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COVID-19 Recommended and Mandatory Guidance as of August 2020: What it Means for Employers

As COVID-19 cases continue to rise locally and across the country, the state of Illinois, the city of Chicago, and Cook County continue to update their guidelines and recommendations for employers. Below is a summary of the most recent mandates and guidance as of August 5, 2020. Importantly, the city of Chicago's guidelines are mandatory, whereas the guidelines issued by Cook County are recommendations only.

Illinois Resurgence Mitigation Plan

On July 31, 2020, the Illinois Department of Public Health (IDPH) announced that 11 counties in Illinois are now at a "warning level" for COVID-19, up from four counties the previous week. The warning means that each of the counties saw increases in two or more COVID-19 "risk indicators" and may face additional restrictions if they exceed certain resurgence criteria as set forth in the state's COVID-19 Resurgence Mitigation Plan (Mitigation Plan).

This [Mitigation Plan](#), issued by the governor and the IDPH on July 15, further refines and updates the [Restore Illinois](#) reopening plan by establishing more granular and targeted guidelines that can be implemented to target areas with outbreaks of COVID-19 and combat a state-wide resurgence. The guidelines include a menu of metrics and mitigation actions organized by setting, risk level, and region in order to determine where resurgences are occurring, and how to deal with them effectively, and emphasizing action in smaller regions to help focus mitigation efforts. Instead of the four regions outlined in the original Restore Illinois plan, the Mitigation Plan further divides the state of Illinois into 11 regions, in which the city of Chicago and suburban Cook County are placed into separate regions.

The Mitigation Plan then outlines three tiers of mitigation options for gatherings, businesses, and activities that will be considered once a region experiences: (1) three consecutive days averaging greater than or equal to an 8% positivity rate; or (2) a sustained increase in positivity rate over a seven-day rolling average, and either: (a) a sustained seven-day increase in hospital admissions for COVID-19-like illness; or (b) a reduction in hospital capacity threatening surge capabilities (ICU capacity or medical/surgical beds under 20%).

As fully detailed below:

- In Tier 1, offices may be required to institute remote work for high-risk individuals and continue to emphasize telework for as many workers as possible. Meetings, social events, and religious gatherings may have additional limits imposed. Bars and restaurants may need to reduce indoor dining capacity. Retail employers may be required to reduce in-person capacity.
- In Tier 2, offices may be required to reduce capacity, with recommendations to resume remote work. Retailer employers may be required to suspend in-person nonessential retail and make online and curbside pickup available. Bars and restaurants may need to suspend indoor dining and bar service. Greater limits on gatherings and room capacity may be imposed for meetings and social events.
- In Tier 3, offices may be required to institute remote work for all nonessential workers. Bars and restaurants may be required to suspend in-person dining. All nonessential retail may be suspended. In addition, the strictest limit to gatherings and room capacity may be imposed for meetings and social

events.

City of Chicago Mandatory Guidelines

On top of the Illinois Mitigation Plan, the city of Chicago issued on July 2, 2020, an [Emergency Travel Order](#) requiring individuals to self-quarantine for 14 days or the duration of the individual's presence in Chicago, whichever is shorter, after traveling from a state with a COVID-19 new case rate greater than 15 COVID-19 cases per 100,000 resident population per day, over a seven-day rolling average (High Incidence State).

The list of High Incidence States is updated every Tuesday and goes into effect the following Friday at 12:01 a.m. Effective August 7, travelers from Puerto Rico will be required to self-quarantine, as well as those from 22 other states, including Wisconsin.

The [FAQs](#) associated with the order state that "essential workers," defined as those individuals who work in [critical infrastructure](#), are not subject to the mandatory self-quarantine if they are either:

- A nonresident of Chicago, are traveling from a designated state to Chicago for the primary purpose of carrying out their primary work in Chicago, and who needed to be physically present in Chicago to carry out that primary work.
- A resident of Chicago, are returning from a designated state, were in the designated state for the primary purpose of carrying out their primary work in that state, and who needed to be physically present in that state to carry out that primary work.

Essential workers must have documentation issued by their employer regarding the necessity of such travel. Notably, an essential worker who travels for non-work purposes is subject to the mandatory self-quarantine and is not covered by this exception. Other exceptions to the order include personal travel for medical care and parental shared custody, or as granted by the commissioner of health (although the process for obtaining such exemption is unclear).

In addition to the travel order, the city of Chicago [reimposed certain restrictions](#) on bars, restaurants, gyms, and personal services as a precautionary move in response to a recent increase in community cases of the virus:

- Bars, taverns, breweries, and other establishments that serve alcohol for on-site consumption without a retail food license will no longer be able to serve customers indoors. Restaurants that serve alcohol will be allowed to continue to operate as long as they abide by ongoing COVID-19 guidance and existing regulations. In addition, establishments without food may still provide outdoor service as they did under phase three.
- Maximum party size and table occupancy at restaurants, bars, taverns, and breweries will be reduced to six people.
- Indoor fitness class size will be reduced to a maximum of 10 people.
- Personal services requiring the removal of face coverings will no longer be permitted (shaves, facials, etc.).
- Residential property managers will be asked to limit guest entry to five per unit to avoid indoor gatherings and parties.

Cook County Recommended Guidance

Cook County also implemented its own [travel guidance](#) recommending a 14-day quarantine for persons entering suburban Cook County, Illinois, from states with high incidence of COVID-19 infections. High-incidence states are those that have new case rate equal to or greater than 15 COVID-19 cases per 100,000 resident population per day, over a seven-day rolling average. The [list](#) of states meeting this definition will be updated every Tuesday. Like the city of Chicago order, the Cook County guidelines provide that essential workers, with verification from their employer, and those traveling for medical care or parental custody are exempt.

While the suburban Cook County guidelines mostly mirror those implemented by the city of Chicago, the [FAQs](#) issued by the Cook County Department of Public Health (CCDPH) state that, unlike the city of Chicago, suburban Cook County's travel guidance is only a recommendation, not an order. The (CCDPH) will not be issuing fines or enforcing the guidance.

A Note About CDC's Quarantine Recommendations After International Travel

While the Centers for Disease Control and Prevention (CDC) has deferred to local government regarding the need to quarantine after traveling within the United States, it recommends all individuals to quarantine for 14 days after returning from [international travel](#). Unlike the city of Chicago and Cook County guidelines, the CDC does not include an exemption for essential travel.

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