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November 20, 2020

Illinois and Chicago Issue New COVID-19 Measures: What They Mean for Employers

As the COVID-19 resurgence continues, the state of Illinois and the city of Chicago have once again updated guidance for employers. Below is a summary of the most recent mandates and guidance as of November 20, 2020.

State of Illinois: Tier 3 Resurgence Mitigations (Mandatory)

As [previously detailed](#), Governor J.B. Pritzker and the Illinois Department of Public Health (IDPH) implemented a statewide mitigation plan to target outbreaks of COVID-19 and combat resurgence. Based on the rising numbers, the governor recently announced the implementation of Tier 3 Resurgence Mitigations (Tier 3 Mitigation Standards) under the mitigation plan. These measures aim to limit gatherings and encourage people to stay home to the greatest extent possible. Employers are still required to follow all of the [Phase 4 industry guidance](#); however, to the extent any Phase 4 guidance conflicts with Tier 3 Mitigation Standards, employers should follow the more restrictive Tier 3 Mitigation Standards, which took effect November 20, 2020.

At a high level, the industry-specific [Tier 3 Mitigation Standards](#) (a complete list of which are available on the IDPH's website), are as follows:

- **Office:** All employees who can work remotely should do so.
- **Manufacturing:** Additional COVID-19 training for all employees is required even if previous training occurred. Operators should coordinate with IDPH to implement testing protocols and contact tracing, upon request, consistent with available testing supplies. All employees must wear face coverings at all times unless eating or drinking. Only manufacturing staff and key personnel are allowed in facilities. Non-production employees must work remotely and nonessential staff and visitors are not permitted, subject to limited exceptions. Work station sanitation required at beginning and ending of shifts. Operators must suspend COVID-19-related incentive pay and promote staying home when sick or showing symptoms.
- **Bars and Restaurants:** All bars and restaurants must close at 11:00 p.m. and may reopen no earlier than 6:00 a.m. the following day. No indoor service is allowed—all bar and restaurant patrons should be seated at tables outside. Tables should be six feet apart and no tables may exceed six people. Reservations are required for each party.
- **Health and Fitness Centers:** Operating capacity is limited to no more than 25%. No indoor group classes are permitted. Face coverings must be worn at all times, including while engaged in individual exercise regardless of person or machine spacing.
- **Hotels:** Hotel room occupancy should be limited to registered guests only, with the maximum allowance being the number of individuals permissible per existing fire code for each applicable guest room. Fitness centers should be closed or operated only on a reservation model with a maximum of 25% capacity for the room. Only grab-and-go food allowed.
- **Retail:** Maximum operating capacity is limited to 25%. This applies to general merchandise stores, "big box" stores that offer groceries and pharmacy, and convenience stores. Standalone grocery stores and pharmacies may operate at up to 50% capacity.

IDPH will continue to track the positivity rates and hospital capacity metrics in regions over a 14-day monitoring period to determine whether mitigations can be relaxed, additional mitigations are required, or if current mitigation should remain in place. The governor emphasized that individuals should stay home whenever possible and expressed the hope that by limiting in-person interactions through the Tier 3 Mitigation Standards, the state will avoid another stay-at-home order.

City of Chicago: Recommended Guidance (Advisory)

On November 12, 2020, Mayor Lori Lightfoot announced a [Stay-at-Home Advisory](#) that advised all residents of the city of Chicago to only leave home to go to work, to go to school, or for essential needs beginning November 16, 2020. Other than implementing further limitations regarding the total number of individuals at indoor and outdoor meetings, social events, and private gatherings, the advisory generally reinforced the requirements from prior orders. Notably for employers, the advisory indicated that businesses other than restaurants, bars, and event venues could continue operations in accordance with the [Phase IV Gradually Resume guidelines](#).

The advisory also highlighted the continuing requirements under the city's Emergency Travel Order, which was modified as of November 13. Under the new system, states will be placed in three categories—red, orange, and yellow—based on the status of the outbreak in the states and how the data compares to the situation in Chicago. The list of states is updated every other Tuesday and goes into effect the following Friday at 12:01 a.m. Travelers arriving from states on the orange list must receive a negative COVID-19 test result no longer than 72 hours **prior to arrival** and have proof of negative results OR plan to quarantine for 14 days upon arrival. Travelers from the red list must quarantine for 14 days. The negative test or quarantine requirements do not apply to essential workers (non-resident and residents) whose travel is for work purposes and who have identification from their employers regarding the necessity for such travel.

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