



Ohio COVID-19: Stay Safe Ohio order

May 1, 2020

On April 30, 2020, Ohio Department of Health Director Dr. Amy Acton signed and extended Ohio's stay-at-home order until May 29, 2020, called the "Stay Safe Ohio Order." The order keeps the stay at home order in effect but permits certain business sectors to resume operations. Under the guidelines provided by the order, different sectors of the economy are scheduled to resume operations, provided they follow additional protocols and guidelines as applicable to the business. Even businesses originally defined as essential in the previous order, must follow the new set of guidelines.

On April 27, 2020, Ohio Governor Mike DeWine outlined his administration's plan for a phased in reopening of Ohio's economy, previewing what would eventually be included in the order. He announced protocols that apply to all businesses, as well as industry-specific operating requirements. The administration provides several resources for businesses on its coronavirus website.

May 1, 2020 – Additional health care procedures: All health procedures that do not require an overnight stay, including dentists and veterinarians, may resume. Elective health care procedures had been halted to allow health care facilities to stockpile enough personal protection equipment (PPE). Other health care services may resume as long the health care provider follows the requirements in the order. In addition, telehealth services should still be utilized whenever possible. Elective surgeries that require overnight stays will be authorized to resume at a later date. For more, please

[read the article](#) from our Health Care group.

May 4, 2020 – Additional manufacturing, distribution and construction: Previously considered non-essential manufacturing, distribution and construction may resume operations. Most manufacturers, related distributors and members of the supply chain were considered essential businesses or operations under the previous order. The order specifies that manufacturers that did not meet the criteria for essential business or operation may resume operations on May 4, 2020. All manufacturers will be required to follow the protocols in the order (see below).

May 4, 2020 – General office operations: Additional general office functions may also resume May 4, 2020. Offices must observe social distancing and require employees to utilize face coverings. The order provides a detailed checklist for general office settings to follow, including staggered start times for employees, required handwashing of employees and establishing a maximum capacity. Businesses should also encourage employees to continue to work from home when possible.

May 12, 2020 – Retail and consumer business: According to the order, consumer and retail-oriented businesses are authorized to reopen on May 12, 2020. However, retail and consumer businesses that restrict their operations to curbside pickup, delivery and appointment-only (limited to 10 customers at any one time) may reopen May 1, 2020, at 11:59 p.m. Retail and consumer businesses that provide essential services or products were already operating. All retail and consumer businesses that are operating must now require all employees and customers to use face coverings, maintain social distancing of six feet and install barriers where appropriate.

The order also includes the continued closure of K-12 schools, daycares, restaurants and bars (carry out and delivery excluded), salons, barbers, physical fitness facilities, entertainment and other businesses. These businesses are allowed to maintain minimum business operations as defined similarly in the previous orders. This includes maintaining inventory and preserving equipment, processing payroll, and engaging in activities necessary to facilitate remote working and other activities designed to preserve the value of the business.

The order also maintains the ban on gatherings of over 10 people until May 29, 2020.

Social distancing requirements

The order also reminds all businesses, including those businesses engaged in Minimum Basic Operations, that each must follow the Social Distancing Requirements, including when possible:

1. designate six-foot distances with signage, tape or other means for employees and customers in line;
2. hand sanitizer and sanitizing products should be readily available for employees and customers;
3. separate operating hours for vulnerable populations; and
4. a facility should post online the best way to access the facility and continue services by phone or remotely.

General protocols for all businesses

The newly-signed order also includes the general protocols Governor DeWine announced on Monday. Those include:

1. Required facial coverings for employees and businesses should allow customers/clients to wear face coverings while in the establishment. Businesses must require all employees to wear facial coverings, except for one of the following reasons:
 - a. facial coverings in the work setting are prohibited by law or regulation;
 - b. facial coverings are in violation of the documented industry standards or the business's documented

- safety policies;
 - c. facial coverings are not advisable for health reasons;
 - d. when the employee works alone in an assigned work area; or
 - e. there is a functional (practical) reason for an employee not to wear facial covering in the workplace.
2. Employees should make their own personal daily health assessments to determine if they are fit for duty. Assessments should include taking temperature to monitor for fever, as well as watching for cough or trouble breathing.
 3. Maintain good hygiene including hand washing and social distancing.
 4. Clean and sanitize workplaces throughout the workday and at the close of business (or in between shifts).
 5. Limit capacity to meet social distancing guidelines.
 - a. Establish a maximum capacity.
 - b. Utilize appointment setting with clients/customers when possible.

Differences from prior orders

In many ways, the new requirements and protocols provided in the order are similar to what was required of essential businesses. Under the previous order, essential businesses and operations still needed to follow social distancing requirements, and the essential business checklist included maintaining space between employees and sanitizing workplaces.

However, there are some distinct new requirements for the businesses allowed to reopen. The most notable change is the order's requirement that employees wear facial coverings. This was not previously required by any of the orders issued by the governor or the Ohio Department of Health. The order does not mandate that customers, guests or visitors to business need facial coverings but strongly recommends them.

The order imposes social distancing requirements on operating businesses, including asking businesses to limit capacity to achieve proper distancing. Previous guidance from the administration mentioned capacity should be limited to 50 percent of the fire code permitted maximum capacity, but the order language only requires that a maximum capacity be established. The order also asks businesses and operations to stagger shifts and breaks to achieve proper social distancing. Businesses may need to individually assess how this, combined with the new requirements for staggering shifts and breaks, could impact productivity and operations.

There is also a new mandatory reporting requirement of suspected exposure or cases to the local health department.

Finally, while the travel restrictions in the order appear similar, the language regarding self-quarantine for out-of-state travelers, with an intent to remain, has changed. An out-of-state traveler, with an intent to remain, is asked to self-quarantine for 14 days, unless they are entering the state for critical infrastructure or health care workforce purposes.

Enforcement

The order states that new protocols will be enforced by the local health departments and local police, similar to previous orders. A violation of the order is a second degree misdemeanor, punishable by a fine of up to \$750 and up to 90 days in jail.

Conclusion

The administration developed the protocols and guidelines contained in the order in consultation with businesses that were operating under the previous orders restricting economic activity. The resulting protocols are intended to

represent the best practices developed by currently operating businesses and should permit increased operational capacity, while protecting public health.

Please review these requirements closely, as some are new, mandated requirements that may impact your operations.

Additional information can be obtained on the Ohio Department of Health's coronavirus webpage.

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