

ILLINOIS – Back to Business – COVID-19 – Phases III and IV (with Regional Mitigation Measures)

[BACK TO BUSINESS ORDER 2020-38 and 2020-43 ; PHASE 3 and 4 REOPENING]
· <https://www2.illinois.gov/Documents/ExecOrders/2020/ExecutiveOrder-2020-38.pdf>
<https://www2.illinois.gov/Pages/Executive-Orders/ExecutiveOrder2020-43.aspx>

Restore Illinois Plan

<https://coronavirus.illinois.gov/sfc/servlet.shepherd/document/download/069t000000BadS0AAJ?operationContext=S1>

Restore Illinois Guidance – Phase 3 & 4 (with mitigation measures)

<https://dceocovid19resources.com/restore-illinois>

All Executive Orders

<https://coronavirus.illinois.gov/s/resources-for-executive-orders>

GENERAL TOPIC	SUMMARY	SECTION #
Effective	Phase 3 Effective 5/29/20 for all Regions (Chicago on 6/3/20) Phase 4 Effective 6/26/20. Mitigation Measures: Different mitigation measures have been applied to different regions, starting on October 22, 2020 (different dates apply for different regions). See Executive Orders 2020-51 and later orders.	
General	The Restore Illinois Plan sets out 5 phases for recovery and originally established 4 regions of the state. This has since been expanded to 11 regions. Phase 4 was effective 6/26/20. Due to resurgences in certain regions, additional tiered mitigation measures have been adopted for different regions. See Executive Order 2020-51 and following. See chart for current tiers of mitigation requirements by region: https://dceocovid19resources.com/restore-illinois Examples of mitigation measures for different tiers include measures relating to capacity, mandating work at home for certain employees, different maximum meeting requirements, and different curfew and other requirements for restaurants and bars.	
Shelter in Place - Modifications	The prior stay at home requirements (EO 2020-32) no longer in effect. Must maintain social distancing at all times while in shared	EO 2020-38, EO

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	spaces (including outdoors)(excluding household members). High risk population urged to remain at home. Certain tiers of mitigation measures do include mandated work at home for at risk individuals.	2020-43, Regional Mitigation Measures
Reopening Businesses; Business Restrictions	The business restrictions in EO 2020-32 were superseded by the Phase III and Phase IV orders. In Phase IV, most businesses are allowed to reopen, subject to restrictions. <u>All businesses</u> , including profit, non-profit and educational entities, must follow specific requirements, including requirements relating to social distancing and remote work. See Appendix for details. Specific capacity and other requirements apply to specific business sectors, including manufacturing, retail, restaurants/bars, and office-based businesses. See Appendix for details. Specific Mitigation Measures apply to businesses in certain regions. See regional chart for specifics https://dceocovid19resources.com/restore-illinois	EO 2020-38, EO 2020-32, Regional Mitigation Measures
Essential Businesses	Distinction between essential and nonessential businesses has been eliminated.	
Public/Entertainment/ Recreation	Phase III: Places of public amusement remain closed, including but not limited to, locations with amusement rides, carnivals, amusement parks, water parks, aquariums, zoos, museums, arcades, fairs, children's play centers, playgrounds, theme parks, bowling alleys, movie and other theaters, and concert and music halls. Places of public amusement, like other businesses, may continue to perform minimum basic operations. Phase III: Businesses offering outdoor recreation, youth day camps, and youth sports may be open but must ensure the use of face coverings, adherence to social distancing requirements, and must take other public health steps in accordance with IDPH guidance. Phase IV: Movie theaters, entertainment spaces permitted to open, in accordance with IDPH guidance. Most outdoor recreation allowed, subject to IDPH guidance.	EO 2020-38, EO 2020-43, Regional Mitigation Measures

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	Mitigation measures. See chart for specific mitigation measures by region, including measures applicable to gaming facilities. https://dceocovid19resources.com/restore-illinois	
Personal Care/Fitness	Phase III: Barbershops and salons may open, subject to IDPH guidance. Health and fitness clubs can provide outdoor classes and one-on-one personal training, subject to IDPH guidance. Phase IV: Barbershops and salons will have slightly increased capacity limits. Health and fitness clubs may open subject to capacity limits Mitigation measures. See chart for specific mitigation measures by region, including measures applicable to gathering sizes. https://dceocovid19resources.com/restore-illinois	EO 2020-38, EO 2020-43, Regional Mitigation Measures
Restaurants, Bars	Phase III: Outdoor dining and drinking permitted, but limited to parties of six or fewer, with tables spaced at least 6 feet apart from one another and from customer service areas. Phase IV: Indoor seating also permitted. Party limits of 10 or fewer, with tables spaced at least 6 feet apart from one another and from customer service areas. See Appendix below for requirements in the orders and DCEO/IDPH Guidance. See chart for specific mitigation measures by region, including curfews and other measures applicable to restaurants and bars. https://dceocovid19resources.com/restore-illinois	EO 2020-38, EO 2020-43, Regional Mitigation Measures
Permitting Elective Surgeries, Etc.	Not addressed in this order.	
Facemask Requirements	Face covering requirements remain the same as prior orders. Any individual who is over age two and able to medically tolerate a face covering (a mask or cloth face covering) shall be required to cover their nose and mouth with a face covering when in a public place and unable to maintain a six-foot social distance. This requirement applies whether in an indoor space, such as a store, or in a public outdoor space where maintaining a six-foot social distance is not always possible.	EO 2020-38, EO 2020-43
Gatherings	Phase III: Gatherings of more than ten people are prohibited. Nothing prohibits the gathering of members of a household or	EO 2020-38, EO 2020-43,

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	<p>residence. Encouraged to continue limiting in-person contact with others.</p> <p>Phase IV: Gathering limit increased to 50 people.</p> <p>Mitigation Measures: Depending on the region, different gathering limits are applied. Some regions reduce gatherings to as low as 10 persons. See chart for specifics</p> <p>https://dceocovid19resources.com/restore-illinois</p>	Regional Mitigation Measures
Impact on other Orders	Executive Order 2020-32 and Section 1 of Executive Order 2020-07 are superseded by EO 2020-38, and Executive Order 2020-43 supersedes EO 2020-38. The regional mitigation measures supersede inconsistent provisions in the Phase IV order. Nothing precludes a local authority from enacting restrictions that are more stringent than this order.	EO 2020-38, EO 2020-43, Regional Mitigation Measures
Other	Religious organizations encouraged to follow the recommended practices and guidelines from the IDPH, encouraged to provide services online and outside (with social distancing and face coverings), and to limit indoor service sizes.	EO 2020-38, EO 2020-43, Regional Mitigation Measures

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DEFINITIONS/APPENDIX		
Phase III Requirements for all businesses	<p>Requirements for all businesses. All businesses must:</p> <ul style="list-style-type: none"> • continue to evaluate which employees are able to work from home, and are encouraged to facilitate remote work from home when possible; • ensure that employees practice social distancing and wear face coverings when social distancing is not always possible; • ensure that all spaces where employees may gather, including locker rooms and lunchrooms, allow for social distancing; and • ensure that all visitors (customers, vendors, etc.) to the workplace can practice social distancing; but if maintaining a six-foot social distance will not be possible at all times, encourage visitors to wear face coverings; and • prominently post the guidance from the Illinois Department of Public Health (IDPH) and Office of the Illinois Attorney General regarding workplace safety during the COVID-19 emergency. <p>Required measures. Businesses must take proactive measures to ensure compliance with Social Distancing Requirements, including where possible:</p> <p>i. Designate six-foot distances. Designating with signage, tape, or by other means six-foot spacing for employees and customers to maintain appropriate distance;</p> <p>ii. Hand sanitizer and sanitizing products. Having hand sanitizer and sanitizing products readily available for employees and customers;</p> <p>iii. Separate operating hours for vulnerable populations. Implementing separate operating hours for elderly and vulnerable customers;</p> <p>iv. Online and remote access. Posting online whether a facility is open and how best to reach the facility and continue services by phone or remotely; and</p> <p>v. Face Coverings and PPE. Providing employees with appropriate face coverings and requiring that employees wear face coverings where maintaining a six-foot social distance is not possible at all times. When the work circumstances require, providing employees with other PPE in addition to face coverings.</p> <p>Also see DCEO Guidance</p>	<p>EO 2020-38 3.a</p> <p>5.a</p>
Phase III Requirements for Retail Businesses	<p>Requirements for retail stores. Retail stores must ensure all employees practice social distancing and must take appropriate additional public health precautions, in accordance with DCEO guidance, which include:</p>	EO 2020-38 3.b

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	<ul style="list-style-type: none"> • provide face coverings to all employees who are not able to maintain a minimum six-foot social distance from customers and other employees at all times; • cap occupancy at 50 percent of store capacity, or, alternatively, at the occupancy limits based on store square footage set by the DCEO; • communicate with customers through in-store signage, and public service announcements and advertisements, about the social distancing and face covering requirements set forth in this Order; and • discontinue use of reusable bags. <p>Also see DCEO Guidance</p>	
Phase III Requirements for Office Buildings	<p>Requirements for office buildings. Employers in office buildings must ensure all employees practice social distancing and must take appropriate additional public health precautions, in accordance with DCEO guidance, which may include:</p> <ul style="list-style-type: none"> • provide face coverings to all employees who are not able to maintain a minimum six-foot social distance at all times; • consider implementing capacity limits where the physical space does not allow for social distancing; • allow telework where possible; and • develop and prominently post plans and signage to ensure social distancing in shared spaces such as waiting rooms, service counters, and cafeterias. <p>Also see DCEO Guidance</p>	EO 2020-38 3.d
Phase III Other Sector Requirements	Specific requirements are stated for manufacturers, restaurants/bars, fitness and exercise gyms, personal services, outdoor recreation and sports. See Executive Order Section 3, and DCEO Guidance below.	EO 2020-38 3
Phase IV	<p>See requirements for Phase IV at Executive Order 2020-43 (HTML)</p> <p>Also see DCEO Guidance</p>	EO 2020-43 and DCEO guidance
Mitigation Measures (by Region)	<p>Different Regions are subject to different mitigation measures. See chart of regions and mitigation measures at https://dceocovid19resources.com/restore-illinois</p> <p>Examples of Mitigation Measures include different requirements for: curfews, spacing of tables, maximum table capacity, reservations, maximum meeting or event size, contact tracing requirements, restrictions on gaming venues and casinos, requirements for remote work, etc.</p>	EP 2020-51 and following executive orders

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DCEO and IDPH Guidance for Businesses	<p>See Guidelines and Toolkits for business sectors, posted at DCEO Guidance. Includes guidance for:</p> <ul style="list-style-type: none"> • Retail • Restaurants/Bars • Offices • Manufacturing • Health/Fitness/Sports • Personal Care • Theaters and Performing Arts • Zoos and Museums • Indoor and Outdoor Recreation • Day Camps • Meetings and Events • Film Production <p>Additional resources are provided on the Restore Illinois site, including:</p> <p>Reopening Checklists: https://dceocovid19resources.com/assets/Restore-Illinois/checklists3/businesses.pdf</p> <p>Wellness Training Checklist: https://dceocovid19resources.com/assets/Restore-Illinois/checklists3/employeetraining.pdf</p> <p>Wellness Screening Checklist: https://dceocovid19resources.com/assets/Restore-Illinois/checklists3/screening.pdf</p>	
Chicago Guidance for Businesses	<p>The City of Chicago is subject to additional requirements. See below sites for guidance:</p> <p>Chicago Reopening website: Reopening Businesses Portal</p> <p>Chicago retail standards: Retail standards (Phase III), Chicago Retail (Phase IV)</p> <p>Chicago office based standards Office Standards (Phase III) Chicago Offices (Phase IV)</p>	

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official order and related interpretative guidance. If you have specific questions about how any particular jurisdiction's Order affects your business, or other COVID-19 topics, please contact a member of the Holland & Knight's COVID-19 Response Team – State and Local Orders and Regulations.

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