



Indiana Set To Advance To Final Stage Of Governor Holcomb's "Back On Track" COVID-19 Plan

Insights

9.28.20

Encouraged by the drop in the COVID-19 positivity rate across the state and a decline in the overall number of new cases being reported (per 100,000 people), Governor Holcomb just issued an [executive order](#) announcing that Indiana can move to the final stage of reopening as of September 26. Stage 5 of the ["Back On Track" COVID-19 plan](#) allows all businesses to reopen and operate while continuing to require a few strategic and critical measures to protect Hoosiers. Here are a few things Indiana employers need to know about this latest development.

Food And Beverage Establishments Can Operate At Fully Capacity

Employers in the food and beverage industry will, undoubtedly, celebrate the removal of capacity limitations that have been in effect since May (food and beverage businesses could only operate at 75% seating capacity during Stage 4 of "Back On Track"). Under the executive order, restaurants, bars, nightclubs, etc. can operate at full capacity under the following requirements: (1) all patrons must remain seated while consuming food and/or drink or when otherwise on premises; and (2) seating must be arranged at least six feet apart from other individuals, households, or parties.

COVID-19 Response Plan

All businesses continuing operations or resuming full operations are required to develop a plan (or re-evaluate existing plans) to implement measures and institute safeguards to ensure a safe environment for employees, customers, clients, and members. Such plans should be in place upon reopening and distributed to employees and posted publicly.

At a minimum, the plans must cover the following: (1) instituting an employee health screening process; (2) employing enhanced cleaning and disinfecting protocols for the workplace, including regularly cleaning high-touch surfaces; (3) enhancing the ability of employees, customers, and clients to wash hands or take other personal hygiene measures, such as using hand sanitizer; and (4) complying with social distancing requirements established by the CDC, including maintaining six feet of separation among employees and members of the general public and/or employing other separation measures such as wearing face coverings or using barriers to create adequate separation.

Social Distancing And Sanitation Requirements

All businesses must continue taking proactive measures to ensure compliance with social distancing and sanitation requirements, which include: (1) designating six-foot distances throughout

the workplace; (2) making hand sanitizer and sanitizing products readily available for employees and customers, and the regular cleaning of surfaces; (3) businesses are encouraged to implement separate operating hours for elderly and vulnerable customers; and (4) businesses should post online whether their facilities/offices are open and, if not, how to best continue services by phone or other remote means.

Further Guidance

Employers are also encouraged to adopt and/or take the following actions upon reopening: (1) utilize telework policies when reasonable; (2) ensure sick leave policies are up to date, flexible, and non-punitive, and encourage employees to do a COVID-19 self-assessment each day; (3) actively encourage sick employees to stay home from work, including suspending any previous requirement that individuals with acute respiratory illnesses must provide a doctor's note; (4) separate employees who appear to have acute respiratory illness symptoms and send them home immediately; (5) reinforce messages to employees regarding proper hygiene and place posters throughout the workplace; and (6) frequently perform enhanced environmental cleaning of commonly touched surfaces.

Conclusion

We will continue to monitor the rapidly developing COVID-19 situation in Indiana and provide updates as appropriate. Make sure you are subscribed to Fisher Phillips' Alert System to get the most up-to-date information. For further information, contact your Fisher Phillips attorney, any attorney in any of our [Louisville, Kentucky](#) office, or any member of [our Post-Pandemic Strategy Group Roster](#).

This Legal Alert provides an overview of a specific state law. It is not intended to be, and should not be construed as, legal advice for any particular situation.

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