



CLIENT ALERT

Phase 3 Guidelines for Municipalities

Today, Illinois enters Phase 3 of Governor J.B. Pritzker's 5-Phase reopening plan. Although the main focus of this phase has been the reopening of certain businesses, local governments will also be affected in their operations and facilities. Phase 3 is not a return to normal, though; the Governor has released detailed guidelines and restrictions that should still be followed.

General Guidelines for Phase 3

There are some general guidelines that apply to all facilities and businesses as they open up. All buildings should remain at reduced occupancy, meaning no more than 50 percent capacity. All open buildings and facilities should be cleaned on a weekly basis per CDC protocols. High traffic areas, such as door knobs and railings, break rooms, cafeterias, and lobbies should be cleaned frequently. Current guidelines recommend items that need to be cleaned frequently be cleaned at least every 2 hours.

Signage should be placed outside entrances of any open facilities, workplaces, and buildings detailing face covering requirements, social distancing guidelines, and cleaning protocols. Facility operators, building owners, and employees need to consider the layout of the facility, as furniture and equipment may need to be removed, decommissioned, or re-arranged in order to facilitate social distancing. Any water fountains should be shut off, covered, or blocked off to prevent use, with the exception of touchless water bottle filling station. Single-use sealed bottles of water can be provided instead.

Any outside visitors to a facility should be screened for symptoms before entering the premises. If practical, it is recommended that the visitor's temperature be checked through infrared or thermal cameras, or through touchless thermometers. All external suppliers and visitors should wear a face covering over the mouth and nose while on the premises. A log of all visitors should be kept.

What Phase 3 Means for Employers

It is important to continue maintaining social distance and other measures meant to protect against the spread of COVID-19. Employers should still allow employees to tele-commute whenever possible. If an employer is planning to allow employees to return to the office in Phase 3, certain steps should be taken to protect employees and the general public from the risk of infection.

Common areas such as break rooms, lobbies, and elevators should be monitored to ensure employees are social distancing. Work stations should be spaced at least 6 feet apart. If that is not possible, a permeable barrier should be installed between workstations. Employees should be provided with cleaning supplies and should clean workstations upon arriving at and leaving the office each day.

Employees should complete health and safety training on COVID-19 upon returning to work. Sick or symptomatic employees should not be allowed to report to or remain at the office and should be encouraged to get a coronavirus test. Employers should conduct in-person screening of employees to verify no symptoms at the start of a shift, and again mid-shift. It is recommended that both these screenings be conducted in-person, but a virtual screening is permitted for the mid-shift screening.

What Phase 3 Means for Outdoor Recreational Spaces

Outdoor recreation facilities, such as golf courses and tennis courts, will be allowed to open (or offer more services) under Phase 3 with certain social distancing restrictions in place.

On top of protections for employees, outdoor recreational facilities will also need to consider the safety and conduct of members of the public who use the facility. This means that under Phase 3, while outdoor facilities can still be used, indoor spaces such as clubhouses and any communal gathering spaces should remain closed. Locker rooms and showers should be cleaned and sanitized at least every two hours, and all rental equipment should be thoroughly cleaned and sanitized before and after use.

The facility operator should design a plan to allow for social distancing of employees and of customers. A system should be in place to track how many customers are at the facility at one time and to inform customers of available facility capacity before they arrive at the facility, such as a reservation system. Customers should be limited to groups of no more than 10 when social distancing is possible. When social distancing is not possible (such as when sitting in a golf cart) groups should be limited to those who are in the same household. Multiple groups can be permitted at a facility at one time, as long as 30 feet of distancing is maintained between groups and areas for each group are clearly marked to discourage interactions between groups. Customers should wear a face covering over the nose and mouth.

What Phase 3 Means for Park Districts

In Phase 3, park districts should be able to start offering some of their programming again.

It may be necessary for the park district to designate an employee to monitor attendance at events and activities to ensure participants and employees are socially distancing and facilities do not exceed maximum capacity. All participants in park district activities should be asked upon entering a facility or before participating in a camp, sporting event, fitness class, or any other activity if they are exhibiting symptoms of COVID-19. If a participant exhibits symptoms, they should not be allowed to enter the premises until they have had no fever for 72 hours, other symptoms have improved, and at least 10 days have passed since symptoms first appeared.

Facilities need to be kept clean and sanitized as park districts begin to open up and offer services. Spaces that are used by multiple groups should be cleaned and sanitized between groups. Any shared objects and equipment need to be sanitized before and after each use.

Fitness Classes

Park districts can start to offer some fitness services, such as one-on-one personal training sessions and outdoor classes, as long as proper social distancing and cleaning procedures are followed. Fitness classes should be offered by reservation only. Members should wear a face covering any time they are not actively exercising, and a distance of 10 feet should be maintained between members. Members of the fitness center should clean and sanitize any equipment used before and after use and should not share equipment unless it's with someone from the same household. Contact activities, such as boxing and wrestling, are not permitted. Drills involving punching bags are allowed as long as the equipment is sanitized before and after use.

Day Camps

Park districts can also offer day camps in Phase 3, as long as proper social distancing measures are followed. Groups of campers are to be limited to no more than 10, with 2 adults for each group of 10 children (an exception can be made if there is 1 adult for every group of 10 children and 1 floater employee that can work with 2 groups). If facility size allows for it, more than one group of children can be at the facility at a time, as long as 30 feet of distancing is maintained between each group. Groups should be static, with no mixing of employees or participants between groups.

Even if camps are conducted outdoors, the park district should still be sure to have enough indoor space secured to accommodate all participants and maintain 6 feet of space between participants. Water activities and activities that do not allow for 6 feet of space between participants should be suspended. Any activities that require physical or vocal exertion should take place outdoors.

Youth Sports

While competitive sports are not allowed under Phase 3, park districts can begin offering some organized sports and lessons as long as certain precautions are taken to prevent the spread of disease. Concession stands should continue to stay closed. Spectators should be prohibited (with the exception of parental supervision) unless non-household members can properly social distance from each other and participants while watching. No walk-ins or pick-up games should be allowed, and all activities should be scheduled by appointment only. It is also important for the park district to keep a log of all participants.

Some activities might need to be altered to allow for 6 feet of distance between participants or else be suspended. A park district that offers stations for individual recreational activities should make sure these stations are at least 10 feet apart or limit the number of stations that are open. Participants should be encouraged to bring their own source of water to activities, since water fountains will be unavailable, and to refrain from shaking hands at the beginning or end of practice.

What Phase 3 Means for Libraries

Libraries can open under Phase 3 but will need to maintain social distance among employees and customers. The library should monitor capacity to ensure a maximum occupancy of 50% capacity or five customers allowed per 1000 sq. ft. of useable space. Patrons should wear a face covering over the nose and mouth unless medical conditions or disabilities prevent this. Incoming and outgoing items should be kept separate from each other.

Further resources for reopening libraries can be found at the Illinois Library Association's website: <https://www.ila.org/advocacy/bigger-than-a-building/resources-for-reopening-libraries>

The Illinois Department of Commerce and Economic Opportunity has an abundance of resources on its website, such as detailed guidelines and "encouraged" practices, and tool kits including relevant checklists, posters, and graphics. <https://www2.illinois.gov/dceo/pages/restoreLP3.aspx>. The CDC's Guidance for Cleaning and Disinfecting can be found at: https://www.cdc.gov/coronavirus/2019-ncov/community/pdf/Reopening_America_Guidance.pdf.

Ottosen DiNolfo Hasenbalg & Castaldo, Ltd.'s ***Client Alert*** is issued periodically to keep its clients and other interested parties informed of legal developments that may affect or otherwise be of interest to its readers. Due to the general nature of its contents, the comments herein do not constitute legal advice and should not be regarded as a substitute for detailed advice regarding a specific set of facts. Questions regarding any items should be directed to our main office at:

OTTOSEN DINOLFO HASENBALG & CASTALDO, LTD.
1804 North Naper Boulevard, Suite 350, Naperville, Illinois 60563
(630) 682-0085 ottosenlaw.com

Copyright 2020 by
OTTOSEN BRITZ KELLY COOPER GILBERT & DINOLFO, LTD.

All rights reserved. Pursuant to Rules 7.2-7.4 of the Illinois Rules of Professional Conduct, this publication may constitute advertising