the fifth and final stage of Indiana's reopening, which was originally set to begin on July 4, 2020. Instead, he is implementing "Stage 4.5," which will become effective on July 4 for all counties, with certain exceptions and additional requirements for Marion, Elkhart, St. Joseph, and LaGrange counties.

With certain restrictions, this new stage permits:

- Gatherings of up to 250 people with social distancing
- K-12 school operations beginning July 1
- Professional office settings reopening at full capacity
- Retail, malls, and commercial businesses at full capacity
- Venues such as concerts and event spaces may operate at 50% capacity
- Youth overnight camps

If still on track, counties may advance to Stage 5 on July 17, 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.

Businesses Opened

The following businesses (with certain exceptions) may reopen at full capacity during Stage 4.5, provided they follow Occupational Safety and Health Administration (OSHA) and Centers for Disease Control and Prevention (CDC) guidelines:

- Beaches and shorelines
- Campgrounds and boating
- Hospital visitation
- Nursing home visitation
- K-12 school operations may begin July 1
- K-12 extracurricular activities may resume July 6
- Outdoor fairs, festivals, and parades
- Playgrounds
- Professional office settings
- Retail, malls, and commercial 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 encouraging proper face mask usage.

The following may operate with additional restrictions:

- Amusement parks, water parks, and like facilities may operate at 50% capacity
- Assisted living facilities may resume outdoor visitation in accordance with Indiana State Department of Health (ISDH) visitation guidelines
- Bars, nightclubs, and bar seating at restaurants may operate at 50% capacity
- Conventions with up to 250 attendees if social distancing and sanitation measures are implemented
- Cultural, entertainment, and tourism sites such as museums, zoos, and aquariums may operate at 50% capacity
- Gyms, fitness centers, and other workout facilities continue operations with restrictions
- Indoor fairs, festivals, parades, and other places of public amusement may resume at 50% occupancy if social distancing and sanitation measures are implemented
- Movie theatres, bowling alleys, and similar facilities at 50% capacity
- Races and pari-mutuel racing at 50% spectator capacity
- Raceways at 50% grandstand capacity
- Restaurants may operate at 75% capacity

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- Personal services (e.g., hair and nails) 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
- Public access to state, county, and local government by appointment only
- State, county, and local government employees must wear masks
- Venues such as concerts and event spaces may operate at 50% capacity
- Youth overnight camps, with additional screening measures for campers and mandatory face coverings for children over two

Businesses Remaining Closed

All businesses will be opened in full or partial capacity during Stage 4.5.

Guidelines for Employers

During Stage 4.5, Governor 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 20-35, local governments may impose more restrictive guidelines than those at the state level.

Marion County

Mayor Joseph Hogsett announced that Marion County will remain under Stage 4 of Indiana's Back on Track plan until July 9. Then, Marion County will enter a modified version of Stage 4.5. Under Mayor Hogsett's plan, the following restrictions apply:

- Face coverings must be worn if outside your home in an indoor space. Face coverings also will be required for outdoor events where social distancing is not feasible. Children under two years old and residents who cannot wear face coverings due to medical complications are excused from this requirement. Face coverings can be provided free of charge to all Marion county residents at <https://www.indy.gov/form/face-covering-order-form>. Residents and businesses that fail to abide by the face coverings mandate can be subject to fines under Mayor Hogsett's plan.
- Indoor areas of assisted living and nursing home facilities will remain closed to visitors.
- Youth overnight camps remain closed.
- Religious services must observe social distancing.
- Conferences, fairs, and festivals with more than 1,000 attendees must submit a public health plan and complete a risk management plan.
- K-12 plans are forthcoming.

Mayor Hogsett also will extend the closures of Broad Ripple Avenue, Mass Avenue, and Georgia Street until July 19 to allow for more outdoor seating for restaurants in the area.

Elkhart County

Elkhart County will not move to Stage 4.5. It will remain in Stage 4. Additionally, Elkhart County Health Department released Public Health Order 01-2020, which went into effect on June 20, and will remain in effect until rescinded. Under this Order, Elkhart residents are required to wear face coverings in the following areas:

- Indoor areas open to the public, including public transportation
- Outdoor public areas where six feet of social distancing cannot be maintained
- Private indoor or outdoor areas where six feet of social distancing cannot be maintained

The following individuals are not required to wear a face covering under this Order:

- Children two years and younger
- Individuals with a physical disability that prevents easy wearing or removal of the face covering
- Individuals who are deaf and need to remove their face covering as a part of their communication
- Individuals who have been advised by medical professionals to not wear face coverings for health-

related reasons

- Individuals who have trouble breathing, are unconscious, incapacitated, or otherwise unable to remove their face covering without assistance
- Individuals directed to remove face coverings by a law enforcement officer
- Employees who work in an industry where wearing a face covering would present an OSHA hazard
- Individuals with religious beliefs that prevent them from wearing face coverings
- Restaurants or bar customers while they are dining
- Any individual who is not in an area open to the public and can maintain at least six feet of distance from all other individuals who do not reside in their household

Additionally, businesses and employers in Elkhart County must require all employees and visitors to wear face coverings and must post English and Spanish signs of Order 01-2020, available at

<http://www.elkhartcountyhealth.org>.

St. Joseph County

The St. Joseph County Public Health Authority is extending the requirement of Public Health Order 1-2020 that residents wear face coverings in public spaces, places of business, and anywhere that six feet of social distancing is not feasible. Public Health Order 2-2020 will go into effect on July 4 and will last through September 7.

LaGrange County

The LaGrange County Health Department is requiring all residents to wear face coverings in the following areas:

- Indoor spaces that are open to the public
- Public transportation and van transports
- Grocery stores and restaurants
- Outdoor public areas where six feet of social distancing is not possible

Cloth face coverings are available at select health departments in LaGrange County. The Health Department requests residents call 260-499-4182, ext. 5, for pickup.

Government Resources

Indiana has issued resources and guidance regarding the COVID-19 pandemic, including an informational website maintained by ISDH (<https://www.in.gov/isdh/>) 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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