

COVID-19 Indiana Requirements and Recommendations for Businesses

Governor Holcomb announced his Back on Track Indiana Plan on Friday, May 1, 2020. The plan which features five phases provides some guidance for businesses as they start to reopen in a controlled and methodic manner. To provide further guidance, the governor issued [Executive Order 20-26](#), Roadmap to Reopen Indiana for Hoosiers, Businesses, and State Government . Included in Executive Order 20-26 are two requirements that all employers must do.

Requirements are enforceable by the Enforcement Response Team (ERT) or by the Indiana Occupational Safety and Health Administration (IOSHA) if the violation falls into the jurisdiction of the Occupational Safety and Health Administration (OSHA). The Executive Order also provides some recommendations that are not enforceable but strongly encouraged by the State. We have included the requirements and the recommendations and separated them into two sections.

Requirements That Are Enforceable

The following is not legal advice and is meant to be a guide to provide an overview of the requirements and recommendations of the State of Indiana in reopening businesses. The items in italics are taken directly from Gov. Holcomb's [Executive Order 20-26](#).

Businesses continuing operations or being allowed to reopen must adhere to the following:

Develop a Safeguards Plan – enforceable by the ERT

On or before May 11, 2020, all Hoosier employers shall develop a plan to implement measures and institute safeguards to ensure a safe environment for their employees, customers, clients, and members. The plan must be provided to each employee or staff and posted publicly and must address the following points:

- Instituting an employee health screening process;
- Employ enhanced cleaning and disinfecting protocols for the workplace and regular cleaning of high touch surfaces;

- Provide facilities for employees, customers, and clients to wash hands or use hand sanitizer (at least 60% alcohol)
- Employ measures to enforce social distancing of six-foot for employees and members of the public and/or other separation measures such as face coverings or other barriers.

Note: The requirements outlined in Executive Order 20-26, listed above, are enforceable by the Enforcement Response Team (ERT), created in [Executive Order 20-18](#). Executive Order 20-18 requires the ERT to investigate all complaints regarding violations of any of the Executive Orders, that don't fall under the jurisdiction of the Occupational Safety Health Administration (OSHA) by the Indiana Occupational Safety Health Administration (IOSHA) and State Department of Labor.

IOSHA Standards - enforceable by IOSHA

All employers whether manufacturers, distributors, professional offices, retailers or others, must comply with safety and health standards established and enforced by IOSHA. Employers are subject to specific standards to prevent the exposure or spread of a disease. Additionally, the General Duty Clause requires employers to provide their employees with a workplace free from recognized hazards likely to cause death or serious physical harm.

Here are some of the relevant IOSHA standards and CDC guidance that may be enforceable by IOSHA.

Note: This is not an exhaustive list and businesses should follow all of the standards relevant to or enforceable in their industry.

- [Follow the Centers for Disease Control \(CDC\) recommendations](#), which includes some of the following ;
 - Wash your hands often for at least 20 seconds, or if soap and water are not readily available use a hand sanitizer that contains at least 60% alcohol.
 - Follow CDC Social Distancing Guidelines
 - Ensure employees are six feet apart at all times with other employees or the public.
 - Regularly clean and disinfect frequently touched surfaces.
- Adhere to all relevant OSHA Standards which may apply to preventing occupational exposure, which may include the following;
 - **Personal Protective Equipment (PPE) standards**, which require using gloves, eye and face protection.

- **General Duty Clause** which requires employers provide employees with a workplace free from recognized hazards likely to cause death or physical harm.

Note: A violation of the [General Duty Clause](#) may occur if deficiencies not addressed by OSHA standards or regulations are discovered in the employer's preparedness for controlling high to very high occupational exposure risk for SARS-CoV-2, and guidance is available, follow the [Field Operations Manual](#) (FOM) guidance for enforcing the general duty clause including the four required elements : (1) The employer failed to keep the workplace free of a hazard to which employees of the employer were exposed; (2) The hazard was recognized; (3) The hazard was accusing or was likely to cause death or serious physical harm, and; (4) There was a feasible and useful method to correct the hazard.

Recommendations That Are Not Enforceable

All businesses and employers are encouraged to adopt and/or take the following actions:

- Implement policies
 - Allow employees to work from home through teleworking or video conferencing.
- Update sick leave policy
 - Policies should be flexible and non-punitive to allow sick employees to stay home and care for themselves or family members.
 - Encourage employees to do a daily self-assessment to check if they have any COVID-19 symptoms (fever, cough, or shortness of breath).
 - Actively encourage sick employees to stay home until they are free of fever for 72 hours without the use of medication.
 - Suspend any policies requiring a health provider's note to validate an illness.
- Separate and send sick employees home immediately
 - Promptly separate employees who appear to have an acute respiratory illness from other employees and send them home immediately.
- Reinforce key messages
 - Place posters in locations where they are likely to be seen by employees.

- Stay home when sick,
- Use cough and sneeze etiquette (cough/sneeze into sleeve or elbow),
- Wash your hands (properly)
- Provide protection supplies
 - Soap and water, hand sanitizer, tissues, and no-touch disposal receptacles for use by employees.
- Clean Frequently
 - Frequently perform enhanced environmental cleaning of commonly touched surfaces and provide disposable wipes so commonly used surfaces can be wiped down by employees before each use.

Please visit [this site](#) for more information on various industry guidelines, the reopening principles, details on the different stages, and when certain entities will be open.

For a complete list of all the Executive Orders that have been issued thus far, please [click here](#).

More information may be found at the ISDH website at in.gov/coronavirus and the CDC website at <https://www.cdc.gov/coronavirus/2019-ncov.html>.

IEDC Announcement

In order to assist small business with complying with the requirement of using personal protective equipment (PPE) in order to reopen, the Indiana Economic Development Corporation is administering the Indiana Small Business PPE Marketplace. This marketplace will ensure reliable access to PPE for small business and nonprofits lacking the necessary resources to comply with the safe workplace guidelines.

- In order to qualify, an organization must:

- Be a business or nonprofit organization registered to do business in Indiana with the Indiana Secretary of State;

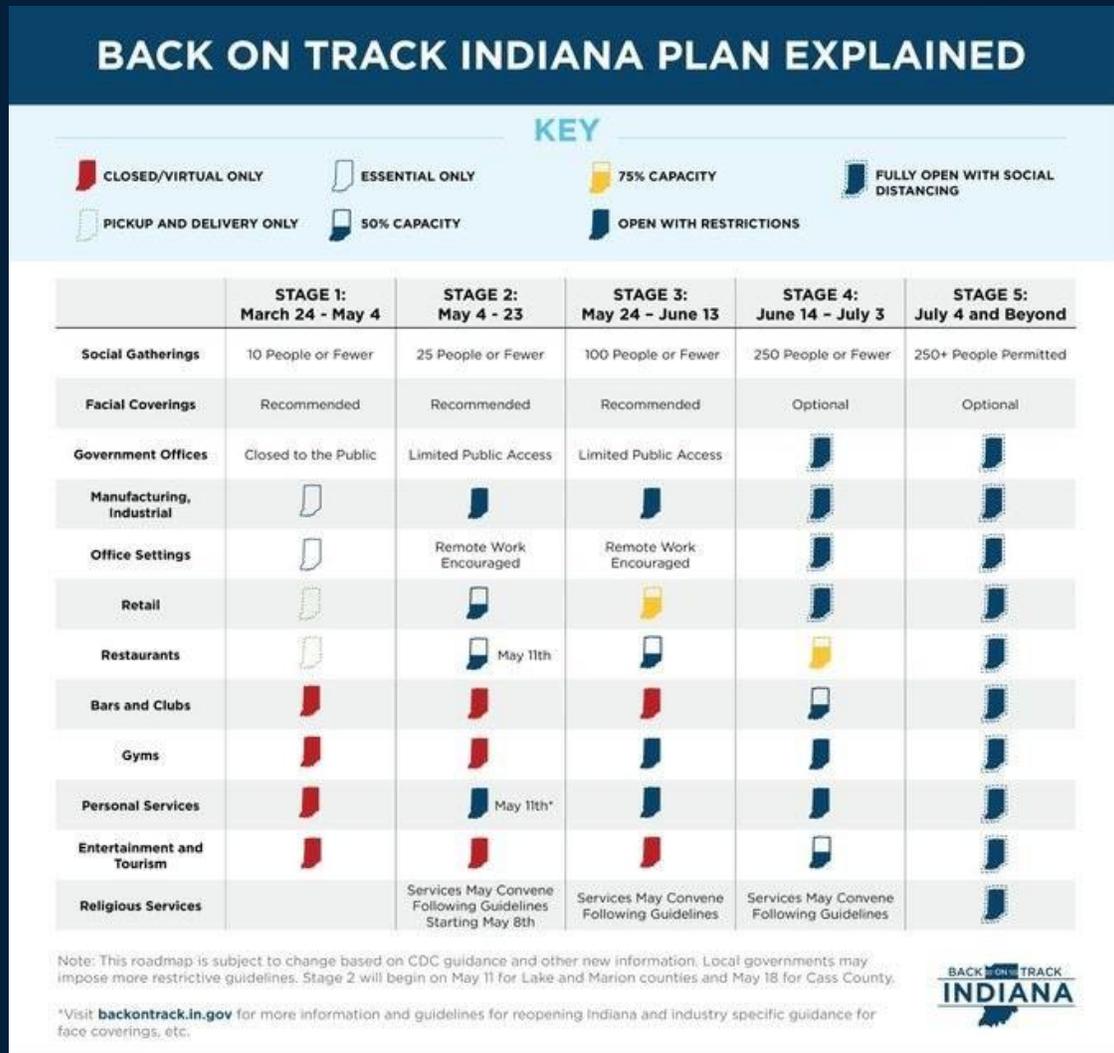
- Employ less than 150 associates;

- Be identified in the reopening plan as an entity that must use PPE as a condition of operating in order to comply with the safe workplace requirements.

All businesses and nonprofits are encouraged to source their own PPE first before seeking to use the marketplace.

Back On Track Breakdown

Governor Holcomb also provided an infographic to clearly breakdown when certain businesses will open and at what capacity. Please click on image to enlarge.



#BackOnTrack

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This piece was created on May 4, 2020. If you see different information published on a more recent date, please use the most current recommendations.