



Indiana Governor Announces Plan To Reopen State

Insights

5.02.20

Indiana Governor Eric Holcomb just announced his plan to gradually reopen the state as part of a five-step plan, dubbed “Back-On-Track.” Indiana will follow four guiding principles to determine how various sectors of the economy should reopen moving forward: (1) the number of hospitalized COVID-19 patients statewide has decreased for 14 days; (2) Indiana retains its surge capacity for critical care beds and ventilators; (3) Indiana can test all residents who are COVID-19 symptomatic; and (4) the ability to conduct contact tracing.

Governor Holcomb also acknowledged that personal protective equipment (PPE) is critical for businesses as they resume operations, with face masks in particular demand. Indiana is working with state-based companies that have already converted their operations to supply such materials. Indiana is also developing the “Small Business PPE Marketplace” to provide reliable access to PPE for small businesses that need help to comply with safe workplace precautions. Businesses and non-profit entities with fewer than 150 employees and registered to do business in Indiana will be eligible. More details will be outlined in the coming days.

Indiana will also be distributing \$300 million to counties, cities, and towns via a population-based formula, which is the first installment from the Coronavirus Relief Fund.

Governor Holcomb further acknowledged that as restrictions are lifted in Indiana and more people return to work, visit a store or restaurant, and participate in more activities, the number of COVID-19 cases will likely increase. If Indiana cannot meet the above principles, all or portions of the state may need to pause on moving forward, or the state or regions may return to an earlier phase of the Governor’s stay-at-home order.

Indiana’s 5-Step “Back-On-Track” Plan

Indiana Back-On-Track has five stages. Beginning Monday, May 4, nearly all of Indiana will move to stage 2. Marion and Lake Counties – Indiana’s two most populous counties – may begin Stage 2 on May 11 to ensure new testing and contact tracing programs are up and running. Cass County, which recently had an outbreak, may start Stage 2 on May 18. Local governments may impose more restrictive guidelines. If health indicators remain positive, the state will move to Stage 3. Below is an overview of the five stages:

Stage 1: Current status

- Elective procedures permitted as of April 27; one person may accompany the patient for services

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- Essential manufacturing, construction, infrastructure, government, business, healthcare, and other critical businesses and operations open as outlined in [Executive Order 20-22](#).
- Essential retail businesses providing necessities of life such as grocery stores, pharmacies, hardware, building materials, and more open as outlined in [Executive Order 20-22](#).
- Restaurants and bars with food service may offer carryout, curbside, and delivery services.
- Retail stores may offer call-in or online ordering with curbside pickup and delivery.
- State parks are open.
- Golf courses are open.
- Campgrounds are closed except for permanent RV and cabin residents.
- State government operations continue without public access to buildings.
- Only essential travel is allowed.
- Social gatherings with no more than 10 people are allowed.
- K-12 school buildings are closed and all activities are canceled until June 30.

Stage 2

This state begins May 4 for all Indiana counties except Cass, Lake, and Marion. Lake and Marion Counties begin Stage 2 on May 11. Cass County begins Stage 2 on May 18.

- Residents 65 and older and those with high-risk health conditions should remain at home when possible.
- Recommend that residents wear face coverings in public settings. Residents also should continue to practice social distancing and good hygiene.
- Social gatherings of 25 people may take place following the [CDC social distancing guidelines](#).
- Essential travel restrictions are lifted; local non-essential travel allowed.
- Continue remote work whenever possible.
- The following businesses can reopen:
 - Manufacturers, industrial operations, and other infrastructure that has not been in operation may open following OSHA and CDC guidelines.
 - Public libraries may open according to their own policies and CDC guidelines.
 - Retail and commercial businesses, including those that have been open for the necessities of life during previous executive orders, may operate at 50% of capacity.
 - Shopping malls may open at 50% capacity with indoor common areas at 25% capacity.
 - Those who work in office settings are encouraged to continue to work remotely whenever possible but may return to offices in small waves.
- These businesses may reopen a week after the start of Stage 2:

- Personal services, such as hair salons, barber shops, nail salons, spas, and tattoo parlors (employees must wear face coverings).
- Restaurants and bars that serve food may open at 50% capacity with operational limitations. Bar seating will be closed with no live entertainment. Servers and kitchen staff must wear face coverings.

Stage 3

This stage begins May 24.

- Residents 65 and older and those with known high-risk medical conditions should limit exposure at work and in their communities.
- Continue remote work when possible.
- Face coverings are recommended.
- Social gatherings of up to 100 people may take place following the CDC social distancing guidelines.
- Nursing homes remain closed to visitors; nursing home guidance will continue to be evaluated.
- No travel restrictions.
- The following businesses can reopen:
 - Retail stores and malls may move to 75% of capacity while maintaining social distancing.
 - Mall common areas, such as food courts and sitting areas, are limited to 50% capacity.
 - Gyms and fitness centers may open with restrictions. Class sizes and equipment must be spaced to accommodate social distancing. Limited class sizes. Equipment must be cleaned after each use, and employees are required to wear face coverings.
 - Playgrounds, tennis courts, basketball courts, and similar facilities may open with social distancing guidelines in place.
 - Community pools may open according to CDC guidance.
 - Campgrounds may open with social distancing limitations and sanitation precautions.
 - Movie theaters may open at 50% capacity; some theater companies have identified specific hygiene and social distancing guidelines.

Stage 4

This stage begins June 14.

- Residents 65 and older and those with known high-risk medical conditions should adhere to social distancing guidelines and remain cautious at work and in their communities.
- Continue remote work as needed.
- Face coverings are optional.

- Social gatherings of up to 250 people may take place following the CDC social distancing guidelines.
- Nursing homes remain closed to visitors; nursing homes guidance will continue to be evaluated.
- The following businesses can reopen:
 - Professional office building employees may resume work at full capacity.
 - Retail stores and malls open at full capacity with social distancing guidelines in place.
 - Dining room service may open at 75% capacity.
 - Bar seating in restaurants may open at 50% capacity.
 - Bars and nightclubs may open at 50% capacity adhering to social distancing guidelines.
 - Cultural, entertainment, and tourism businesses may open at 50% capacity. This includes museums, zoos, bowling alleys, aquariums, and like facilities.
 - Recreational sports leagues and tournaments may resume.
 - Large venues may open with adherence to social gatherings guidelines.
 - Amusement parks, water parks, and like facilities may open at 50% capacity; reservations will be required to limit the number of customers at any one time.

Stage 5

The final stage begins on July 4.

- Residents 65 and older and those with known high-risk medical conditions should adhere to social distancing guidelines and remain cautious at work and in their communities.
- Remote work optional.
- Face coverings optional.
- Nursing home guidance will continue to be evaluated.
- K-12 school operations to be determined.
- The following businesses can reopen:
 - Retail stores and malls may operate at full capacity.
 - Restaurants, bars, and nightclubs may operate at full capacity.
 - Personal services may open at full capacity.
 - Restrictions are lifted at gyms and fitness facilities.
 - Conventions, sports events, fairs, festivals, the state fair, and like events may resume.
 - Restrictions are lifted at amusement parks, water parks, and like facilities. Social distancing guidelines should be maintained.

What Should Employers Do?

What Should Employers Do:

As you begin the process of reopening, you should familiarize yourself with our alert: [5 Steps To Reopen Your Workplace, According To CDC's Latest Guidance](#). You should also keep handy our [4-Step Plan For Handling Confirmed COVID-19 Cases When Your Business Reopens](#) in the event you learn of a positive case at your workplace. For a more thorough analysis of the many issues you may encounter from a labor and employment perspective, we recommend you review our [FP BEYOND THE CURVE: Post-Pandemic Back-To-Business FAQs For Employers](#) and our [FP Resource Center For Employers](#).

Conclusion

Fisher Phillips will continue to monitor the rapidly developing COVID-19 situation 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 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 fact situation.

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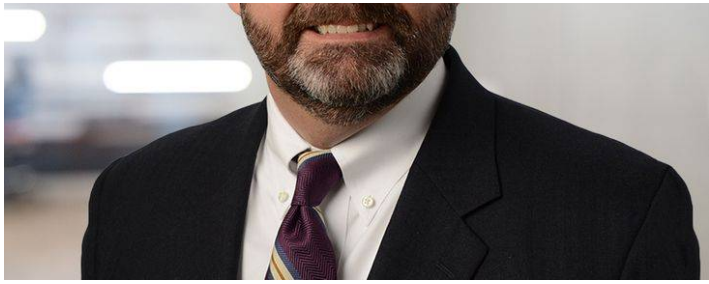
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