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Insights

COVID-19 Safety Plan Compliance Alert: Re-Evaluate Current Plans as Measures Set to Continue through the New Year

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Governor Holcomb recently published **Executive Order 20-50** (the "Executive Order") continuing "county-based measures and restrictions based on the impact and spread" of COVID-19 from prior Executive Orders. For Hoosier businesses and employers, COVID-19 safety plans are required and must reflect current requirements and practices.

Hoosier Businesses

COVID-19 Safety Plans
The Executive Order specifies that all businesses "are required to develop a plan to implement measures and institute safeguards to ensure a safe environment for their employees, customers, clients, and members," and "open businesses … must re-evaluate any existing plan and update it to reflect current business practices and safeguards." The COVID-19 safety plans must address the requirements listed below and continue to the four topics laid out in previous executive orders: health screening measures for employees; cleaning and disinfecting protocols; hygiene practices for employees and members of the public; and social distancing.

Face Covering Requirements
As with prior Executive Orders, all Hoosier businesses must address the state's mandatory face covering requirement. An easy way to address these requirements is through the COVID-19 safety plan. To meet the face covering requirement, all Hoosier businesses must undertake the following:

- *Signage*. Businesses must post clearly visible signage at their public and employee entrances notifying individuals that face coverings are required for entry.
- *Enforcement with Employees*. Businesses must enforce the face covering requirement specified in the Executive Order and in prior orders, as explained **here**.
- *Enforcement with Customers, Clients, and Visitors*. Businesses must prohibit customers, clients, and visitors from entering their building or facility if a face covering is not worn, subject to the exceptions listed in the Executive Order.

Sanitation and Social Distancing Requirements
All businesses must continue to ensure sanitation and social distancing requirements. This includes taking proactive measures such as the following:

- *Designate Six-Foot Distances*. Businesses should indicate "with signage, tape or by other means, six (6) feet of spacing for employees, customers, clients or members to maintain appropriate distance."
- *Hand Sanitizer and Sanitizing Products*. Businesses must have "hand sanitizer, and sanitizing products, readily available for employees and customers." Additionally, they must ensure "frequent cleaning and disinfecting of work areas, and even more frequent cleaning of high-touch areas."
- *Vulnerable Populations*. Business should continue to implement or resume separate operating hours for the elderly and vulnerable customers and continue to offer online ordering and/or curbside pickup.
- *Online and Remote Access*. Businesses should also post online whether their facility is open and how best to reach the facility and to continue services by phone or remotely.

Guidance for Hoosier Businesses and Employers

In addition to the requirements listed above, Hoosier businesses and employers should consider the guidance listed in the Executive Order, which encourages, among other things, remote work when possible, updating paid time off and sick leave policies, making sure sick employees remain at home, and reducing the number of personnel able to congregate in certain areas.

Businesses and entities must also ensure that enforcement plans and COVID-19 response plans comply with any additional restrictions that local authorities may impose.

In particular, Marion County will continue to apply additional requirements as described in Public Health Order 31-2020 until superseded by Governor Holcomb. Additionally, Marion County has published **Guidance for Businesses**.

Schools

The Executive Order continues the enforcement plan and face covering requirements previously set forth. Now, however, K-12 educational institutions should carefully review existing enforcement plans and determine whether updates are needed to reflect current practices. Additionally, K-12 educational institutions should ensure a COVID-19 safety plan is in place and meets the criteria listed above. If a plan is already in place, K-12 educational institutions should review and update such plans.

K-12 educational institutions must also ensure that enforcement plans and COVID-19 response plans comply with any additional restrictions that local authorities may impose. This includes county-specific restrictions on extracurricular activities.

Takeaways and Next Steps

Employers, schools, day cares, and other entities should ensure that COVID-19 safety plans are up-to-date and reflect current practices. Additionally, schools, day cares, and other childcare centers should ensure a plan is in place to enforce the mask mandate and COVID-19 safety plans. Finally, employers should continue to be flexible in considering remote work arrangements and to encourage employees to remain home when feeling ill.

We are pleased to offer flat fee arrangements to draft, review, and update COVID-19 safety plans. If your organization needs such assistance or you have questions about COVID-19 safety plans in general, please contact any other member of Krieg DeVault LLP's **Labor and Employment Team**.

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