


**IDPH Emergency Rules & COVID-19:
What Every Attorney Needs to Know to
Manage their Firm
and Advise Their Clients**

McLean County Bar Association CLE
September 15, 2020
Presented by Brendan Bukalski

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JOHNSON LAW GROUP LLC
Attorneys at Law

**IDPH EMERGENCY RULES & COVID-19:
WHAT EVERY ATTORNEY NEEDS TO KNOW
TO MANAGE THEIR FIRM
AND ADVISE THEIR CLIENTS**

CLE, September 15, 2020

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What Will We Cover?

Part I: Introduction

Part II: The Requirements for your firm & your clients

Part III: Enforcement

Part IV: Protecting Your Firm and a Client's Business




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Part I: Introduction

The Illinois Department of Public Health (IDPH) passed emergency rules in August, adopting positions in executive orders issued by Governor Pritzker. The last of those emergency rules expires on January 4, 2021, if it is not extended.

This CLE will cover:

- Requirements with which businesses must comply
- Investigation and Enforcement of that which businesses must comply
- Measure to help prevent problems




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This CLE will not cover:

- Rules specific to schools or medical facilities/personnel

For this CLE:


- It is assumed everyone has familiarity with COVID-19, certain recommendations, etc.
- The term "mask," refers to a face covering, whether a literal mask or a cloth face covering, that covers the nose and mouth.
- The term, "Department," refers to the Illinois Department of Public Health (IDPH).



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Part II: The Requirements

- ❖ Wear a mask if unable to maintain a 6-foot social distance if:
 - In a public place (indoors or outdoors);
 - In a business open to the public or with employees;
 - In a bar or restaurant, unless eating and/or drinking; or
 - In schools, day cares, institutions of higher learning, unless outside and socially distanced, playing a musical instrument if necessary, or a school employee wearing a face shield.



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- ❖ Specifics of complying:
 - Businesses, services, facilities or organizations shall be in compliance if they take "reasonable efforts," which is left entirely undefined.
 - Retail business compliance determined based on totality of circumstances, including posting signage requiring masks, providing masks, giving verbal warnings to customers to wear masks, and requesting customers leave if not wearing a mask.
- ❖ Gatherings of more than 50 people, of 50% of building occupancy, or of more than 50 students K-12 are prohibited.



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Part III: Enforcement

Enforcement applies against a business, service, facility or organization open to the public.

There are two aspects of enforcement: Investigation & Action/Penalty.

Important note: emergency regulations are unenforceable against individuals, and can only be enforced against the business entity itself.



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❖ Investigation

- Who can investigate: Department and local health department personnel with aid of law enforcement.
- Who must comply with the investigation: any business owner or person in charge of the establishment after 2 or more suspected cases of positive COVID-19 cases.
- What is cooperation: submitting specimens, helping with contact tracing, including release of information and inspection of records. (Note: no rules have changed concerning confidentiality of client information. However, the rules specifically allow health records to be inspected without consent.)



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❖ Action/Penalty under emergency regulations:


- Written notice with reasonable opportunity to take prompt action.
 - Reasonable opportunity depends on facts and circumstances, including nature of activity, whether indoors or outdoors, the public health risk of exposure, size of building/crowd.
- If non-compliance: order to disperse until compliant.
- If non-compliance with order to disperse, then Class A misdemeanor violation of 20 ILCS 2305/8.1 (only against business, not individual).



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❖ Action/Penalty under emergency regulations (Cont'd.):


- Other potential Class A misdemeanor violations of 20 ILCS 2305/8.1 include:
 - Repeated/continued violations after receiving 2 or more notices; and
 - Repeated/continued violations after 2 or more orders to disperse.
- Deciding a failure to comply includes consideration of reasonable efforts taken to ensure wearing of masks when unable to socially distance. For retail businesses, reasonable efforts include posting signage, providing masks, giving verbal warnings, and requesting customers leave.



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❖ Action/Penalty under non-emergency regulations: isolation, quarantine, and closure


- Order mandatory quarantine and closure if, in their "reasonable judgment," it's determined action is required.
 - This decision can be based on: reason to suspect infection, exposure or contamination; belief that serious and imminent threat to public health and safety is posed; and they first "made (written) efforts" to obtain voluntary compliance.



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❖ Non-emergency regulations actions/penalty: isolation, quarantine, and closure (Cont'd.)


- Can't exceed incubation and communicability period.
- Verbal order OK if risk to public health, but is only good for 24 hours, must be followed by a written order, and can be enforced by a first responder until written order is complete.



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❖ Non-emergency regulations actions/penalty: isolation, quarantine, and closure (Cont'd.)


- Written order must provide:
 - Identity;
 - Premises;
 - Notice of right to counsel and to appointed counsel if indigent;
 - Reason for the order;
 - Notice of whether it's effective immediately or not;
 - Notice of the anticipated time frame;
 - A statement of the measures taken to seek voluntary compliance;
 - A statement on the medical basis on which the order is justified; and
 - A statement that a person may refuse examination; and a statement that a hearing can be requested.



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❖ Non-emergency regulations actions/penalty: isolation, quarantine, and closure (Cont'd.)


- If immediate order issued without consent or court order, within 48 hours (or as soon as reasonably possible), the authority must file a petition in the circuit court.
- Petition must have declaration of facts, and specify:
 - Identity;
 - Premises;
 - Reason;
 - Date/time when to commence;
 - Anticipated duration;
 - Measures taken to obtain consent or risk of serious harm if consent is not sought; and
 - The medical basis upon which action is justified.



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❖ Non-emergency regulations actions/penalty: isolation, quarantine, and closure (Cont'd.)


- At least 24 hours before the hearing in the circuit court, notice must be provided (posting is fine if a large group is involved)
- Hearing in circuit court
 - Show by clear and Convincing Evidence that
 1. Either the person has or is suspected of being exposed or the location w/a significant amount of activity is likely to spread disease; and
 2. Prove all other reasonable means have been exhausted.
 - Court can specifically consider Department rules, CDC recommendations and WHO recommendations.



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❖ Non-emergency regulations actions/penalty: isolation, quarantine, and closure (Cont'd.)

- Circuit court order can last 30 days, but can be extended another 30 days upon petition, showing reasonable basis to continue in order to prevent serious and imminent threat to health and safety.



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Part IV: Protecting Your Firm and a Client's Business

- ❖ Goal of any firm or business is to Protect against:
 - Misdemeanor violation;
 - Isolation;
 - Quarantine; or
 - Closure.
- ❖ Best way to protect a business: comply with the requirements in Part II, and be able to show "reasonable efforts" have been made.
- ❖ Best way to ensure that "reasonable efforts" have been made:
 - Refer to emergency rules;
 - Follow recommendations to avoid infection; and
 - Follow recommendations on protocols after infection occurs.




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- ❖ Refer to emergency rules
 - Reasonable efforts for retail businesses include:
 - Posting signage requiring masks;
 - Providing masks;
 - Giving verbal warnings to customers not wearing masks; and
 - Requesting customers leave if not wearing masks (inherently requires that employees have authority to do so).



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- ❖ Recommendations to avoid infection
 - Increase physical space between employees or create barriers, using physical signs/cues.
 - Clean & disinfect at least once per day.
 - Have equipment (sanitizer, disinfectant, thermometer, etc.) available for employees.
 - Take additional steps to protect employees "at higher risk" of illness, such as allowing work from home or telework, providing additional supplies for sanitizing/disinfecting, and requiring PPE.




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- ❖ Recommendations to avoid infection (Cont'd.)
 - Institute the "Hierarchy of Controls:"

Hierarchy of Controls


- Elimination: Physically remove the hazard
- Substitution: Replace the hazard
- Engineering Controls: Isolate people from the hazard
- Administrative Controls: Change the way people work
- PPE: Protect the worker with Personal Protective Equipment

(More controls, all PPE.)



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- ❖ Recommendations to avoid infection (Cont'd.)
 - Mandatory screening of employees (taking temperature, etc.) is optional for employers.
 - Recommendations have shifted from testing to symptom-based, but note that the Eleventh Judicial Circuit has a standing order that prohibits entry into a courthouse "If you have had contact with a person that has tested positive for Covid-19 and are awaiting your Covid-19 test result."
 - Requiring a doctor's note is not recommended by any agency.



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❖ Recommendations on protocols after infection occurs


- Note: recommendations are based on the symptom-based, instead of testing-based, approach.
- Look for symptoms of COVID
 - Fever or chills;
 - Cough;
 - Shortness of breath or difficulty breathing;
 - Fatigue;
 - Muscle or body aches;
 - Headache;
 - New loss of taste or smell;
 - Sore throat;
 - Congestion or runny nose;
 - Nausea or vomiting; and
 - Diarrhea.



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❖ Recommendations on protocols after infection occurs (Cont'd.)


- If an employee has symptoms, the employer should:
 - Not allow the person to work,
 - Try to close off areas the employee used for prolonged periods of time, wait 24 hours to clean, and then clean & disinfect.
 - Follow guidelines for community-related exposure: close contact (less than 6 feet for 15 minutes or more), then those persons should stay home for 14 days, self-monitor for symptoms, and avoid contact with others.



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❖ Recommendations on protocols after infection occurs (Cont'd.):

- If an employee has symptoms, the employee should:
 - Not come into work,
 - Isolate for 14 days, monitor symptoms and monitor temperature.
 - Return to work if it's been at least 10 days since symptoms first appeared, if it's been at least 24 hours without a fever, and symptoms have improved.



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Speaker Biography

Brendan Bukalski is Managing Partner of Johnson Law Group, LLC., headquartered in Bloomington, Illinois. In addition to its Bloomington headquarters, Johnson Law Group maintains offices in Springfield, Peoria, and Decatur, and practices throughout central Illinois with a focus on criminal defense. Mr. Bukalski has a substantial background in criminal defense as well as matters linked to criminal matters, such as driver's license reinstatement, gun rights, and clearing up people's criminal histories. He has successfully represented clients at both the trial and appellate court levels, as well as before administrative agencies.

Brendan was born and raised in Illinois, and previously worked as an Assistant State's Attorney in Livingston County, Illinois. He graduated with a Bachelor of Arts degree from New York University and a Juris Doctor degree from Southern Illinois University School of Law. He serves as Co-Chair of the McLean County Bar Association History and Memorials Committee, and he is Second Assistant Editor for the Illinois State Bar Association Committee on Criminal Justice. In addition, Brendan is a frequent lecturer to groups about their rights and privileges under Illinois law, and has authored numerous articles, published by a periodical as well as by the Illinois State Bar Association. He has volunteered his time for various charities throughout Illinois, including Relay for Life, Prairie State Legal Services, and the American Bar Association.

For more information about Brendan, visit www.jlawgroup.com.

IDPH Emergency and Non-Emergency Rules as well as Applicable IDPH Statute

Table of Contents:

Emergency Rules	Section 690.50, passed 08-07-2020
Non-Emergency Rules	Section 690.30 Section 690.1335 Section 690.1340 Section 690.1415
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ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER k: COMMUNICABLE DISEASE CONTROL AND IMMUNIZATIONS

PART 690
CONTROL OF COMMUNICABLE DISEASES CODE

SUBPART A: GENERAL PROVISIONS

Section	
690.10	Definitions
690.20	Incorporated and Referenced Materials
690.30	General Procedures for the Control of Communicable Diseases
690.50	<u>Pandemic or Epidemic Respiratory Disease – Emergency Provisions</u>

EMERGENCY

SUBPART B: REPORTABLE DISEASES AND CONDITIONS

Section	
690.100	Diseases and Conditions
690.110	Diseases Repealed from This Part

SUBPART C: REPORTING

Section	
690.200	Reporting

SUBPART D: DETAILED PROCEDURES FOR THE CONTROL
OF COMMUNICABLE DISEASES

Section	
690.290	Acquired Immunodeficiency Syndrome (AIDS) (Repealed)
690.295	Any Unusual Case of a Disease or Condition Caused by an Infectious Agent Not Listed in this Part that is of Urgent Public Health Significance (Reportable by telephone immediately (within three hours))
690.300	Amebiasis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days) (Repealed)
690.310	Animal Bites (Reportable by mail or telephone as soon as possible, within 7 days) (Repealed)
690.320	Anthrax (Reportable by telephone immediately, within three hours, upon initial clinical suspicion of the disease)

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- 690.322 Arboviral Infections (Including, but Not Limited to, Chikungunya Fever, California Encephalitis, St. Louis Encephalitis, Dengue Fever and West Nile Virus) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
- 690.325 Blastomycosis (Reportable by telephone as soon as possible, within 7 days) (Repealed)
- 690.327 Botulism, Foodborne, Intestinal Botulism (Formerly Infant), Wound, or Other (Reportable by telephone immediately, within three hours upon initial clinical suspicion of the disease for foodborne botulism or within 24 hours by telephone or facsimile for other types)
- 690.330 Brucellosis (Reportable by telephone as soon as possible (within 24 hours), unless suspect bioterrorist event or part of an outbreak, then reportable immediately (within three hours) by telephone)
- 690.335 Campylobacteriosis (Reportable by mail, telephone, facsimile or electronically, within 7 days)
- 690.340 Chancroid (Repealed)
- 690.350 Chickenpox (Varicella) (Reportable by telephone, facsimile or electronically , within 24 hours)
- 690.360 Cholera (Toxigenic *Vibrio cholerae* O1 or O139) (Reportable by telephone or facsimile as soon as possible, within 24 hours)
- 690.362 Creutzfeldt-Jakob Disease (CJD) (All Laboratory Confirmed Cases) (Reportable by mail, telephone, facsimile or electronically within Seven days after confirmation of the disease) (Repealed)
- 690.365 Cryptosporidiosis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
- 690.368 Cyclosporiasis (Reportable by mail, telephone, facsimile or electronically, within seven days)
- 690.370 Diarrhea of the Newborn (Reportable by telephone as soon as possible, within 24 hours) (Repealed)
- 690.380 Diphtheria (Reportable by telephone immediately, within three hours, upon initial clinical suspicion or laboratory test order)
- 690.385 Ehrlichiosis, Human Granulocytotropic anaplasmosis (HGA) (See Tickborne Disease)
- 690.386 Ehrlichiosis, Human Monocytotropic (HME) (See Tickborne Disease)
- 690.390 Encephalitis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days) (Repealed)
- 690.400 Escherichia coli Infections (*E. coli* O157:H7 and Other Shiga Toxin Producing *E. coli*) (Reportable by telephone or facsimile as soon as possible, within 24 hours)
- 690.410 Foodborne or Waterborne Illness (Reportable by telephone or facsimile as soon as possible, within 24 hours) (Repealed)

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- 690.420 Giardiasis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days) (Repealed)
- 690.430 Gonorrhea (Repealed)
- 690.440 Granuloma Inguinale (Repealed)
- 690.441 Haemophilus Influenzae, Meningitis and Other Invasive Disease (Reportable by telephone or facsimile, within 24 hours)
- 690.442 Hantavirus Pulmonary Syndrome (Reportable by telephone as soon as possible, within 24 hours)
- 690.444 Hemolytic Uremic Syndrome, Post-diarrheal (Reportable by telephone or facsimile, within 24 hours)
- 690.450 Hepatitis A (Reportable by telephone or facsimile as soon as possible, within 24 hours)
- 690.451 Hepatitis B and Hepatitis D (Reportable by mail, telephone, facsimile or electronically, within seven days)
- 690.452 Hepatitis C, Acute Infection and Non-acute Confirmed Infection (Reportable by mail, telephone, facsimile or electronically, within seven days)
- 690.453 Hepatitis, Viral, Other (Reportable by mail, telephone, facsimile or electronically, within 7 days) (Repealed)
- 690.460 Histoplasmosis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
- 690.465 Influenza, Death (in persons less than 18 years of age) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.468 Influenza (Laboratory Confirmed (Including Rapid Diagnostic Testing)) Intensive Care Unit Admissions (Reportable by telephone or facsimile or electronically as soon as possible, within 24 hours)
- 690.469 Influenza A, Variant Virus (Reportable by telephone immediately, within three hours upon initial clinical suspicion or laboratory test order)
- 690.470 Intestinal Worms (Reportable by mail or telephone as soon as possible, within 7 days) (Repealed)
- 690.475 Legionellosis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
- 690.480 Leprosy (Hansen's Disease) (Infectious and Non-infectious Cases are Reportable) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days) (Repealed)
- 690.490 Leptospirosis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
- 690.495 Listeriosis (When Both Mother and Newborn are Positive, Report Mother Only) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
- 690.500 Lymphogranuloma Venereum (Lymphogranuloma Inguinale Lymphopathia

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- Venereum) (Repealed)
- 690.505 Lyme Disease (See Tickborne Disease)
- 690.510 Malaria (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
- 690.520 Measles (Reportable by telephone as soon as possible, within 24 hours)
- 690.530 Meningitis, Aseptic (Including Arboviral Infections) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days) (Repealed)
- 690.540 Meningococemia (Reportable by telephone as soon as possible) (Repealed)
- 690.550 Mumps (Reportable by telephone, facsimile or electronically as soon as possible, within 24 hours)
- 690.555 Neisseria meningitidis, Meningitis and Invasive Disease (Reportable by telephone or facsimile as soon as possible, within 24 hours)
- 690.560 Ophthalmia Neonatorum (Gonococcal) (Reportable by mail or telephone as soon as possible, within 7 days) (Repealed)
- 690.565 Outbreaks of Public Health Significance (Including, but Not Limited to, Foodborne or Waterborne Outbreaks) (Reportable by telephone or electronically as soon as possible, within 24 hours)
- 690.570 Plague (Reportable by telephone immediately, within three hours upon initial clinical suspicion of the disease)
- 690.580 Poliomyelitis (Reportable by telephone immediately, within three hours) upon initial clinical suspicion of the disease)
- 690.590 Psittacosis (Ornithosis) Due to Chlamydia psittaci (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
- 690.595 Q-fever Due to Coxiella burnetii (Reportable by telephone as soon as possible, within 24 Hours, unless suspect bioterrorist event or part of an outbreak, then reportable immediately (within three hours) by telephone)
- 690.600 Rabies, Human (Reportable by telephone or facsimile as soon as possible, within 24 hours)
- 690.601 Rabies, Potential Human Exposure and Animal Rabies (Reportable by telephone or facsimile, within 24 hours)
- 690.610 Rocky Mountain Spotted Fever (See Tickborne Disease)
- 690.620 Rubella (German Measles) (Including Congenital Rubella Syndrome) (Reportable by telephone, facsimile or electronically as soon as possible, within 24 hours)
- 690.630 Salmonellosis (Other than Typhoid Fever) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
- 690.635 Severe Acute Respiratory Syndrome (SARS) (Reportable by telephone immediately (within 3 hours) upon initial clinical suspicion of the disease)
- 690.640 Shigellosis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)

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- 690.650 Smallpox (Reportable by telephone immediately, within three hours upon initial clinical suspicion of the disease)
- 690.655 Smallpox vaccination, complications of (Reportable by telephone or electronically as soon as possible, within 24 hours)
- 690.658 Staphylococcus aureus, Methicillin Resistant (MRSA) Infection, Clusters of Two or More Laboratory Confirmed Cases Occurring in Community Settings (Including, but Not Limited to, Schools, Correctional Facilities, Day Care and Sports Teams) (Reportable by telephone or facsimile as soon as possible, within 24 hours) (Repealed)
- 690.660 Staphylococcus aureus, Methicillin Resistant (MRSA), Any Occurrence in an Infant Less Than 61 Days of Age (Reportable by telephone or facsimile or electronically as soon as possible, within 24 hours) (Repealed)
- 690.661 Staphylococcus aureus Infections with Intermediate (Minimum inhibitory concentration (MIC) between 4 and 8) (VISA) or High Level Resistance to Vancomycin (MIC greater than or equal to 16) (VRSA) (Reportable by telephone or facsimile, within 24 hours)
- 690.670 Streptococcal Infections, Group A, Invasive Disease (Including Streptococcal Toxic Shock Syndrome and Necrotizing fasciitis) (Reportable by telephone or facsimile, within 24 hours)
- 690.675 Streptococcal Infections, Group B, Invasive Disease, of the Newborn (birth to 3 months) (Reportable by mail, telephone, facsimile or electronically, within 7 days) (Repealed)
- 690.678 Streptococcus pneumoniae, Invasive Disease in Children Less than 5 Years (Including Antibiotic Susceptibility Test Results) (Reportable by mail, telephone, facsimile or electronically, within 7 days)
- 690.680 Syphilis (Repealed)
- 690.690 Tetanus (Reportable by mail, telephone, facsimile or electronically, within 7 days)
- 690.695 Toxic Shock Syndrome due to Staphylococcus aureus Infection (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.698 Tickborne Disease (Includes Babesiosis, Ehrlichiosis, Anaplasmosis, Lyme Disease and Spotted Fever Rickettsiosis) (Reportable by mail, telephone, facsimile or electronically, within seven days)
- 690.700 Trachoma (Repealed)
- 690.710 Trichinosis (Trichinellosis) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
- 690.720 Tuberculosis (Repealed)
- 690.725 Tularemia (Reportable by telephone as soon as possible, within 24 hours, unless suspect bioterrorist event or part of an outbreak, then reportable immediately (within three hours))
- 690.730 Typhoid Fever (Reportable by telephone or facsimile as soon as possible, within

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- 24 hours)
- 690.740 Typhus (Reportable by telephone or facsimile as soon as possible, within 24 hours)
- 690.745 Vibriosis (Other than Toxigenic *Vibrio cholera* O1 or O139) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
- 690.750 Pertussis (Whooping Cough) (Reportable by telephone as soon as possible, within 24 hours)
- 690.752 Yersiniosis (Reportable by mail, telephone, facsimile or electronically, within seven days) (Repealed)
- 690.800 Any Suspected Bioterrorist Threat or Event (Reportable by telephone immediately, within 3 hours upon initial clinical suspicion of the disease)

SUBPART E: DEFINITIONS

- Section
690.900 Definition of Terms (Renumbered)

SUBPART F: GENERAL PROCEDURES

- Section
690.1000 General Procedures for the Control of Communicable Diseases (Renumbered)
690.1010 Incorporated and Referenced Materials (Renumbered)

SUBPART G: SEXUALLY TRANSMITTED DISEASES

- Section
690.1100 The Control of Sexually Transmitted Diseases (Repealed)

SUBPART H: PROCEDURES FOR WHEN DEATH OCCURS FROM
COMMUNICABLE DISEASES

- Section
690.1200 Death of a Person Who Had a Known or Suspected Communicable Disease
690.1210 Funerals (Repealed)

SUBPART I: ISOLATION, QUARANTINE, AND CLOSURE

- Section
690.1300 General Purpose
690.1305 Department of Public Health Authority

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690.1310	Local Health Authority
690.1315	Responsibilities and Duties of the Certified Local Health Department
690.1320	Responsibilities and Duties of Health Care Providers
690.1325	Conditions and Principles for Isolation and Quarantine
690.1330	Order and Procedure for Isolation, Quarantine and Closure
690.1335	Isolation or Quarantine Premises
690.1340	Enforcement
690.1345	Relief from Isolation, Quarantine, or Closure
690.1350	Consolidation
690.1355	Access to Medical or Health Information
690.1360	Right to Counsel
690.1365	Service of Isolation, Quarantine, or Closure Order
690.1370	Documentation
690.1375	Voluntary Isolation, Quarantine, or Closure
690.1380	Physical Examination, Testing and Collection of Laboratory Specimens
690.1385	Vaccinations, Medications, or Other Treatments
690.1390	Observation and Monitoring
690.1400	Transportation of Persons Subject to Public Health or Court Order
690.1405	Information Sharing
690.1410	Amendment and Termination of Orders
690.1415	Penalties

SUBPART J: REGISTRIES

Section	
690.1500	Extensively Drug-Resistant Organism Registry
690.1510	Entities Required to Submit Information
690.1520	Information Required to be Reported
690.1530	Methods of Reporting XDRO Registry Information
690.1540	Availability of Information

690.EXHIBIT A Typhoid Fever Agreement (Repealed)

AUTHORITY: Implementing the Communicable Disease Report Act [745 ILCS 45] and implementing and authorized by the Department of Public Health Act [20 ILCS 2305].

SOURCE: Amended July 1, 1977; emergency amendment at 3 Ill. Reg. 14, p. 7, effective March 21, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 52, p. 131, effective December 7, 1979; emergency amendment at 4 Ill. Reg. 21, p. 97, effective May 14, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 38, p. 183, effective September 9, 1980; amended at 7 Ill. Reg.

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DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

16183, effective November 23, 1983; codified at 8 Ill. Reg. 14273; amended at 8 Ill. Reg. 24135, effective November 29, 1984; emergency amendment at 9 Ill. Reg. 6331, effective April 18, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9124, effective June 3, 1985; amended at 9 Ill. Reg. 11643, effective July 19, 1985; amended at 10 Ill. Reg. 10730, effective June 3, 1986; amended at 11 Ill. Reg. 7677, effective July 1, 1987; amended at 12 Ill. Reg. 10045, effective May 27, 1988; amended at 15 Ill. Reg. 11679, effective August 15, 1991; amended at 18 Ill. Reg. 10158, effective July 15, 1994; amended at 23 Ill. Reg. 10849, effective August 20, 1999; amended at 25 Ill. Reg. 3937, effective April 1, 2001; amended at 26 Ill. Reg. 10701, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 592, effective January 2, 2003, for a maximum of 150 days; emergency expired May 31, 2003; amended at 27 Ill. Reg. 10294, effective June 30, 2003; amended at 30 Ill. Reg. 14565, effective August 23, 2006; amended at 32 Ill. Reg. 3777, effective March 3, 2008; amended at 37 Ill. Reg. 12063, effective July 15, 2013; recodified at 38 Ill. Reg. 5408; amended at 38 Ill. Reg. 5533, effective February 11, 2014; emergency amendment at 38 Ill. Reg. 21954, effective November 5, 2014, for a maximum of 150 days; amended at 39 Ill. Reg. 4116, effective March 9, 2015; amended at 39 Ill. Reg. 11063, effective July 24, 2015; amended at 39 Ill. Reg. 12586, effective August 26, 2015; amended at 40 Ill. Reg. 7146, effective April 21, 2016; amended at 43 Ill. Reg. 2386, effective February 8, 2019; emergency amendment at 44 Ill. Reg. 9232, effective May 15, 2020 for a maximum of 150 days; emergency amendment at 44 Ill. Reg. 10000, effective May 20, 2020 for a maximum of 150 days; emergency amendment at 44 Ill. Reg. _____, effective August 7, 2020 for a maximum of 150 days.

SUBPART A: GENERAL PROVISIONS

Section 690.50 Pandemic or Epidemic Respiratory Disease – Emergency Provisions
EMERGENCY

- a) *The State Department of Public Health has general supervision of the interests of the health and lives of the people of the State. As part of that general supervision, the Department has jurisdiction to address dangerously contagious or infectious disease outbreaks to protect the health and lives of the people of the State. The Department shall take means it considers necessary to restrict and suppress dangerously contagious or infectious diseases, especially when existing in epidemic form. (Section 2(a) of the Act).*
- b) *The Department shall have the general authority to delegate to certified local health departments the duties and powers under those Acts it is authorized to enforce for the purpose of local administration and enforcement. 20 ILCS 2310/15.*

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- c) In order to restrict and suppress the novel coronavirus SARS-CoV-2 that causes the coronavirus disease 2019 (COVID-19), a dangerously contagious and infectious respiratory disease in the form of a pandemic or epidemic, which is spread person to person in respiratory droplets released by a person infected with the disease, the Department implements the following restrictions and requirements:
- 1) 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 at least a six-foot social distance. This requirement applies whether in an indoor space, such as a store, or in an outdoor space.
 - 2) Any business, service, facility or organization open to the public or employees shall require employees, customers, and other individuals on the premises who are over age two and able to medically tolerate a face covering to cover their nose and mouth with a face covering when on premises and unable to maintain at least a six-foot social distance. Businesses, services, facilities or organizations that offer food or beverages for in-person consumption may permit employees, customers, and other individuals to remove their face coverings while eating or drinking, but must require face coverings at all other times. Businesses, services, facilities or organizations that take reasonable efforts to require patrons and employees to wear a face covering shall be in compliance with this subsection. For retail businesses, reasonable efforts to comply with regard to customers shall be determined based on the totality of the circumstances and include, but are not limited to: posting signage requiring face coverings to be worn on the premises; providing face coverings to customers; giving verbal warnings to customers to wear a face covering when on the premises; and requesting that customers leave the premises if not wearing a face covering.
 - 3) Schools, including preschools, public and nonpublic schools that serve students in grades pre-kindergarten through grade 12, institutions of higher education, and vocational programs, and day cares, including day care centers, day care homes, and group day care homes licensed by the Department of Children & Family Services (DCFS) and day care centers that are exempt from licensure, shall require students, employees, and other individuals who are over age two and able to medically tolerate a face covering to cover their nose and mouth with a face covering when on

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premises. Schools and day cares may permit face coverings to be removed while eating or drinking, when individuals are outdoors and social distance is maintained, while playing a musical instrument if necessary, and, for staff, while using a face shield when necessary to allow for facial visualization during instruction and communication.

4) Gatherings of more than 50 people (or gatherings of 50% or more of a building's maximum occupancy as determined by the authority having jurisdiction, if 50% of a building maximum occupancy is less than 50 people) are prohibited unless exempted by law or Executive Order. Public and nonpublic schools serving pre-kindergarten through 12th grade students must limit the number of people in one space to fifty or fewer.

d) Pursuant to 20 ILCS 2305/2(a), all local boards of health, health authorities and officers, police officers, sheriffs, and all other officers and employees of the State or any locality, including the Department and certified local health departments under 20 ILCS 2310/15, ("enforcing entities"), shall enforce the rules and regulations so adopted and orders issued by the Department. Enforcing entities shall enforce this rule as follows:

1) Enforcement against a business, service, facility or organization open to the public. Businesses, services, facilities or organizations shall be responsible for compliance with this rule. No individual shall be held responsible for compliance with this rule on behalf of a business, service, facility or organization even if the individual is an owner, officer, principal or employee of that business, service, facility or organization. This rule shall be enforced for businesses, services, facilities or organizations open to the public by enforcing entities in the following manner:

A) First, businesses, services, facilities or organizations open to the public shall be given a written notice of non-compliance by an enforcing entity and a reasonable opportunity to take prompt actions to comply with subsection (c). The reasonableness of the time period to take prompt action will be determined by the enforcing entity depending on the facts and circumstances, including but not limited to the nature of the activity taking place, whether the activity is being conducted indoors or outdoors, the public health risk, the number of individuals at risk of exposure to COVID-19, and the size of the building and crowd occupying the

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building. Examples of actions that might be taken include but are not limited to promptly distributing face coverings to patrons and/or employees, or in instances where a business, service, non-profit or other entity open to the public is too crowded, reducing the number of persons on-site by placing an employee at the entrance to limit the number of people entering until the occupancy is in compliance with subsection (c)(4). Enforcing entities may observe until voluntary compliance is achieved or return at a later time to ensure that compliance was achieved depending on the time period provided to allow for compliance.

B) Second, if the enforcing entity concludes that the business, service, facility, or organization open to the public has not voluntarily complied in a reasonable period of time after receiving a written notice pursuant to subsection (d)(1)(A), the enforcing entity may issue a written order to the business, service, facility or organization open to the public to have all or some of the persons on premises disperse (order to disperse) in order to restrict and suppress COVID-19, until such time as the business or establishment is in compliance with subsection (c).

C) Third, if the business, service, facility or organization open to the public refuses to comply with a written order to disperse pursuant to subsection (d)(1)(B), that business, service, facility or organization open to the public shall be subject to the penalties set forth in Section 8.1 of the Act. As provided in subsection (d)(2) below, no individual may be subject to the penalties set forth in Section 8.1 of the Act for violation of this rule, including an individual owner, officer, principal or employee of a business, service, facility or organization.

D) A business, service, facility or organization open to the public may also be subject to the penalties set forth in Section 8.1 of the Act in the following circumstances:

i) the business, service, facility or organization open to the public engages in repeated or continued violations after receiving two or more written notices of noncompliance pursuant to subsection (d)(1)(A); or

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- ii) the business, service, facility or organization open to the public engages in repeated or continued violations after receiving one or more written orders to disperse pursuant to subsection (d)(B). As provided in subsection (d)(2) below, no individual may be subject to the penalties set forth in Section 8.1 of the Act for violation of this rule, including an individual owner, officer, principal or employee of a business, service, facility or organization. When determining whether a business, service, facility or organization should be subject to the penalties set forth in Section 8.1 of the Act based on repeated violations, enforcing entities shall take into consideration the time period between violations.
 - E) When determining whether a business, service, facility or organization has failed to comply with subsection (c)(2), enforcing entities shall take into consideration reasonable efforts taken by the business, service, facility or organization to ensure all individuals, including but not limited to patrons and employees, wear a face covering while they are on premises and unable to maintain a social distance of at least six-feet. For retail businesses, reasonable efforts to comply with regard to customers shall be determined based on the totality of the circumstances and include, but are not limited to: posting signage requiring face coverings to be worn on the premises; providing face coverings to customers; giving verbal warnings to customers to wear a face covering when on the premises; and requesting that customers leave the premises if not wearing a face covering.
- 2) Enforcement against an individual. Enforcing entities shall not enforce this rule against an individual for non-compliance with subsection (c), including but not limited to the penalties set forth in Section 8.1 of the Act. No individual shall be held responsible for compliance with this rule on behalf of a business, service, facility or organization even if the individual is an owner, officer, principal or employee of that business, service, facility or organization. Nothing in this order alters or supersedes an enforcing entity's authority to seek such penalties related to violation of an isolation or quarantine order pursuant to Section 690.1415(b).

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- 3) Enforcement against a school or day care. Enforcing entities may give a written notice of non-compliance and a reasonable opportunity to cure to a school or day care that fails to comply with subsection (c)(3) or (c)(4). Under this subsection, a reasonable opportunity should be no less than the next business day. The enforcing entity shall notify the following entities after issuing a written notice of non-compliance to the school or daycare: the certified local health department, the local board of health or health authorities (if enforcing entity is other than the local board of health or health authorities), for public schools, the local school district, or for nonpublic schools, the parent institution with which the school is affiliated, as applicable, and the Illinois State Board of Education, Illinois Board of Higher Education, the Illinois Community College Board, or DCFS, as appropriate. Upon receipt of a notice of non-compliance, a school or day care must notify parents in writing that a notice of non-compliance was issued and disclose its plan to comply. The local board of health, local health authorities or certified local health department shall take action to ensure a school or day care complies with the rules and regulations issued by the Department pursuant to this Section. Pursuant to Section 2(a) of the Act, the Department of Public Health may take necessary measures to ensure compliance with subsection (c)(3) if the certified local health department, local board of health or local health authorities neglect or refuse to promptly do so.
- 4) The Department shall post on its website and provide to all certified local health departments a sample written notice of non-compliance and a sample written order to disperse.
- e) Pursuant to Section 690.30(a), the Department and local health authorities may investigate the occurrence of cases, suspect cases or carriers of COVID-19 in a public or private place for the purposes of verifying the existence of the disease, locating and evaluating contacts of cases, identifying those at risk of disease, and determining necessary control measures. Such investigations may include entering a place of employment for purposes of conducting investigations of those conditions within the place of employment that are relevant, pertinent and necessary to the investigation. When two or more suspected cases of COVID-19 occur in any business, organization, institution, facility, school or daycare the business owner, or the person in charge of the establishment shall cooperate with public health authorities in the investigation of cases, suspect cases, outbreaks and suspect outbreaks.

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- f) Pursuant to the procedures set forth in Section 690.1300 through 690.1415, the Department or a certified local health department may order the closure of a business, service, facility or organization, school or day care. For purposes of a school or day care, the occurrence of an outbreak of COVID-19 among students or staff may constitute an emergency consistent with Section 690.30(c), and closure should result in shifting to remote instruction as opposed to in-person instruction.
- g) Unless expressly indicated in this rule, a violation of the provisions of this Section shall not be subject to the penalties set forth in Section 8.1 of the Act.
- h) Nothing in this rule supersedes any provisions of an Executive Order or guidance issued pursuant to an Executive Order.
- i) Nothing in this rule supersedes any authority of an enforcing entity to enforce a local rule, ordinance or order.

(Source: Added by emergency rulemaking at 44 Ill Reg. _____, effective _____ for a maximum of 150 days)

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ADMINISTRATIVE CODE

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER k: COMMUNICABLE DISEASE CONTROL AND IMMUNIZATIONS
PART 690 CONTROL OF COMMUNICABLE DISEASES CODE
SECTION 690.30 GENERAL PROCEDURES FOR THE CONTROL OF
COMMUNICABLE DISEASES

Section 690.30 General Procedures for the Control of Communicable Diseases

This Section establishes routine measures for the control of communicable diseases by the Department or local health authorities and health care providers, and establishes progressive initiatives to ensure that disease-appropriate measures are implemented to control the spread of communicable diseases. These procedures are intended for use in homes and similar situations. This Section does not apply to sexually transmissible infections, which are regulated under the Control of Sexually Transmissible Infections Code.

- a) Investigation
 - 1) *The Department of Public Health shall investigate the causes of contagious, or dangerously contagious, or infectious diseases, especially when existing in epidemic form, and take means to restrict and suppress the same, and whenever such disease becomes, or threatens to become, epidemic in any locality and the local board of health or local authorities neglect or refuse to enforce efficient measures for its restriction or suppression or to act with sufficient promptness or efficiency, or whenever the local board of health or local authorities neglect or refuse to promptly enforce efficient measures for the restriction or suppression of dangerously contagious or infectious diseases, the Department of Public Health may enforce such measures as it deems necessary to protect the public health, and all necessary expenses so incurred shall be paid by the locality for which services are rendered.*
(Section 2(a) of the Act)
 - 2) Each case or cluster of a reportable communicable disease shall be investigated to determine the source, where feasible. Findings of the investigation shall be reported as specified under the Section of this Part applicable to each specific disease.
 - 3) The Department or local health authority may investigate the occurrence of cases, suspect cases, or carriers of reportable diseases or unusual disease

occurrences in a public or private place for the purposes of verifying the existence of disease; ascertaining the source of the disease-causing agent; identifying unreported cases; locating and evaluating contacts of cases and suspect cases; identifying those at risk of disease; determining necessary control measures, including isolation and quarantine; and informing the public if necessary.

- 4) When the Director determines that a certain disease or condition that is known or suspected to be communicable or infectious warrants study, the Director may declare the disease or condition to be the subject of a medical investigation and require hospitals, physicians, health care facilities, etc., to submit information, data and reports, and allow review and examination of medical records as necessary for the purpose of the specific study. No practitioner or person shall be liable in any action at law for permitting examination and review. The data obtained shall be held confidential in accordance with the Communicable Disease Report Act.
- 5) When two or more cases of a suspected or reportable infectious disease occur in any business, organization, institution, health care facility or private home, the business owner, the person in charge of the establishment, or the homeowner shall cooperate with public health authorities in the investigation of cases, suspect cases, outbreaks and suspect outbreaks. This includes, but is not limited to, release of food preparation methods; menus; lists of customers, attendees, residents or patients; environmental specimens; food specimens; clinical specimens; and the name and other pertinent information about employees, guests, members or residents diagnosed with a communicable disease as the information relates to an infectious disease investigation. When outbreaks of infectious disease occur in any business, organization, institution, health care facility or private home, employees of the location under investigation may be considered to be contacts to cases and be required to submit release specimens by the local health authority.
- 6) When two or more cases of a reportable communicable disease occur in association with a common source, the investigation should include a search for additional cases.
- 7) The Department may conduct sentinel surveillance for an infectious disease or syndrome, other than those diseases or syndromes for which general reporting is required under this Part, if the Department determines that sentinel surveillance will provide adequate data for the purpose of preventing or controlling disease or achieving other significant public health purposes in a defined geographic area or the entire State. The Department shall select, after consultation with the sites, sentinel surveillance sites that have epidemiological significance for the disease or syndrome under investigation. A disease or syndrome may be removed from sentinel surveillance if the Department determines that the surveillance is no longer necessary. The Department shall provide a description, in writing, to

sentinel surveillance sites of a specific, planned mechanism for surveillance of the disease or syndrome and, as necessary, submission of clinical materials from cases and suspect cases.

- 8) An individual or entity, including a health information exchange, may carry out activities such as sentinel surveillance under a grant, contract or cooperative agreement with the Department. The authorized individual or entity functions as a public health authority for the purposes of the activity.
- 9) Investigations of outbreaks shall be summarized in a final report and submitted to the Department. The most current summary form shall be used, and a narrative report may also be requested.
- 10) Syndromic Data Collection
 - A) *The Department, in order to prevent and control disease, injury or disability among citizens of the State, may develop and implement, in consultation with local public health authorities, a statewide system for syndromic data collection through access to interoperable networks, health information exchanges and databases. The Department may also develop a system for the reporting of comprehensive, integrated data to identify and address unusual occurrences of disease symptoms and other medical complexes affecting the public's health.*
 - B) *The Department may enter into contracts or agreements with individuals, corporations, hospitals, universities, not-for-profit corporations, governmental entities, health information exchanges, or other organizations, under which those individuals or entities agree to provide assistance in the compilation of the syndromic data collection and reporting system.*
 - C) *The Department shall not release any syndromic data or information obtained pursuant to this subsection (a)(10) to any individuals or entities for purposes other than the protection of the public health. All access to data by the Department, reports made to the Department, the identity of, or facts that would tend to lead to the identity of the individual who is the subject of the report, and the identity of, or facts that would tend to lead to the identity of, the author of the report shall be strictly confidential, are not subject to inspection or dissemination, and shall be used only for public health purposes by the Department, governmental entities, local public health authorities, or the Centers for Disease Control and Prevention. Entities or individuals submitting reports or providing access to the Department shall not be held liable for the release of information or confidential data to the Department in accordance with this subsection (a)(10). (Section 2(i)(A) through (C) of the Act)*

- 11) Investigations conducted by the Department or local health authority may include, but are not limited to:
- A) Review of pertinent, relevant medical records by authorized personnel, if necessary to confirm the diagnosis; investigation of causes; identification of other cases related to the outbreak or the reported dangerously contagious or infectious disease in a region, community, or workplace; to conduct epidemiologic studies; to determine whether a patient with a reportable dangerously contagious or infectious disease has received adequate treatment to render the patient non-infectious or whether a person exposed to a case has received prophylaxis, if appropriate. Review of records may occur without patient consent and shall be conducted at times and with such notice as is possible under the circumstances;
 - B) Performing interviews with the case, or persons knowledgeable about the case, and collecting pertinent and relevant information about the causes of or risk factors for the reportable condition;
 - C) Medical examination and testing of persons, with their explicit consent;
 - D) Obtaining, from public or private businesses or institutions, the identities of and locating information about persons, travelers, passengers or transportation crews with a similar or common potential exposure to the infectious agent as a reported case; exposure may be current or have occurred in the past;
 - E) Interviewing or administering questionnaire surveys confidentially to any resident of any community, or any agent, owner, operator, employer, employee, or client of a public or private business or institution, who is epidemiologically associated either with the outbreak or with the reported dangerously contagious or infectious disease case or has had a similar exposure as a reported case;
 - F) Collecting environmental samples of substances or measurements of physical agents that may be related to the cause of an outbreak or reportable dangerously contagious or infectious disease;
 - G) Taking photographs related to the purpose of the investigation. If the photographs are taken in a business, the employer shall have the opportunity to review the photographs taken or obtained for the purpose of identifying those that contain or might reveal a trade secret; and

H) Entering a place of employment for the purpose of conducting investigations of those processes, conditions, structures, machines, apparatus, devices, equipment, records, and materials within the place of employment that are relevant, pertinent, and necessary to the investigation of the outbreak or reportable dangerously contagious or infectious disease. Investigations shall be conducted during regular business hours, if possible, and with as much notice as possible under the circumstances.

b) Control of Food Products

Whenever a case, a carrier, or a suspect case or carrier of the following diseases exists in a home or establishment where food is produced that is likely to be consumed raw or handled after pasteurization and before final packaging, the sale, exchange, removal or distribution of the food items from the home or establishment may be prohibited by the Department or the local health authority as necessary to prevent the transmission of communicable diseases.

- 1) Campylobacteriosis
- 2) Cholera
- 3) Cryptosporidiosis
- 4) Diphtheria
- 5) E. coli infections (Shiga toxin-producing E. coli)
- 6) Foodborne or waterborne illness
- 7) Hepatitis A
- 8) Norovirus
- 9) Salmonellosis
- 10) Shigellosis
- 11) Smallpox
- 12) Staphylococcal skin infections
- 13) Streptococcal infections
- 14) Typhoid fever

c) Schools, Child Care Facilities, and Colleges/Universities

- 1) Except in an emergency, the occurrence of a case of a communicable disease in a school, child care facility or college/university should not be considered a reason for closing the school, facility or college/university.
 - 2) Persons suspected of being infected with a reportable infectious disease for which isolation is required, or persons with diarrhea or vomiting believed to be infectious in nature, shall be refused admittance to the school or child care facility while acute symptoms are present.
 - 3) School, child care facility, and college/university authorities shall handle contacts of infectious disease cases as prescribed in this Part, or as recommended by the local health authority.
 - 4) When outbreaks of disease occur in any child care facility, staff and attendees of the facility may be considered to be contacts to cases and may be required by the local health authority to submit specimens for testing.
- d) Release of Specimens
- 1) Whenever this Part requires the submission of laboratory specimens for release from imposed restrictions, the results of the examinations will not be accepted unless the specimens have been examined in the Department's laboratory or an acceptable laboratory. The number of specimens needed for release, as detailed under specific diseases, is the minimum and may be increased by the Department as necessary. Improper storage or transportation of a specimen or inadequate growth of the culture suggestive of recent antibiotic usage can result in disapproval of the submitted specimen by the Department's laboratory or an acceptable laboratory and result in the need for an additional specimen to be collected.
 - 2) The local health authority may require testing of food handlers for specific pathogens, including, but not limited to, Norovirus, as necessary in response to an outbreak.
- e) Persons with diarrhea or vomiting of infectious or unknown cause shall not work in sensitive occupations or as food handlers until 48 hours after diarrhea and vomiting have resolved and shall adhere to restrictions specified in this Part specific to each etiologic agent.
- f) Persons with draining skin lesions shall not work as food handlers unless the drainage is contained by a dressing and lesions are not on the hands or forearms.

(Source: Amended at 43 Ill. Reg. 2386, effective February 8, 2019)

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PART 690 CONTROL OF COMMUNICABLE DISEASES CODE
SECTION 690.1335 ISOLATION OR QUARANTINE PREMISES**

Section 690.1335 Isolation or Quarantine Premises

- a) Entry into isolation and quarantine premises shall be restricted under the following conditions:
- 1) The Department or certified local health department shall authorize health care providers or others to have access to individuals in isolation or quarantine as necessary to meet the needs of isolated or quarantined persons;
 - 2) No person, other than the persons authorized by the Department or certified local health department, shall enter the isolation or quarantine premises;
 - 3) Any person entering isolation or quarantine premises shall be provided by the Department or the certified local health department with infection control information and may be required to wear personal protective equipment or to receive medication or vaccination as appropriate;
 - 4) Any person entering isolation or quarantine premises with or without authorization by the Department or certified local health department may be isolated or quarantined; and
 - 5) The Department or certified local health department shall permit a reasonable number of individuals to enter the isolation or quarantine area if the individual signs a consent form stating that he or she has been informed of the potential health risks, isolation and quarantine guidelines of the Department or the certified local health department, and the consequences of entering the area. The individual may not hold the Department, the certified local health department, the unit of local government, or the State or any employees or agents thereof, responsible for any consequences of entering the isolation or quarantine area. If an individual poses a danger to public health by entering an isolation or quarantine area, the individual shall be subject to isolation or quarantine according to this Section.

- b) Persons who are subject to isolation and quarantine and persons who enter isolation and quarantine premises shall obey the isolation or quarantine orders of the Department or the certified local health department. Failure to do so shall constitute a Class A misdemeanor pursuant to 20 ILCS 2305/2(k) and 20 ILCS 2305/8.1.
- c) Sites of isolation, quarantine, or closure shall be prominently placarded with isolation, quarantine, or closure signs prescribed and furnished by the Department or certified local health department and posted on all sides of the building wherever access is possible.
- d) Premises used for isolation or quarantine shall be maintained to minimize the likelihood of further transmission of infection or other harm to persons isolated and quarantined;

(Source: Added at 32 Ill. Reg. 3777, effective March 3, 2008)

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SECTION 690.1340 ENFORCEMENT**

Section 690.1340 Enforcement

- a) An order issued by the Department, a certified local health department or the circuit court in accordance with this Subpart shall be enforced by all local and statewide law enforcement, and all other officers and employees of any political subdivision within the jurisdiction of the certified local health department.
- b) The Department or certified local health department may request the assistance of police officers, sheriffs, and all other officers and employees of any political subdivision within the jurisdiction of the Department or certified local health department to apprehend, hold, transport, quarantine or isolate a person who is subject to an order if that person is uncooperative or unwilling to adhere to prescribed treatment or medical instruction of the Department or certified local health department.

(Source: Added at 32 Ill. Reg. 3777, effective March 3, 2008)

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SECTION 690.1415 PENALTIES

Section 690.1415 Penalties

- a) *Any person who knowingly or maliciously disseminates any false information or report concerning the existence of any dangerously contagious or infectious disease in connection with the Department or certified local health department's power of quarantine, isolation and closure or refuses to comply with a quarantine, isolation or closure order is guilty of a Class A misdemeanor. (Section 2(k) of the Act)*
- b) A public health order issued by a certified local health department under this Subpart is equivalent to, shall be enforced as, and carries the same penalty as an order issued by the Department directly.

(Source: Added at 32 Ill. Reg. 3777, effective March 3, 2008)

EXECUTIVE BRANCH

(20 ILCS 2305/) Department of Public Health Act. (Part 1)

(20 ILCS 2305/8.1) (from Ch. 111 1/2, par. 24)

Sec. 8.1. Whoever violates or refuses to obey any rule or regulation of the Department of Public Health shall be deemed guilty of a Class A misdemeanor. The Director of Public Health shall institute prosecutions and proceedings for violation of the rules and regulations adopted by the Department of Public Health, provided that he may designate a local board of health or local health officer to institute prosecutions or proceedings for violation of those rules and regulations adopted by the Department. Each State's Attorney shall prosecute all persons in his county violating or refusing to obey the rules and regulations of the Department of Public Health. All fines or judgments collected or received shall be paid to the County Treasurer of the county in which prosecution is conducted.

(Source: P.A. 87-895; 87-984.)

IDPH Sample Notices of Non-Compliance and Order to Disperse

Table of Contents: Facility Notice of Non-Compliance
School Notice of Non-Compliance
Facility Order to Disperse

FACILITY NOTICE OF NON-COMPLIANCE

DATE:

NAME OF FACILITY:

**Re: NON-COMPLIANCE WITH COVID-19 REGULATIONS FROM THE ILLINOIS
DEPARTMENT OF PUBLIC HEALTH (77 Ill. Admin. Code 690.50)**

On January 27, 2020, the United States Secretary of Health and Human Services declared that COVID-19, a respiratory illness spread by close contact through respiratory droplets, presents a public health emergency, and the World Health Organization characterized the COVID-19 outbreak as a pandemic on March 11, 2020.

Pursuant to the Department of Public Health Act, 20 ILCS 2305, the Department of Public Health Powers and Duties Law, 20 ILCS 2310, and the Communicable Disease Code, 77 Ill. Admin. Code 690, the Department of Public Health adopted emergency regulations, 77 Ill. Admin. Code 690.50, on August 7, 2020, to restrict and suppress COVID-19 as follows:

- Any business, service, facility or organization open to the public or employees shall require employees, customers, and other individuals on the premises who are over age two and able to medically tolerate a face covering to cover their nose and mouth with a face covering when on premises and unable to maintain at least a six-foot social distance. Businesses, services, facilities or organizations that offer food or beverages for in-person consumption may permit employees, customers, and other individuals to remove their face coverings while eating or drinking, but must require face coverings at all other times. Businesses, services, facilities or organizations that take reasonable efforts to require patrons and employees to wear a face covering shall be in compliance with this subsection. For retail businesses, reasonable efforts to comply with regard to customers shall be determined based on the totality of the circumstances and include, but are not limited to: posting signage requiring face coverings to be worn on the premises; providing face coverings to customers; giving verbal warnings to customers to wear a face covering when on the premises; and requesting that customers leave the premises if not wearing a face covering. Section 690.50(c)(2).

- Gatherings of more than 50 people (or gatherings of 50% or more of a building's maximum occupancy as determined by the authority having jurisdiction, if 50% of a building maximum occupancy is less than 50 people) are prohibited unless exempted by law or Executive Order. Section 690.50(c)(4).

Please be advised that your business, service, facility or organization is currently operating in a manner that is not in compliance with one or more of the above requirements as described below.

CHECK ALL THAT APPLY:

Failure to comply with Section 690.50(c)(2) regarding the wearing of coverings

Failure to comply with Section 690.50(c)(4) regarding gatherings of more than 50 people.

Description of non-compliance: _____

For the safety of your patrons, your staff, and our community, it is imperative that you take the necessary steps to address non-compliance with State guidelines immediately, but no later than _____. Such measures include:

- Ensuring compliance with face covering requirements within your facility;
- Ensuring capacity limits within your facility;
- Notifying employees and customers/patrons of the need to comply with face covering and capacity limits;
- OTHER: _____
- _____

Should we receive additional reports of non-compliance, further action may be taken. Such action may include an order to disperse patrons and employees from the premises until compliance can be achieved. If compliance is not achieved through an order to disperse, further action may include charges of a Class A misdemeanor pursuant to 20 ILCS 2305/8 .1 against the violating business, facility, service or organization named as follows: _____.

We are available to discuss public health safety measures and the essential steps you must take to reduce transmission of COVID-19. For additional information, please call our office at (XXX) XXX – XXXX.

Thank you for your immediate attention to these issues.

Signature of Enforcing Entity Officer

Date and Time

SCHOOL NOTICE OF NON-COMPLIANCE

DATE:

NAME OF SCHOOL:

**Re: NON-COMPLIANCE WITH COVID-19 REGULATIONS FROM THE ILLINOIS
DEPARTMENT OF PUBLIC HEALTH (77 Ill. Admin. Code 690.50).**

On January 27, 2020, the United States Secretary of Health and Human Services declared that COVID-19, a respiratory illness spread by close contact through respiratory droplets, presents a public health emergency, and the World Health Organization characterized the COVID-19 outbreak as a pandemic on March 11, 2020.

Pursuant to the Department of Public Health Act, 20 ILCS 2305, the Department of Public Health Powers and Duties Law, 20 ILCS 2310, and the Communicable Disease Code, 77 Ill. Admin. Code 690, the Department of Public Health adopted emergency regulations, 77 Ill. Admin. Code 690.50, on August 7, 2020 to restrict and suppress COVID-19 as follows:

- Schools, including preschools, public and nonpublic schools that serve students in grades pre-kindergarten through grade 12, institutions of higher education, and vocational programs, and day cares, including day care centers, day care homes, and group day care homes licensed by the Department of Children & Family Services (DCFS) and day care centers that are exempt from licensure, shall require students, employees, and other individuals who are over age two and able to medically tolerate a face covering to cover their nose and mouth with a face covering when on premises. Schools and day cares may permit face coverings to be removed while eating or drinking, when individuals are outdoors and social distance is maintained, while playing a musical instrument if necessary, and, for staff, while using a face shield when necessary to allow for facial visualization during instruction and communication. Section 690.50(c)(3).
- Public and nonpublic schools serving pre-kindergarten through 12th grade students must limit the number of people in one space to fifty or fewer. Section 690.50(c)(4).

Please be advised that your school or day care is currently operating in a manner that is not in compliance with one or more of the above requirements as described below.

CHECK ALL THAT APPLY:

- Failure to comply with Section 690.50(c)(3) regarding the wearing of coverings
 Failure to comply with Section 690.50(c)(4) regarding gatherings of more than 50 people.

Description of non-compliance: _____

For the safety of your students, your employees, and other individuals on your premises, it is imperative that you take the necessary steps to address non-compliance with State guidelines immediately, but no later than _____. Such measures include:

- Ensuring compliance with face covering requirements within your facility;
- Ensuring capacity limits within your facility;
- Notifying employees, students, and any other individuals entering your facility of the need to comply with face covering requirements and capacity limits;
- OTHER: _____
- _____

Pursuant to Section 690.50(d)(3) of the Department of Public Health’s regulations, you are required to notify parents in writing that this notice of non-compliance has been issued and inform parents of your plans to comply. Pursuant to this regulation, we are also required to notify the local health department, your local school district or parent institution, the Illinois State Board of Education, the Illinois Board of Higher Education, the Illinois Community College Board, or the Department of Children and Family services, as appropriate, pursuant to Section 690.50(d)(3).

Should we receive additional reports of non-compliance, further action may be taken by health authorities to ensure compliance. Such action may include excluding sick students or employees from attending your school or day care in-person while symptoms are present, requiring the identification of potential contacts with a sick individual, or requiring staff or students to undergo testing, pursuant to Section 690.30(c).

For additional guidance, you may consult joint guidance entitled “Starting the 2020-21 School Year” issued by the Illinois Department of Public Health and the Illinois State Board of Education, available at: <https://www.isbe.net/Documents/Part-3-Transition-Planning-Phase-4.pdf>.

We are available to discuss public health safety measures and the essential steps you must take to reduce transmission of COVID-19. For additional information, please call our office at (XXX) XXX – XXXX.

Thank you for your immediate attention to these issues.

Signature of Enforcing Entity Officer

Date and Time

FACILITY ORDER TO DISPERSE

DATE:

NAME OF FACILITY:

**Re: NON-COMPLIANCE WITH COVID-19 REGULATIONS FROM THE ILLINOIS
DEPARTMENT OF PUBLIC HEALTH (77 Ill. Admin. Code 690.50)**

On January 27, 2020, the United States Secretary of Health and Human Services declared that COVID-19, a respiratory illness spread by close contact through respiratory droplets, presents a public health emergency, and the World Health Organization characterized the COVID-19 outbreak as a pandemic on March 11, 2020.

Pursuant to the Department of Public Health Act, 20 ILCS 2305, the Department of Public Health Powers and Duties Law, 20 ILCS 2310, and the Communicable Disease Code, 77 Ill. Admin. Code 690, the Department of Public Health adopted emergency regulations 77 Ill. Admin. Code 690.50, on August 7, 2020, to restrict and suppress COVID-19, including the following requirements:

- Any business, service, facility or organization open to the public or employees shall require employees, customers, and other individuals on the premises who are over age two and able to medically tolerate a face covering to cover their nose and mouth with a face covering when on premises and unable to maintain at least a six-foot social distance. Businesses, services, facilities or organizations that offer food or beverages for in-person consumption may permit employees, customers, and other individuals to remove their face coverings while eating or drinking, but must require face coverings at all other times. Businesses, services, facilities or organizations that take reasonable efforts to require patrons and employees to wear a face covering shall be in compliance with this subsection. For retail businesses, reasonable efforts to comply with regard to customers shall be determined based on the totality of the circumstances and include, but are not limited to: posting signage requiring face coverings to be worn on the premises; providing face coverings to customers; giving verbal warnings to customers to wear a face covering when on the premises; and requesting that customers leave the premises if not wearing a face covering. Section 690.50(c)(2).
- Gatherings of more than 50 people (or gatherings of 50% or more of a building's maximum occupancy as determined by the authority having jurisdiction, if 50% of a building maximum occupancy is less than 50 people) are prohibited unless exempted by law or Executive Order. Section 690.50(c)(4).

Please be advised that your business, service, facility or organization is currently operating in a manner that is not in compliance with one or more of the above requirements as described below:

CHECK ALL THAT APPLY:

Failure to comply with Section 690.50(c)(2) regarding the wearing of coverings

Failure to comply with Section 690.50(c)(4) regarding gatherings of more than 50 people.

Description of non-compliance: _____

As a result of this non-compliance, you are hereby ordered to disperse some or all of the patrons, employees, and other visitors on your premises, as described below, in order to restrict and suppress COVID-19 until such time as the business or establishment is in compliance.

Order to Disperse: _____

For the safety of your patrons, your staff, and our community, it is imperative that you take the necessary steps to address non-compliance with State guidelines immediately, but no later than _____.

Should we receive additional reports of non-compliance, further action may be taken. Such action may include charges of a Class A misdemeanor pursuant to 20 ILCS 2305/8.1 against the violating business, facility, service or organization named as follows: _____.

Thank you for your immediate attention to these issues.

Signature of Enforcing Entity Officer

Date and Time

Eleventh Judicial Circuit Administrative Order

**ELEVENTH JUDICIAL CIRCUIT COURT
(FORD, LIVINGSTON, LOGAN, McLEAN AND WOODFORD COUNTIES)**

**ADMINISTRATIVE ORDER 2020 - 19
RESUMPTION OF COURT OPERATIONS—COVID-19**

Effective June 1, 2020 and until further Order of the Court

WHEREAS, the 11th Judicial Circuit Court of Illinois, by way of Chief Judge Mark A. Fellheimer, entered pandemic-related *Administrative Orders* in response to the Covid-19 pandemic with the reasons and rationale set forth within those Orders that caused the Courts to modify its operations; and

WHEREAS, the Illinois Supreme Court also entered Covid-19 pandemic-related Orders in *In re: Illinois Courts Response to COVID-19 Emergency, M.R. 30370*, the latest on May 20, 2020 authorizing each circuit court to return to hearing court matters on June 1, 2020, whether in person or remotely, according to a schedule to be adopted for each county by the Chief Judge in each circuit; and

WHEREAS, the Supreme Court, in its May 20, 2020 Order, directed Chief Judges to consider many factors and to consider the *Supreme Court Guidelines for Resuming Illinois Judicial Branch Operations During Covid-19 Pandemic* (“Guidelines”) for resuming court operations. Chief Judge Fellheimer, in consultation with the McLean County Presiding Judges and the Resident Circuit Judges of Ford, Livingston, Logan, and Woodford counties, has considered those factors and the Guidelines in determining the schedule for each county within the 11th Judicial Circuit; and

THEREFORE, Chief Judge Fellheimer hereby suspends 11th Circuit Administrative Order 2020-06 and all of its Supplements effective June 1, 2020; and pursuant to the authority granted by the Supreme Court, hereby orders, authorizes and directs that all 11th Judicial Circuit courts begin hearing all matters, whether in person or remotely, effective June 1, 2020 with the provisions and conditions set forth below:

1. **Policies and Procedures in Ford, Livingston, Logan and Woodford counties.** In consultation with, and approval from, the Chief Judge of the 11th Judicial Circuit, consistent with the Supreme Court Order, each of the Resident Circuit Judges of Ford, Livingston, Logan and Woodford County are each authorized and directed to enact policies and procedures effective deemed necessary to resume court operations to effectuate the intent and terms of this Order and the corresponding Supreme Court Order on which it is based. The policies and procedures shall be tailored to each individual County’s needs in consideration of available resources and physical limitations.
2. **Policies and procedures in McLean County.** In consultation with, and approval from, the Chief Judge of the 11th Judicial Circuit, consistent with the Supreme Court Order, the Presiding Judges of McLean County, as well as the Judges of the Juvenile Delinquency and Juvenile Abuse and Neglect court, are each authorized and directed to enact policies and procedures deemed necessary to resume court operations to effectuate the intent and terms of this Order and the corresponding Supreme Court Order on which it is based. The policies and procedures shall be tailored to each individual division’s


needs in consideration of available resources and physical limitations, while considering the overall needs of all divisions.

3. **Remote/Virtual/Video Hearings.** The Court will continue with an increased reliance on, virtual proceedings and hearings. It is within each Judge's discretion to conduct remote hearings as well as selecting the audio or video platform to be used. The 11th Circuit Guidelines for Remote Courtroom Proceedings should be considered when conducting such proceedings and the parties should familiarize themselves with the technology and the guidelines.
4. **Reduced Call Size.** In order to reduce the number of people in the building(s), the Court will, to the extent possible, reduce the number of cases slotted for each court call. This will in many instances require staggered court times. Attorneys are reminded that it is essential that they appear at the designated time in order to make this process work.
5. **Check case status before coming to court.** It is necessary that court dates and times for proceedings be adjusted in order to maintain reduced capacity in the courtrooms and in the building. Although, most parties and attorneys have received new notices of their rescheduled court dates, all parties and attorneys should check with their Circuit Clerk's website for case status and hearing times before coming to the courthouse. Parties should arrive no more than 10 minutes prior to their scheduled court event.
6. **Represented parties excused in some instances.** Unless ordered by the judge or directed by their attorney, parties in civil and family cases are strongly encouraged not to attend routine court hearings. Attorneys should advise their clients not to attend court unless their attendance is strictly necessary given the nature of the hearing at issue.
7. **Bench Warrants and Defaults.** Judges may refrain, in appropriate circumstances, from the issuance of bench warrants or the entry of default judgments. Individual judges may, based on the nature of the hearing, the case, and their call, be more flexible in excusing the appearance of a party or defendant.
8. **Social Distancing/Additional Persons Discouraged.** Litigants are strongly discouraged from bringing any other person with them to the courthouse. Social distancing results in reduced capacities in the courtrooms and the building. Due to space constraints, it is strongly suggested and encouraged that only necessary parties shall attend court proceedings. Subject to, and while remaining within, constitutional limitations, future policies of admission to courthouses may be made to control courthouse populations.
9. **Court Access/Entrances.** Access to all 11th Judicial Circuit Courthouses are under the control of the Sheriffs of each of the five counties that comprise the 11th Circuit. Security requires all persons entering the building to pass through a magnetometer with personal property inspected by X-ray and additional screening by deputies when warranted. In order to efficiently enter the building patrons should bring only necessary identification and documents for court proceedings. Bags, backpacks, purses and the like should not be brought for entry into the judicial center. Likewise, the wearing of jewelry, watches, shoes containing metal, or any metal on your person will slow entry and should be avoided.

10. **Face-Coverings.** All persons entering a courthouse within the 11th Judicial Circuit shall wear a face-covering, covering their nose and mouth consistent with the Centers for Disease Control guidelines while in the courthouse and maintain six (6) feet of social distancing. Court staff may remove their face covering or mask in their office or workspace when not in contact with others. Litigants, attorneys or others may remove their face covering or mask when directed to do so by the judge presiding. Judges shall exercise their discretion whether to wear a face covering or mask while conducting court proceedings. Each Sheriff's Department may have different policies, depending on supplies, of providing face-coverings. Therefore, all persons must bring their own face-covering. Questions regarding face-covering should be directed to your local Sheriff Department.
11. **Signage and restricted entry for some persons.** Everyone is strongly encouraged to read all signs and follow all instructions when entering an 11th Circuit Courthouse for general precautions. At the time of entry, persons may be asked health-related screening questions. In addition, at a minimum, the following persons will not be allowed to enter an 11th Circuit Courthouse:
- a. Anyone exhibiting flu-like symptoms (i.e., cough, chills, fever, shortness of breath);
 - b. Have been directed to quarantine, isolate or self-monitor at home for Covid-19 by any medical provider and are still under said directive.
 - c. If you have had contact with a person that has tested positive for Covid-19 and are awaiting your Covid-19 test result.
12. **Weddings.** Weddings may proceed in the 11th Judicial Circuit on a county by county basis on terms and conditions determined by the individual Resident Circuit Judges of Ford, Livingston, Logan and Woodford Counties and by the Chief Judge for McLean County to allow proper social distancing and other protections and precautions for weddings to take place with no more than the couple getting married and two witnesses/guests.
13. **Hand sanitizer and pens.** Everyone is strongly encouraged to bring their own hand sanitizer and pen in the event supplies become limited.
14. This Order is subject to future modifications and extensions as may be warranted.

This Order is effective June 1, 2020 until further Order of Court.

Entered this 26th day of May, 2020.



Mark A. Fellheimer, Chief Judge
Eleventh Judicial Circuit

Guidelines and Recommendations from IDPH and CDC



(/)

About COVID-19

<u>English</u>	<u>Español</u>
<p>The Illinois Department of Public Health, local health departments, and public health partners throughout Illinois, and federal agencies, including the Centers for Disease Control and Prevention (CDC), are responding to an outbreak of respiratory illness caused by a novel coronavirus called COVID-19 that was first identified in December 2019 during an outbreak in Wuhan, China. COVID-19 has spread throughout the world, including the United States, since it was detected and was declared a public health emergency for the U.S. on January 31, 2020 to aid the nation’s healthcare community in responding to the threat. The World Health Organization announced March 11, 2020 that the spread of coronavirus qualifies as a global pandemic.</p> <p>In addition, Gov. JB Pritzker issued a disaster proclamation March 9, 2020 regarding COVID-19 that gives the state access to federal and state resources to combat the spread of this newly emerged virus.</p> <p>The first case of COVID-19 in the United States was reported January 21, 2020 and the first confirmed case in Illinois was announced January 24, 2020 (a Chicago resident). The first cases outside Chicago and Cook County were reported March 11, 2020 in Kane and McHenry counties. The current count of cases of COVID-19 in the United States is available on the CDC webpage at www.cdc.gov/coronavirus/2019-ncov/cases-in-us.html (http://www.cdc.gov/coronavirus/2019-ncov/cases-in-us.html). Illinois case totals and test results are listed here (/covid19/statistics).</p>	

Person-to-person spread of COVID-19 appears to be mainly between people who are in close contact with one another (within about 6 feet) through respiratory droplets produced when an infected person coughs or sneezes. It also may be possible that a person can get COVID-19 by touching a surface or object that has the virus on it and then touching their own mouth, nose, or possibly their eyes. Signs and symptoms of COVID-19 include fever, cough, and shortness of breath. Preliminary data suggest older adults and people with underlying health conditions or compromised immune systems seems to be at greater risk of developing serious illness from the virus.

If you are sick and have respiratory symptoms, such as fever, cough, and shortness of breath, stay home and call your medical provider. Keep in mind there is no treatment for COVID-19 and people who are mildly ill can isolate at home. While at home, as much as possible, stay in a specific room and away from other people. Those who need medical attention should contact their health care provider who will evaluate whether they can be cared for at home or need to be hospitalized.

Coronaviruses are a large family of viruses, some causing illness in people, and others that circulate among animals, including camels, cats, and bats. Rarely animal coronaviruses can evolve and infect people and then spread between people.

Human coronaviruses are common throughout the world and commonly cause mild to moderate illness in people worldwide. However, the emergence of novel (new) coronaviruses, such as SARS and MERS, have been associated with more severe respiratory illness.

Symptoms

Common human coronaviruses usually cause mild to moderate upper-respiratory tract illnesses, like the common cold. These illnesses usually only last for a short amount of time. Symptoms may include

- Fever
- Cough
- Shortness of breath

These symptoms may appear **2-14 days after exposure to the virus:**

- Fever
- Cough
- Shortness of breath or difficulty breathing
- Chills
- Repeated shaking with chills
- Muscle pain
- Headache
- Sore throat
- New loss of taste or smell

Human coronaviruses can sometimes cause lower-respiratory tract illnesses, such as pneumonia or bronchitis.

Transmission

Human coronaviruses most commonly spread from an infected person to others through

- the air by coughing and sneezing
- close personal contact, such as touching or shaking hands
- touching an object or surface with the virus on it, then touching your mouth, nose, or eyes before washing your hands
- rarely, fecal contamination

Prevention

The following can help prevent the spread of coronaviruses and protect yourself from becoming infected.

- wash your hands often with soap and water for at least 20 seconds
- avoid touching your eyes, nose, or mouth with unwashed hands
- avoid close contact with people who are sick

There are currently no vaccines to protect against human coronavirus infection

Treatment

There are no specific treatments. To help relieve symptoms

- take pain and fever medications
- drink plenty of liquids
- stay home and rest

Protecting health, improving lives.

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Workplace Health and Safety Guidance for Employees and Staff of Businesses



[Workplace Health and Safety Guidance for Employees and Staff of Business](#) ([/sites/default/files/COVID-](#)

[19_WorkplaceHealth_SafetyGuidance20200804.pdf](#))

[El Consejo Sobre Seguridad Y Salud En El Trabajo Para Empleados Y Personal De Empresas](#) ([/sites/default/files/COVID19/COVID-](#)

[19_WorkplaceHealth_SafetyGuidance_Sp20200508.pdf](#))



[Guidance for Employers and Employees on Workers' Rights and Safety](#) ([http://www.dph.illinois.gov/covid19/community-](http://www.dph.illinois.gov/covid19/community-guidance/workplace-health-and-safety-guidance/employee-employer-rights-and-safety)

[guidance/workplace-health-and-safety-guidance/employee-employer-rights-and-safety](#))

Practice Social Distancing

Pursuant to Executive Order, your employer must comply to the greatest extent feasible with social distancing requirements. This means that your employer should:

- Make sure you can maintain at least 6-foot physical separation between yourself and others around you, including your co-workers and customers.
- Mark with signage or tape 6-foot spacing for employees and customers to maintain appropriate distance from one another.
- Provide face coverings to employees, especially when it is not possible to maintain at least 6 feet of space between you and another person.
- Provide handwashing stations with soap, clean water, and single use paper towels and encourage frequent handwashing for 20 seconds or longer.
- Provide hand sanitizer (with at least 60% alcohol) and sanitizing products for employees and customers.

Regularly clean high-touch surfaces, including doorknobs, light switches, shared equipment, toilet handles, sink faucets, and clock in/out areas.

Do Not Work if You Are Sick

You should not report to work if you are experiencing symptoms of coronavirus disease (COVID-19), which include fever (100.4° F or higher) or chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or running nose, nausea or vomiting, and diarrhea. If you are experiencing any of these symptoms, stay home and call your doctor.

If you have been a close contact to a COVID-19 case, you must self-quarantine at home for 14 days from the date of last exposure to the case.

Who You Can Contact if You Have Concerns About the Spread or Likely Spread of COVID-19 in Your Workplace


If you have concerns that your employer is not maintaining a safe and sanitary work environment necessary to minimize the risk of spread of COVID-19, contact the Workplace Rights Bureau of the Office of the Illinois Attorney General at (844) 740-5076 or workplacerrights@atg.state.il.us (<mailto:workplacerrights@atg.state.il.us>)

If you believe that two or more employees at your workplace have COVID-19, notify your local health department (LHD). A list of LHDs can be found at <http://www.dph.illinois.gov/LHD> (/LHD)

Pursuant to Section 25(b) of the Whistleblower Protection Act, 740 ILCS 174, businesses are prohibited from retaliating against an employee for disclosing information when the employee has reasonable cause to believe the information discloses a violation of a state or federal law, rule, or regulation.

For more information about COVID-19, including ways to protect yourself and others, visit the Illinois Department of Public Health's COVID-19 website at [https://www.dph.illinois.gov/covid19 \(/covid19\)](https://www.dph.illinois.gov/covid19(/covid19)).

Guidance Document:

 [Workplace Health and Safety Guidance for Employees and Staff of Businesses \(https://www.dph.illinois.gov/sites/default/files/COVID-19_WorkplaceHealth_SafetyGuidance20200804.pdf\)](https://www.dph.illinois.gov/sites/default/files/COVID-19_WorkplaceHealth_SafetyGuidance20200804.pdf)

Audience:

[Businesses \(/businesses\)](#)

[Colleges & Universities \(/colleges-universities\)](#)

[Community Settings \(/community-settings\)](#)

[EMS & First Responders \(/ems-first-responders\)](#)

[Healthcare Facilities & Workers \(/healthcare-facilities-workers\)](#)

[Home \(/home\)](#)

[Local Health Departments \(/local-health-departments\)](#)

[Long Term Care Facilities \(/long-term-care-facilities\)](#)

[Schools \(/schools\)](#)

[Tourism & Travel \(/tourism-travel\)](#)

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[Privacy \(/content/privacy-policy\)](#)



Workplace Health and Safety Guidance for Business Employees and Staff

August 4, 2020

Practice Social Distancing

Pursuant to Executive Order, your employer must comply to the greatest extent feasible with **social distancing requirements**. This means that your employer should:

- Make sure you can maintain **at least 6-foot physical separation** between yourself and others around you, including your co-workers and customers.
- Mark with **signage or tape** 6-foot spacing for employees and customers to maintain appropriate distance from one another.
- **Provide face coverings** to employees, especially when it is not possible to maintain at least 6 feet of space between you and another person.
- Provide **handwashing stations** with soap, clean water, and single use paper towels and encourage frequent handwashing for 20 seconds or longer.
- **Provide hand sanitizer (with at least 60% alcohol) and sanitizing products** for employees and customers.
- **Regularly clean** high-touch surfaces, including doorknobs, light switches, shared equipment, toilet handles, sink faucets, and clock in/out areas.

Do Not Work if You Are Sick

You should not report to work if you are experiencing symptoms of coronavirus disease (COVID-19), which include fever (100.4° F or higher) or chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or running nose, nausea or vomiting, and diarrhea. If you are experiencing any of these symptoms, stay home and call your doctor.

If you have been a close contact to a COVID-19 case, you must self-quarantine at home for 14 days from the date of last exposure to the case.

Who You Can Contact if You Have Concerns About the Spread or Likely Spread of COVID-19 in Your Workplace

If you have concerns that your employer is not maintaining a safe and sanitary work environment necessary to minimize the risk of spread of COVID-19, contact the **Workplace Rights Bureau of the Office of the Illinois Attorney General** at (844) 740-5076 or workplacerrights@atg.state.il.us.

If you believe that two or more employees at your workplace have COVID-19, notify **your local health department (LHD)**. A list of LHDs can be found at <http://www.dph.illinois.gov/LHD>.

Pursuant to Section 25(b) of the Whistleblower Protection Act, 740 ILCS 174, businesses are prohibited from retaliating against an employee for disclosing information when the employee has reasonable cause to believe the information discloses a violation of a state or federal law, rule, or regulation.

For more information about COVID-19, including ways to protect yourself and others, visit the Illinois Department of Public Health's COVID-19 website at <https://www.dph.illinois.gov/covid19>.



Office of the Illinois
Attorney General

Questions about COVID-19?
Call 1-800-889-3931 or email dph.sick@illinois.gov
Illinois Department of Public Health - www.dph.illinois.gov



August 3, 2020

GUIDANCE FOR EMPLOYERS AND EMPLOYEES ON WORKERS' RIGHTS AND SAFETY DURING PHASE 4 OF THE RESTORE ILLINOIS PLAN

Federal and Illinois law require employers to maintain a safe and healthy workplace. As we enter Phase 4 of the Restore Illinois plan and more Illinoisans return to work, employers and employees are navigating difficult questions about how to maintain a safe and healthy workplace during the COVID-19 pandemic. COVID-19 also has raised other employment-related questions involving issues like pay and benefits, leave, and eligibility for unemployment insurance.

This guidance is intended to help both employers and employees educate themselves about minimum required workplace safety requirements, best practices to promote a safe and well-functioning workplace during the COVID-19 pandemic, and to answer some frequently asked questions about COVID-19 and the workplace.

A. Minimum Workplace Safety Requirements During Phase 4

Employers are required to follow the [Governor's Executive Orders](#), including those workplace safety measures outlined in the [Restore Illinois](#) plan and guidelines from the Illinois Department of Public Health (IDPH) and Illinois Department of Commerce and Economic Opportunity. The Executive Orders require employers to:

- Continue to evaluate which employees can work from home and are encouraged to facilitate remote work when possible.
- Ensure employees practice social distancing and wear face coverings when social distancing is not possible. Employers in retail, manufacturing, and office settings must provide face coverings to employees not able to maintain a minimum 6-foot social distance at all times.
- Ensure all spaces where employees may gather, including locker rooms and lunchrooms, allow for social distancing.
- Ensure visitors (customers, vendors, etc.) to the workplace can practice social distancing. If maintaining a 6-foot social distance will not always be possible, visitors should be encouraged to wear face coverings.
- Prominently post the [guidance](#) from IDPH and the Office of the Illinois Attorney General regarding workplace safety during the COVID-19 emergency.

B. Anti-Discrimination and Anti-Retaliation Laws Applied to COVID-19

State and federal law protect employees from retaliation for raising safety and health concerns with the employer or with their coworkers. State and federal law require employers to maintain a workplace free of harassment or discrimination regardless of age, disability, sex, race, national origin, religion, or any other protected category.

1. Protections from Retaliation

- a. Employers are prohibited from retaliating against an employee for raising concerns about COVID-19 or their overall safety and health concerns internally or to a government agency. Employers are further prohibited from retaliating against an employee when they disclose information they have reasonable cause to believe is a violation of a state or federal law, rule, or regulation. Specific federal, state, and local protections against retaliation include:
 - i. The federal Occupational Safety and Health Act of 1970 protects private sector employees who raise safety and health concerns with their employer or a government agency. Employees who believe they have been retaliated against may file a complaint with the federal Occupational Safety and Health Agency (OSHA). (Note employees generally only have 30 days to file a complaint.)
 - ii. The Illinois Occupational Safety and Health Act of 2015 protects state and local government employees who raise safety and health concerns with their employer or a government agency. Public employees who believe they have been retaliated against may file a complaint with the Illinois Occupational Safety and Health Agency (IL OSHA).
 - iii. The Illinois Whistleblower Protection Act, 740 ILCS 174, prohibits retaliation against an employee for disclosing information they believe violates a state or federal law, rule, or regulation.
 - iv. The city of Chicago prohibits retaliation, including termination, against employees who work within the city for obeying a stay-at-home, quarantine, or self-isolation order. M.C.C.1-24. Chicago-based employees may file a complaint with the city's Office of Labor Standards if they believe they have been retaliated against in violation of this ordinance.
- b. Section 7 of the National Labor Relations Act (NLRA) protects employees' ability to engage in "protected concerted activity for mutual aid or protection" in both union and non-union settings. Such protected concerted activity generally includes employees talking to one another about working conditions or workplace safety, or engaging in actions, such as petitions or walkouts, to try to improve safety conditions.

2. Non-discrimination

- a. All workplace safety policies, including required face coverings, must be applied and enforced equally for all employees in the workplace, except for those employees who have informed the employer they have a medical reason or disability that prevents them from wearing a face covering. Further guidance concerning the use of face coverings is available here.
- b. Employers may not require employees to disclose if they are at higher risk for COVID-19 or have a health condition. However, if possible, they must try to make reasonable accommodations for an employee who requests an accommodation. Further guidance regarding the Americans with Disabilities Act and the COVID-19 pandemic is available here.
- c. If an employee tests positive for COVID-19, their employer should inform other employees in the workplace who may have been exposed. The employer may not disclose the name of individual employee(s) who test positive.

- d. Employers may require an employee to take a COVID-19 test or submit a medical verification clearing them to return to work after they have tested positive for COVID-19, been sick, or experiencing COVID-19 related symptoms.
- e. Per guidance from the Equal Employment Opportunity Commission (EEOC), employers *may not* require a COVID-19 antibody test before allowing employees to return to work.

C. Best Practices to Promote Workplace Health and Safety

The following measures are not legal requirements, but steps employers are encouraged to consider promoting a healthy work environment and to limit the spread of COVID-19.

1. Employee Scheduling

- a. If it is not feasible for employees to work from home, employers should consider what arrangements can be made to limit the number of workers¹ who are together in the workplace at any one time. For example, employers should consider staggering shifts or designating groups of workers to consistently work on particular days and times.
- b. To promote scheduling consistency, employers may give employees the opportunity to provide input on their preferred schedule.

2. Workplace Safety Plans

- a. Employers may develop a workplace safety plan as a way of identifying and addressing risks.
- b. Workers are an integral part of an effective workplace safety plan as they are often in the best position to identify hazards in a particular area or job. To encourage worker input and feedback on safety and health matters, employers should consider designating one or more employees to be points of contact for employees with health or safety concerns or, in larger workplaces, creating a workplace safety and health committee made up of worker representatives from a variety of roles within the business
- c. In workplaces where employees are represented by a union, union representatives also can participate in workplace safety planning.

3. Illness Prevention

- a. Employers will want to ensure workers who perform work on-site, including temporary employees and independent contractors, receive workplace safety training that includes training on COVID-19 symptoms and how to self-assess for symptoms.
- b. Worker safety training and the corresponding written materials should be available in a language spoken by employees and accessible to employees with a range of education levels.
- c. In order to promote their use, employers should make face coverings and other protective equipment available at no charge to employees.
- d. Employees should be instructed to stay home when sick and to follow the guidance of public health authorities if they have been exposed to someone with COVID-19.

¹ For purposes of this guidance document, the term “workers” should be understood to include not only an employer’s employees, but also any temporary laborers as defined by the Illinois Day and Temporary Labor Services Act, 820 ILCS 175/5, independent contractors, or other individuals that perform work at the work site.

- e. Employers should not implement or keep in place any bonus or incentive payments for work attendance that could encourage employees to work while sick.
- f. Employers should clearly explain paid leave policies and make workers aware they may be eligible for benefits if they are sick or symptomatic.

FREQUENTLY ASKED QUESTIONS FOR EMPLOYERS AND EMPLOYEES

Questions Related to Health and Safety in the Workplace

- 1. Can an employer require an employee to go home if the employee is exhibiting COVID-19 symptoms?**
Yes. Employees who exhibit symptoms of COVID-19 can be asked to leave the workplace and stay at home until they are free of symptoms.
- 2. Can an employer require employees to wear masks at work?**
Yes. An employer can require employees to use protective gear, including masks or face coverings. Workers who have a medical condition or disability that prevents them from safely wearing a face covering may seek a reasonable accommodation from these requirements. More information on the use of face coverings is available [here](#).
- 3. Can employers implement temperature screenings?**
Yes. The EEOC has issued guidance stating that due to the acknowledgment of COVID-19 community spread by the Centers for Disease Control and Prevention (CDC) and state/local public health authorities, employers may take employees' temperatures. As with other medical information, employers must maintain the confidentiality of employee temperatures and any other symptoms.
- 4. If an employee has been quarantined at home, may their employer require a doctor's note or a COVID-19 test before they return to work?**
Yes. Employers are responsible for maintaining a safe and healthy workplace and there is nothing in Illinois or federal law that prohibits an employer from requiring a doctor's note or COVID-19 test before an employee returns to work. Health care providers must make COVID-19 diagnostic testing available [for free](#) to individuals regardless of insurance or immigration status. Employers should recognize health care providers may be extremely busy and not able to provide the requested documentation in a timely manner.
- 5. How much information can an employer request from an employee who calls in sick?**
Employers have an obligation to ensure a healthy workplace. During the COVID-19 pandemic, employers may ask employees if they are experiencing symptoms of COVID-19, including fever, chills, cough, and shortness of breath. However, employers are required to ensure the confidentiality of any medical information provided by an employee.
- 6. Are employees who have COVID-19 or are experiencing COVID-19 symptoms entitled to paid time off? What about employees who are recommended to self-quarantine by a**

doctor or employer due to potential exposure? What about employees who need to take time off to care for a family member for reasons related to COVID-19?

Employees in all of these situations may be entitled to paid time off under their employer's existing leave program as well as under the federal Families First Coronavirus Response Act ("FFCRA"), public law 116-127. The Office of the Illinois Attorney General has issued more detailed guidance on the FFCRA and paid sick leave.

7. What should an employer do if an employee reports COVID-19 symptoms or tests positive for COVID-19?

If an employee reports having any COVID-19 related symptoms, the employer should encourage the employee to contact their health care provider. If two or more employees report having COVID-19 related symptoms or test positive for COVID-19, the employer should notify their local health department within 24 hours of being informed of the presence of COVID-19 symptoms or positive test results. The employer also should notify employees who have been or may have been exposed, although they must keep the name of the employee confidential.

Employers should never require employees or other workers at the workplace to report to work while experiencing COVID-19 symptoms.

8. What should an employee do if they test positive for COVID-19?

An employee who tests positive should make their employer aware of the positive test. Employees should not come to work, nor should their employer require them to come to work if they have had a positive test or are experiencing COVID-19 symptoms.

9. Can an employee refuse to go to work if they feel at risk for contracting COVID-19?

There is currently no state or federal law that provides job protection to a healthy employee who refuses to work out of fear of contracting COVID-19. However, employees may be entitled to use vacation or other paid time off in accordance with their employer's established leave program. Under the federal Occupation Safety and Health Act of 1970, employees who believe they are in imminent danger may refuse to work if certain conditions are met.

Employees at higher risk, live with individuals at higher medical risk, or are pregnant can request a reasonable accommodation. It is the employer's responsibility to then consider accommodations, such as allowing the employee to work from home, moving their workstation to a less crowded area, or re-examining job duties to minimize interaction with other coworkers or members of the public. The Americans with Disabilities Act, 42 U.S.C. § 12112, prohibits employers from requiring employees to disclose if they have a medical condition or are at higher risk, so employees must volunteer this information in order to seek an accommodation.

10. Can an employer require employees or workers at a job site to sign a non-disclosure agreement or other contract agreeing not to disclose information about health and safety in the workplace?

No. Such an agreement or contract would violate public policy, as expressed in public health and occupational safety laws, and would not be enforceable against the employee.

11. Can an employee be fired or retaliated against for raising safety concerns at work or making a complaint regarding workplace safety to a government agency?

No. Various provisions of federal and state law prohibit retaliation against employees for raising safety and health concerns. Employees who believe they have been retaliated against may want to consider consulting with an attorney.

12. What can an employee do if they are concerned about multiple COVID-19 positive tests or symptomatic employees in the workplace?

Employees can contact their local health department or IDPH at 1-800-889-3931 or by emailing DPH.SICK@ILLINOIS.GOV.

13. Do health and safety laws and rules protect immigrant workers?

Yes. Health and safety laws apply to all employees, regardless of immigration status.

Additional resources and frequently asked questions about COVID-19 and public health are available [here](https://www.dph.illinois.gov/covid19) or at <https://www.dph.illinois.gov/covid19>. Additional guidance includes:

Industry Specific Guidance:

- ***Migrant labor camp guidance:*** <https://www.dph.illinois.gov/covid19/community-guidance/migrant-labor-camp-guidance>
- ***Meat and Food Processing guidance:*** <http://dph.illinois.gov/covid19/community-guidance/guidance-food-and-meat-processing-facilities>

Sick Leave Guidance:

- https://illinoisattorneygeneral.gov/rights/WRB_Paid_Sick_Leave_FAQ.pdf
- <https://www.cookcountyil.gov/service/earned-sick-leave-ordinance-0>

Questions Related to Wage and Benefit Issues

14. Can an employee be laid off or fired because of the economic impact of COVID-19 on an employer's business?

Yes. Generally an employer can lay off or terminate an employee for economic reasons. Exceptions to this general rule are (i) employees who are guaranteed employment for a certain period of time under an employment contract, or (ii) employees performing work under a collective bargaining agreement that provides for procedures around employee layoffs and terminations.

15. Are laid off or terminated employees entitled to earned wages? Vacation pay?

Yes. The Illinois Wage Payment and Collection Act requires that, after separation from employment, employees must be paid all final compensation, including bonus payments,

vacation pay, wages and commissions on their next regularly scheduled payday. 820 ILCS 115/5. More information on unpaid wages and the wage claim process is available [here](#).

16. Are undocumented employees entitled to earned but unpaid wages?

All workers are entitled to their promised wages for all hours of work performed, regardless of immigration status.

17. Are employees on unpaid leave entitled to health insurance?

If an employee is receiving health insurance through their employer, the employer must continue that coverage during the leave period.

18. How can an employee who has been laid off access health insurance?

Laid off employees who previously had employer-provided health insurance may continue their coverage under the Consolidated Omnibus Budget Reconciliation Act (COBRA). Additionally, employees can choose to [enroll](#) in coverage provided through the Affordable Care Act.

Additional frequently asked questions about COVID-19 and wages, benefits, and lay-offs are available [here](#). For further information or to contact the Illinois Department of Labor visit: <https://www2.illinois.gov/idol/Pages/contact.aspx>

Questions Related to Unemployment Insurance

19. Can an employee collect unemployment insurance if they are temporarily laid off due to COVID-19 related work closures?

An individual temporarily laid off in this situation can qualify for benefits if the individual is available for and actively seeking work. The individual qualifies as actively seeking work as long as they are prepared to return to their job as soon the employer reopens.

20. Can an employee collect unemployment insurance if they refuse to return to work because of concerns about COVID-19?

Individuals who refuse an offer of suitable work are disqualified from receiving unemployment insurance unless there is good cause for the refusal. The determination of whether work is suitable and whether there is good cause for refusing it is made on a case-by-case basis through the Illinois Department of Employment Security's hearing and adjudication process.

21. Can individuals get unemployment insurance at the same time as paid leave?

Under certain circumstances. Individuals currently receiving paid leave are not eligible for unemployment insurance. In applying for benefits, a claimant must report any paid leave to which they are entitled.

22. Can workers who are temporary employees through a temporary staffing agency receive unemployment insurance?

Yes. Temporary employees hired through a temporary staffing agency can be eligible for unemployment insurance.

23. How long does unemployment insurance last?

Eligible employees can receive up to 26 weeks' worth of regular state unemployment insurance and, depending on the unemployment rate, Extended Benefits may be available for an additional 13 or 20 weeks. Federal Pandemic Emergency Unemployment Compensation (PEUC) is a temporary program that provides up to 13 additional weeks of benefits to individuals who have exhausted all rights to regular unemployment insurance compensation with respect to a benefit year that ended on or after July 1, 2019. Pandemic Unemployment Assistance is available for up to 39 weeks for individuals whose unemployment is attributable to COVID-19 and who are not eligible for other unemployment benefits.

24. What assistance is available for freelancers, self-employed individuals, and independent contractors who have lost work as a result of the COVID-19 pandemic?

Pandemic Unemployment Assistance (PUA) was created to help self-employed individuals, freelancers, and independent contractors who lose work as a result of specific reasons set forth in federal law attributable to the COVID-19 pandemic and are not eligible for regular unemployment insurance. A precondition for PUA approval is that someone is not eligible for any other unemployment programs. Applying for and being denied benefits under the regular unemployment insurance program is the first step to establishing eligibility under PUA.

25. I receive a Form 1099 for the job(s) I do as an independent contractor. Am I eligible for PUA?

If you are a worker who received a Form 1099 and are not certain if you are eligible for PUA, you should file a claim for regular unemployment benefits for two reasons. First, not all individuals classified as "1099 employees" are actually "independent contractors" as defined by the Unemployment Insurance Act. Some of these individuals should have been classified as employees and therefore would be eligible for unemployment insurance. An employer's failure to contribute to the unemployment system will not impact an individual claimant's eligibility for benefits. Second, the PUA program has been established for individuals who are unemployed for specific reasons attributable to COVID-19 and not covered by the state's regular unemployment insurance program. To establish eligibility under the new program, the claimant will have to demonstrate they are not eligible under the regular program. Applying for and being denied benefits under the regular program is the first step in establishing eligibility under the new temporary program.

26. How long will Pandemic Unemployment Assistance last? Will my PUA claim be backdated?

PUA payments are available for claimants who lost work due to specific COVID-19 related reasons provided for in the federal law beginning the week of February 2, 2020. PUA payments end on December 26, 2020. IDES will backdate claims to the first week of unemployment due to the COVID-19-related reason.

27. I am undocumented and lost my job because of COVID-19. Am I eligible for unemployment benefits?

In general, individuals not authorized to work in the United States are not eligible for regular unemployment benefits or benefits under the PUA. Among other things, they are not considered “able and available to work” under unemployment insurance law.

28. I have a Green Card and was recently laid-off due to COVID-19. Am I eligible for unemployment benefits?

Individuals with Green Cards issued by the federal government are generally “able and available to work” and may be eligible for unemployment benefits.

Additional frequently asked questions about COVID-19 and unemployment insurance are available [here](#). For further information or to contact the Illinois Department of Employment Security visit: https://www2.illinois.gov/ides/aboutides/Pages/Contact_IDES.aspx.

Please note that this document does not change the requirements to be eligible for unemployment benefits.



Questions about COVID-19?
Call 1-800-889-3931 or email dph.sick@illinois.gov
Illinois Department of Public Health - www.dph.illinois.gov

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Guidance For Employers and Employees on Workers' Rights and Safety



[Guidance For Employers and Employees on Workers'](#)

[Rights and Safety_\(/sites/default/files/COVID-](#)

[19%20Guidance%20for%20Employers%20on%20Workplace%20Rights%20and%20Safety.p](#)

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[en Español](#)

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[rd_Spanish_final.pdf\)](#)

Federal and Illinois law require employers to maintain a safe and healthy workplace. As we enter Phase 4 of the Restore Illinois plan and more Illinoisans return to work, employers and employees are navigating difficult questions about how to maintain a safe and healthy workplace during the COVID-19 pandemic. COVID-19 also has raised other employment-related questions involving issues like pay and benefits, leave, and eligibility for unemployment insurance.

This guidance is intended to help both employers and employees educate themselves about minimum required workplace safety requirements, best practices to promote a safe and well-functioning workplace during the COVID-19 pandemic, and to answer some frequently asked questions about COVID-19 and the workplace.

Minimum Workplace Safety Requirements During Phase 4

Employers are required to follow the [Governor's Executive Orders](http://www.governor.illinois.gov/) (<http://www.governor.illinois.gov/>), including those workplace safety measures outlined in the [Restore Illinois](https://www.dph.illinois.gov/restore) (<https://www.dph.illinois.gov/restore>) plan and [guidelines](https://www2.illinois.gov/dceo/Pages/RestoreLP3.aspx) (<https://www2.illinois.gov/dceo/Pages/RestoreLP3.aspx>) from the Illinois Department of Public Health (IDPH) and Illinois Department of Commerce and Economic Opportunity. The Executive Orders require employers to:

- Continue to evaluate which employees can work from home and are encouraged to facilitate remote work when possible.
- Ensure employees practice social distancing and wear face coverings when social distancing is not possible. Employers in retail, manufacturing, and office settings must provide face coverings to employees not able to maintain a minimum 6-foot social distance at all times.
- Ensure all spaces where employees may gather, including locker rooms and lunchrooms, allow for social distancing.
- Ensure visitors (customers, vendors, etc.) to the workplace can practice social distancing. If maintaining a 6-foot social distance will not always be possible, visitors should be encouraged to wear face coverings.
- Prominently post the [guidance](https://dph.illinois.gov/covid19/community-guidance/workplace-health-and-safety-guidance) (<https://dph.illinois.gov/covid19/community-guidance/workplace-health-and-safety-guidance>) from IDPH and the Office of the Illinois Attorney General regarding workplace safety during the COVID-19 emergency.

Anti-Discrimination and Anti-Retaliation Laws Applied to COVID-19

State and federal law protect employees from retaliation for raising safety and health concerns with the employer or with their coworkers. State and federal law require employers to maintain a workplace free of harassment or discrimination regardless of age, disability, sex, race, national origin, religion, or any other protected category.

Protections from Retaliation

Employers are prohibited from retaliating against an employee for raising concerns about COVID-19 or their overall safety and health concerns internally or to a government agency. Employers are further prohibited from retaliating against an employee when they disclose information they have reasonable cause to believe is a violation of a state or federal law, rule, or regulation. Specific federal, state, and local protections against retaliation include:

- The federal Occupational Safety and Health Act of 1970 protects private sector employees who raise safety and health concerns with their employer or a government agency. Employees who believe they have been retaliated against may file a [complaint](#)

- (<https://www.osha.gov/whistleblower/WBComplaint.html>) with the federal Occupational Safety and Health Agency (OSHA). (Note employees generally only have 30 days to file a complaint.)
- The Illinois Occupational Safety and Health Act of 2015 protects state and local government employees who raise safety and health concerns with their employer or a government agency. Public employees who believe they have been retaliated against may file a complaint (http://www.dph.illinois.gov/sites/default/files/COVID19/IL_OSHA_Complaint_Form.pdf) with the Illinois Occupational Safety and Health Agency (IL OSHA).
 - The Illinois Whistleblower Protection Act, 740 ILCS 174, prohibits retaliation against an employee for disclosing information they believe violates a state or federal law, rule, or regulation.
 - The city of Chicago prohibits retaliation, including termination, against employees who work within the city for obeying a stay-at-home, quarantine, or self-isolation order. M.C.C.1-24. Chicago-based employees may file a complaint (https://www.chicago.gov/city/en/depts/bacp/supp_info/antiretaliationordinance.html) with the city's Office of Labor Standards if they believe they have been retaliated against in violation of this ordinance.
 - Section 7 of the National Labor Relations Act (NLRA) protects employees' ability to engage in "protected concerted activity for mutual aid or protection" in both union and non-union settings. Such protected concerted activity generally includes employees talking to one another about working conditions or workplace safety, or engaging in actions, such as petitions or walkouts, to try to improve safety conditions.

Non-discrimination

- All workplace safety policies, including required face coverings, must be applied and enforced equally for all employees in the workplace, except for those employees who have informed the employer they have a medical reason or disability that prevents them from wearing a face covering. Further guidance concerning the use of face coverings is available here (<https://www2.illinois.gov/idol/Laws-Rules/safety/Documents/Workplace%20Health%20and%20Safety%20Guidance%20for%20State%20and%20Local%20Government%20Employees.pdf>).
- Employers may not require employees to disclose if they are at higher risk for COVID-19 or have a health condition. However, if possible, they must try to make reasonable accommodations for an employee who requests an accommodation. Further guidance regarding the Americans with Disabilities Act and the COVID-19 pandemic is available here (<https://www.eeoc.gov/laws/guidance/pandemic-preparedness-workplace-and-americans-disabilities-act>).
- If an employee tests positive for COVID-19, their employer should inform other employees in the workplace who may have been exposed. The employer may not disclose the name of individual employee(s) who test positive.
- Employers may require an employee to take a COVID-19 test or submit a medical verification clearing them to return to work after they have tested positive for COVID-19, been sick, or experiencing COVID-19 related symptoms.

- Per [guidance \(https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws\)](https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws) from the Equal Employment Opportunity Commission (EEOC), employers may not require a COVID-19 antibody test before allowing employees to return to work.

Best Practices to Promote Workplace Health and Safety

The following measures are not legal requirements, but steps employers are encouraged to consider promoting a healthy work environment and to limit the spread of COVID-19.

Employee Scheduling

- If it is not feasible for employees to work from home, employers should consider what arrangements can be made to limit the number of workers who are together in the workplace at any one time. For example, employers should consider staggering shifts or designating groups of workers to consistently work on particular days and times.
- To promote scheduling consistency, employers may give employees the opportunity to provide input on their preferred schedule.

Workplace Safety Plans

- Employers may develop a workplace safety plan as a way of identifying and addressing risks.
- Workers are an integral part of an effective workplace safety plan as they are often in the best position to identify hazards in a particular area or job. To encourage worker input and feedback on safety and health matters, employers should consider designating one or more employees to be points of contact for employees with health or safety concerns or, in larger workplaces, creating a workplace safety and health committee made up of worker representatives from a variety of roles within the business
- In workplaces where employees are represented by a union, union representatives also can participate in workplace safety planning.
- Illness Prevention
 - Employers will want to ensure workers who perform work on-site, including temporary employees and independent contractors, receive workplace safety training that includes training on COVID-19 symptoms and how to self-assess for symptoms.
 - Worker safety training and the corresponding written materials should be available in a language spoken by employees and accessible to employees with a range of education levels.

- In order to promote their use, employers should make face coverings and other protective equipment available at no charge to employees.
- Employees should be instructed to stay home when sick and to follow the guidance of public health authorities if they have been exposed to someone with COVID-19.
- Employers should not implement or keep in place any bonus or incentive payments for work attendance that could encourage employees to work while sick.
- Employers should clearly explain paid leave policies and make workers aware they may be eligible for benefits if they are sick or symptomatic.

Frequently Asked Questions for Employers and Employees

Questions Related to Health and Safety in the Workplace

Can an employer require an employee to go home if the employee is exhibiting COVID-19 symptoms?

Yes. Employees who exhibit symptoms of COVID-19 can be asked to leave the workplace and stay at home until they are free of symptoms.

Can an employer require employees to wear masks at work?

Yes. An employer can require employees to use protective gear, including masks or face coverings. Workers who have a medical condition or disability that prevents them from safely wearing a face covering may seek a reasonable accommodation from these requirements. More information on the use of face coverings is available [here](https://www2.illinois.gov/dhr/Documents/IDHR_FAQ_for_Businesses_Concerning_Use_of_Face-Coverings_During_COVID-19_Ver_2020511b%20copy.pdf) (https://www2.illinois.gov/dhr/Documents/IDHR_FAQ_for_Businesses_Concerning_Use_of_Face-Coverings_During_COVID-19_Ver_2020511b%20copy.pdf).

Can employers implement temperature screenings?

Yes. The EEOC has issued guidance stating that due to the acknowledgment of COVID-19 community spread by the Centers for Disease Control and Prevention (CDC) and state/local public health authorities, employers may take employees' temperatures. As with other medical information, employers must maintain the confidentiality of employee temperatures and any other symptoms.

If an employee has been quarantined at home, may their employer require a doctor's note or a COVID-19 test before they return to work?

Yes. Employers are responsible for maintaining a safe and healthy workplace and there is nothing in Illinois or federal law that prohibits an employer from requiring a doctor's note or COVID-19 test before an employee returns to work. Health care providers must make COVID-19 diagnostic testing available for free (<https://www.illinois.gov/hfs/MedicalProviders/notices/Pages/prn200518a.aspx>) to individuals regardless of insurance or immigration status. Employers should recognize health care providers may be extremely busy and not able to provide the requested documentation in a timely manner.

How much information can an employer request from an employee who calls in sick?

Employers have an obligation to ensure a healthy workplace. During the COVID-19 pandemic, employers may ask employees if they are experiencing symptoms of COVID-19, including fever, chills, cough, and shortness of breath. However, employers are required to ensure the confidentiality of any medical information provided by an employee.

Are employees who have COVID-19 or are experiencing COVID-19 symptoms entitled to paid time off? What about employees who are recommended to self-quarantine by a doctor or employer due to potential exposure? What about employees who need to take time off to care for a family member for reasons related to COVID-19?

Employees in all of these situations may be entitled to paid time off under their employer's existing leave program as well as under the federal Families First Coronavirus Response Act ("FFCRA"), public law 116-127. The Office of the Illinois Attorney General^[TS1] has issued more detailed guidance (https://illinoisattorneygeneral.gov/rights/WRB_Paid_Sick_Leave_FAQ.pdf) on the FFCRA and paid sick leave.

What should an employer do if an employee reports COVID-19 symptoms or tests positive for COVID-19?

If an employee reports having any COVID-19 related symptoms, the employer should encourage the employee to contact their health care provider. If two or more employees report having COVID-19 related symptoms or test positive for COVID-19, the employer should notify their local health department within 24 hours of being informed of the presence of COVID-19 symptoms or positive test results. The employer also should notify employees who have been or may have been exposed, although they must keep the name of the employee confidential.

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Can an employee refuse to go to work if they feel at risk for contracting COVID-19?

There is currently no state or federal law that provides job protection to a healthy employee who refuses to work out of fear of contracting COVID-19. However, employees may be entitled to use vacation or other paid time off in accordance with their employer's established leave program. Under the federal Occupation Safety and Health Act of 1970, employees who believe they are in imminent danger may refuse to work if certain conditions (<https://www.osha.gov/right-to-refuse.html>) are met.

Employees at higher risk (<https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-higher-risk.html>), live with individuals at higher medical risk, or are pregnant can request a reasonable accommodation. It is the employer's responsibility to then consider accommodations, such as allowing the employee to work from home, moving their workstation to a less crowded area, or re-examining job duties to minimize interaction with other coworkers or members of the public. The Americans with Disabilities Act, 42 U.S.C. § 12112, prohibits employers from requiring employees to disclose if they have a medical condition or are at higher risk, so employees must volunteer this information in order to seek an accommodation.

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What can an employee do if they are concerned about multiple COVID-19 positive tests or symptomatic employees in the workplace?

Employees can contact their local health department or IDPH at 1-800-889-3931 or by emailing DPH.SICK@ILLINOIS.GOV (<mailto:DPH.SICK@ILLINOIS.GOV>).

Do health and safety laws and rules protect immigrant workers?

Yes. Health and safety laws apply to all employees, regardless of immigration status.

Additional resources and frequently asked questions about COVID-19 and public health are available [here \(https://www.dph.illinois.gov/covid19\)](https://www.dph.illinois.gov/covid19) or at <https://www.dph.illinois.gov/covid19> (<https://www.dph.illinois.gov/covid19>). Additional guidance includes:

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- Meat and Food Processing guidance: <http://dph.illinois.gov/covid19/community-guidance/guidance-food-and-meat-processing-facilities> (<http://dph.illinois.gov/covid19/community-guidance/guidance-food-and-meat-processing-facilities>)

Sick Leave Guidance:

- https://illinoisattorneygeneral.gov/rights/WRB_Paid_Sick_Leave_FAQ.pdf (https://illinoisattorneygeneral.gov/rights/WRB_Paid_Sick_Leave_FAQ.pdf)
- <https://www.cookcountyil.gov/service/earned-sick-leave-ordinance-0> (<https://www.cookcountyil.gov/service/earned-sick-leave-ordinance-0>)

Questions Related to Wage and Benefit Issues

Can an employee be laid off or fired because of the economic impact of COVID-19 on an employer's business?

Yes. Generally an employer can lay off or terminate an employee for economic reasons. Exceptions to this general rule are (i) employees who are guaranteed employment for a certain period of time under an employment contract, or (ii) employees performing work under a collective bargaining agreement that provides for procedures around employee layoffs and terminations.

Are laid off or terminated employees entitled to earned wages?

Vacation pay?

Yes. The Illinois Wage Payment and Collection Act requires that, after separation from employment, employees must be paid all final compensation, including bonus payments, vacation pay, wages and commissions on their next regularly scheduled payday. 820 ILCS 115/5. More information on unpaid wages and the wage claim process is available [here](https://www2.illinois.gov/idol/FAQs/Pages/wage-payment-faq.aspx#qst15) (<https://www2.illinois.gov/idol/FAQs/Pages/wage-payment-faq.aspx#qst15>).

Are undocumented employees entitled to earned but unpaid wages?

All workers are entitled to their promised wages for all hours of work performed, regardless of immigration status.

Are employees on unpaid leave entitled to health insurance?

If an employee is receiving health insurance through their employer, the employer must continue that coverage during the leave period.

How can an employee who has been laid off access health insurance?

Laid off employees who previously had employer-provided health insurance may continue their coverage under the Consolidated Omnibus Budget Reconciliation Act (COBRA). Additionally, employees can choose to enroll (<https://www.healthcare.gov/>) in coverage provided through the Affordable Care Act.

Additional frequently asked questions about COVID-19 and wages, benefits, and lay-offs are available [here \(https://www2.illinois.gov/idol/pages/default.aspx\)](https://www2.illinois.gov/idol/pages/default.aspx). For further information or to contact the Illinois Department of Labor visit: <https://www2.illinois.gov/idol/Pages/contact.aspx> (<https://www2.illinois.gov/idol/Pages/contact.aspx>)

Questions Related to Unemployment Insurance

Can an employee collect unemployment insurance if they are temporarily laid off due to COVID-19 related work closures?

An individual temporarily laid off in this situation can qualify for benefits if the individual is available for and actively seeking work. The individual qualifies as actively seeking work as long as they are prepared to return to their job as soon the employer reopens.

Can an employee collect unemployment insurance if they refuse to return to work because of concerns about COVID-19?

Individuals who refuse an offer of suitable work are disqualified from receiving unemployment insurance unless there is good cause for the refusal. The determination of whether work is suitable and whether there is good cause for refusing it is made on a case-by-case basis through the Illinois Department of Employment Security's hearing and adjudication process.

Can individuals get unemployment insurance at the same time as paid leave?

Under certain circumstances. Individuals currently receiving paid leave are not eligible for unemployment insurance. In applying for benefits, a claimant must report any paid leave to which they are entitled.

Can workers who are temporary employees through a temporary staffing agency receive unemployment insurance?

Yes. Temporary employees hired through a temporary staffing agency can be eligible for unemployment insurance.

How long does unemployment insurance last?

Eligible employees can receive up to 26 weeks' worth of regular state unemployment insurance and, depending on the unemployment rate, Extended Benefits may be available for an additional 13 or 20 weeks. Federal Pandemic Emergency Unemployment Compensation (PEUC) is a temporary program that provides up to 13 additional weeks of benefits to individuals who have exhausted all rights to regular unemployment insurance compensation with respect to a benefit year that ended on or after July 1, 2019. Pandemic Unemployment Assistance is available for up to 39 weeks for individuals whose unemployment is attributable to COVID-19 and who are not eligible for other unemployment benefits.

What assistance is available for freelancers, self-employed individuals, and independent contractors who have lost work as a result of the COVID-19 pandemic?

Pandemic Unemployment Assistance (PUA) was created to help self-employed individuals, freelancers, and independent contractors who lose work as a result of specific reasons set forth in federal law attributable to the COVID-19 pandemic and are not eligible for regular unemployment insurance. A precondition for PUA approval is that someone is not eligible for any other unemployment programs. Applying for and being denied benefits under the regular unemployment insurance program is the first step to establishing eligibility under PUA.

I receive a Form 1099 for the job(s) I do as an independent contractor. Am I eligible for PUA?

If you are a worker who received a Form 1099 and are not certain if you are eligible for PUA, you should file a claim for regular unemployment benefits for two reasons. First, not all individuals classified as "1099 employees" are actually "independent contractors" as defined by the Unemployment Insurance Act. Some of these individuals should have been classified as employees and therefore would be eligible for unemployment insurance. An employer's failure to contribute to the unemployment system will not impact an individual claimant's eligibility for benefits. Second, the PUA program has been established for individuals who are unemployed for specific reasons attributable to COVID-19 and not covered by the state's regular unemployment insurance program. To establish eligibility under the new program, the claimant will have to demonstrate they are not eligible under the regular program. Applying for and being denied benefits under the regular program is the first step in establishing eligibility under the new temporary program.

How long will Pandemic Unemployment Assistance last? Will my PUA claim be backdated?

PUA payments are available for claimants who lost work due to specific COVID-19 related reasons provided for in the federal law beginning the week of February 2, 2020. PUA payments end on December 26, 2020. IDES will backdate claims to the first week of unemployment due to the COVID-19-related reason.

I am undocumented and lost my job because of COVID-19. Am I eligible for unemployment benefits?

In general, individuals not authorized to work in the United States are not eligible for regular unemployment benefits or benefits under the PUA. Among other things, they are not considered "able and available to work" under unemployment insurance law.


I have a Green Card and was recently laid-off due to COVID-19. Am I eligible for unemployment benefits?

Individuals with Green Cards issued by the federal government are generally "able and available to work" and may be eligible for unemployment benefits.

Additional frequently asked questions about COVID-19 and unemployment insurance are available [here \(https://www2.illinois.gov/ides/Pages/FAQ_COVID-19.aspx\)](https://www2.illinois.gov/ides/Pages/FAQ_COVID-19.aspx). For further information or to contact the Illinois Department of Employment Security visit: https://www2.illinois.gov/ides/aboutides/Pages/Contact_IDES.aspx (https://www2.illinois.gov/ides/aboutides/Pages/Contact_IDES.aspx).

Please note that this document does not change the requirements to be eligible for unemployment benefits.

Guidance Document:

 [Guidance For Employers and Employees on Workers' Rights and Safety](http://www.dph.illinois.gov/sites/default/files/COVID-19%20Guidance%20for%20Employers%20on%20Workplace%20Rights%20and%20Safety.pdf)
(<http://www.dph.illinois.gov/sites/default/files/COVID-19%20Guidance%20for%20Employers%20on%20Workplace%20Rights%20and%20Safety.pdf>)

Audience:

[Businesses \(/businesses\)](#)

[Community Settings \(/community-settings\)](#)

[Home \(/home\)](#)

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When You Can be Around Others After You Had or Likely Had COVID-19

When You Can be Around Others

Updated Sept. 10, 2020

If you have or think you might have COVID-19, it is important to stay home and away from other people. Staying away from others helps stop the spread of COVID-19. **If you have an emergency warning sign (including trouble breathing), get emergency medical care immediately.**

Note:

At this time, we have limited information about reinfections with the virus that causes COVID-19. This is a new virus, and CDC is actively working to learn more. We will provide updates as they become available. Data to date show that a person who has had and recovered from COVID-19 may have low levels of virus in their bodies for up to 3 months after diagnosis. This means that if the person who has recovered from COVID-19 is retested within 3 months of initial infection, they may continue to have a positive test result, even though they are not spreading COVID-19.

There are no confirmed reports to date of a person being reinfected with COVID-19 within 3 months of initial infection. However, additional research is ongoing. Therefore, if a person who has recovered from COVID-19 has new symptoms of COVID-19, the person may need an evaluation for reinfection, especially if the person has had close contact with someone infected with COVID-19. The person should isolate and contact a healthcare provider to be evaluated for other causes of their symptoms, and possibly retested.

CDC recommends that all people, whether or not they have had COVID-19, take steps to prevent getting and spreading COVID-19. Wash hands regularly, stay at least 6 feet away from others whenever possible, and wear masks.

For more information:

- Media statement
- Information for Healthcare Professionals



When you can be around others (end home isolation) depends on different factors for different situations.

Coronavirus Disease

MENU >

You can be around others after:

- 10 days since symptoms first appeared **and**
- 24 hours with no fever without the use of fever-reducing medications **and**
- Other symptoms of COVID-19 are improving*

**Loss of taste and smell may persist for weeks or months after recovery and need not delay the end of isolation*

Most people do not require testing to decide when they can be around others; however, if your healthcare provider recommends testing, they will let you know when you can resume being around others based on your test results.

Note that these recommendations **do not** apply to persons with severe COVID-19 or with severely weakened immune systems (immunocompromised). These persons should follow the guidance below for "I was severely ill with COVID-19 or have a severely weakened immune system (immunocompromised) due to a health condition or medication. When can I be around others?"

I tested positive for COVID-19 but had no symptoms

If you continue to have no symptoms, you can be with others after 10 days have passed since you had a positive viral test for COVID-19. Most people do not require testing to decide when they can be around others; however, if your healthcare provider recommends testing, they will let you know when you can resume being around others based on your test results.

If you develop symptoms after testing positive, follow the guidance above for "I think or know I had COVID-19, and I had symptoms."

I was severely ill with COVID-19 or have a severely weakened immune system (immunocompromised) due to a health condition or medication. When can I be around others?

People who are severely ill with COVID-19 might need to stay home longer than 10 days and up to 20 days after symptoms first appeared. Persons who are severely immunocompromised may require testing to determine when they can be around others. Talk to your healthcare provider for more information. If testing is available in your community, it may be recommended by your healthcare provider. Your healthcare provider will let you know if you can resume being around other people based on the results of your testing.

Your **doctor** may **work** with an infectious disease expert or your local health department to determine whether testing will be **necessary** **before** you can be around others.

For Anyone Who Has Been Around a Person with COVID-19

Anyone who has had close contact with someone with COVID-19 should stay home for 14 days **after their last exposure** to that person.

However, anyone who has had close contact with someone with COVID-19 and who:

- developed COVID-19 illness within the previous 3 months **and**
- has recovered **and**
- remains without COVID-19 symptoms (for example, cough, shortness of breath)

does not need to stay home.

For Healthcare Professionals

If you are a healthcare professional who thinks or knows you had COVID-19, you should follow the same recommendations listed above for when you can resume being around others outside the workplace. When you can return to work depends on different factors and situations. For information on when you can return to work, see the following:

Criteria for Return to Work for Healthcare Personnel with SARS-CoV-2 Infection (Interim Guidance)

I Think or Know I had COVID-19, and I had Symptoms. When can I be Around Others?

I Think or Know I had COVID-19, and I had Symptoms. When can I be Around Others?

If you have or think you might have COVID-19, it is important to stay home and away from others. When you can be around others depends on different factors for different situations.

I Had COVID-19, But No Symptoms. When Can I Be with Others?

I Had COVID-19, But No Symptoms. When Can I Be with Others?

If you have or think you might have COVID-19, it is important to stay home and away from others. When you can be around others depends on different factors for different situations.

More information

[What to Do If You Are Sick](#)

[Caring for Someone at Home](#)

[Quarantine and Isolation](#)

[Symptom-Based Strategy to Discontinue Isolation for Persons with COVID-19](#)

Last Updated Sept. 10, 2020

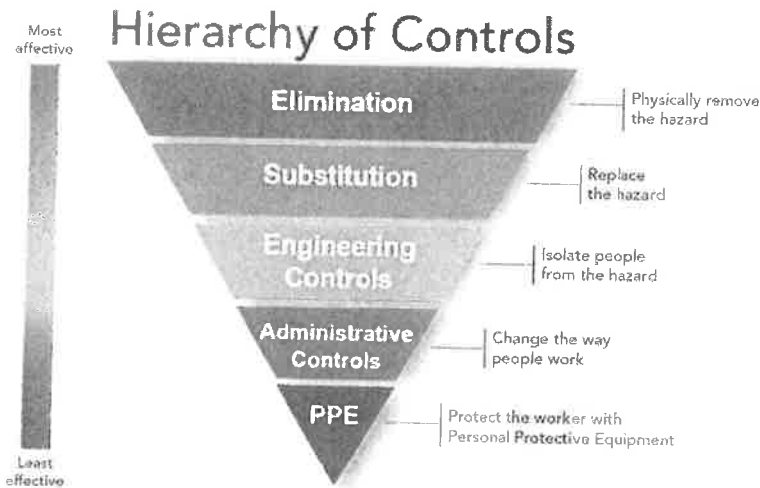
The National Institute for Occupational Safety and Health (NIOSH)

HIERARCHY OF CONTROLS

Overview

Controlling exposures to occupational hazards is the fundamental method of protecting workers. Traditionally, a hierarchy of controls has been used as a means of determining how to implement feasible and effective control solutions.

One representation of this hierarchy is as follows:



The idea behind this hierarchy is that the control methods at the top of graphic are potentially more effective and protective than those at the bottom. Following this hierarchy normally leads to the implementation of inherently safer systems, where the risk of illness or injury has been substantially reduced.

NIOSH leads a national initiative called **Prevention through Design (PtD)** to prevent or reduce occupational injuries, illnesses, and fatalities through the inclusion of prevention considerations in all designs that impact workers. Hierarchy of controls is a PtD strategy. To learn more, visit the PtD website.

Elimination and Substitution

Elimination and substitution, while most effective at reducing hazards, also tend to be the most difficult to implement in an existing process. If the process is still at the design or development stage, elimination and substitution of hazards may be inexpensive and simple to implement. For an existing process, major changes in equipment and procedures may be required to eliminate or substitute for a hazard.

Engineering Controls

Engineering controls are favored over administrative and personal protective equipment (PPE) for controlling existing worker exposures in the workplace because they are designed to remove the hazard at the source, before it comes in contact with the worker. Well-designed engineering controls can be highly effective in protecting workers and will typically be independent of worker interactions to provide this high level of protection. The initial cost of engineering controls can be higher than the cost of administrative controls or PPE, but over the longer term, operating costs are frequently lower, and in some instances, can provide a cost savings in other areas of the process.

For descriptions of engineering control technologies researched by NIOSH, and information on the control details and their effectiveness, visit our Engineering Controls Database. The engineering controls contained in the database are beneficial for users who need control solutions to reduce or eliminate worker exposures.

Administrative Controls and PPE

Administrative controls and PPE are frequently used with existing processes where hazards are not particularly well controlled. Administrative controls and PPE programs may be relatively inexpensive to establish but, over the long term, can be very costly to sustain. These methods for protecting workers have also proven to be less effective than other measures, requiring significant effort by the affected workers.

Page last reviewed: January 13, 2015

Further Reading:

Table of Contents: Summary of Gubernatorial Disaster
Proclamations Entry Dates
and Summary of Executive Orders

Summary of Gubernatorial Disaster Proclamations Entry Dates and Summary of Executive Orders

Entry of Gubernatorial Disaster Proclamations: (For text of disaster proclamations, visit <https://coronavirus.illinois.gov/s/resources-for-executive-orders>.)

3-12-2020
4-02-2020
4-30-2020
5-29-2020
6-26-2020
7-24-2020
8-21-2020

Summary of Executive Orders Related to COVID-19: (For text of disaster proclamations, visit <https://coronavirus.illinois.gov/s/resources-for-executive-orders>.)

Executive Order Number 54

ADDITIONAL METRO EAST MITIGATIONS — The Metro East region’s positivity rate has continued to increase to over 10 percent, despite mitigation steps put in place through Executive Order 51. In response, additional public health restrictions and mitigations will be implemented for the Metro East region for restaurants and bars, meetings and social events, gaming and casinos, and for all workplaces, effective September 2, 2020. This Executive Order supplements the Community Revitalization Order, Executive Order 43.

Executive Order Number 53

REGION 7 MITIGATIONS — Region 7 has reported three consecutive days of a test positivity rate of 8 percent or higher. In response, public health restrictions and mitigations are instituted for Region 7, comprised of Will and Kankakee Counties. This Executive Order supplements the Community Revitalization Order, Executive Order 43.

Executive Order Number 52

REISSUES EXECUTIVE ORDERS - Reissues most executive orders, extending a majority of the provisions through September 19, 2020.

Executive Order Number 51

METRO EAST MITIGATIONS - The Metro East region has reported three consecutive days of a test positivity rate of 8 percent or higher. In response, public health restrictions and mitigations are instituted for the Metro East region, comprised of Bond, Clinton, Madison, Monroe, Randolph, St. Clair, and Washington Counties for restaurants and bars, meetings and social events, and gaming and casinos. This Executive Order supplements the Community Revitalization Order, Executive Order 43.

Executive Order Number 50

RESUMES ADMISSIONS TO IDOC FROM COUNTY JAILS — The Illinois Department of Corrections (IDOC) will resume accepting the transfer of individuals from Illinois county jails. Specific health and safety factors will be taken into account when determining the process for transfers to IDOC. Rescinds Executive Order 2020-13.

Executive Order Number 48

REISSUES EXECUTIVE ORDERS — Reissues most executive orders, extending a majority of the provisions through August 22, 2020. Includes Executive Order 2020-30, which prohibits residential evictions.

Executive Order Number 47

IN-PERSON LEARNING — All public and nonpublic schools in Illinois serving pre-kindergarten through 12th grade students may open for in-person learning after the regular 2019-2020 school term. All schools must follow IDPH and ISBE health guidelines, including using PPE, temperature checks, hygienic practices, social distancing, and limiting people to 50 or fewer in one space.

Executive Order Number 46

CENSUS ADVISORY PANEL — The Census Advisory Panel shall continue to serve as an advisory board to help to ensure a complete and accurate Census count in Illinois through December 31, 2020.

Executive Order Number 45

CANNABIS LICENSES - Suspends the requirement that by July 1, 2020, the Illinois Department of Agriculture must issue up to 40 Craft Grower Licenses, up to 40 Infuser Licenses, and issue Transporting Organization Licenses.

Executive Order Number 44

REISSUES EXECUTIVE ORDERS — Reissues most executive orders, extending a majority of the provisions through July 26, 2020. Amends a few previous executive orders, such as EO-2020-07, in-person meeting requirements, and EO 2020-40, the resumption of limited in-person instruction at schools.

Executive Order Number 43

PHASE FOUR REOPENING — The community revitalization phase safely resumes and expands activities that were paused or limited as COVID-19 cases rose exponentially. Outlines requirements for various businesses and industries. Individuals must continue to practice social distancing and wear a face covering in public places or when working. This supersedes EO 2020-38

Executive Order Number 42

STATE FAIRS - Cancels the State Fairs in Springfield and DuQuoin scheduled for 2020, to protect the health and safety of fairgoers, entertainers, competitors, vendors, employees, and those living in the surrounding areas.

Executive Order Number 41

SPORTS WAGERING — Suspends requiring an in-person creation of a sports wagering account, in order to participate in sports wagering offered over the internet or through a mobile application.

Executive Order Number 40

LIMITED REOPENING OF SCHOOLS — All public and nonpublic schools in Illinois serving pre-kindergarten through 12th grade students may open for limited in-person educational purposes, such as summer school, after the regular 2019-2020 school term. Schools must follow IDPH guidance and all schools may continue to provide food and other non-educational services.

Executive Order Number 39

REISSUES EXECUTIVE ORDERS — Reissues Executive Orders 2020-03 through 2020-37, extending most provisions through June 27, 2020.

Executive Order Number 38

PHASE THREE REOPENING — Safely and conscientiously resumes activities that were paused due to COVID-19. Outlines public health requirements for individuals, businesses, retail stores, manufacturers, office buildings, restaurants and bars, gyms, personal service facilities, youth sports, and public amusement. Does not limit the free exercise of religion, and indoor services must not exceed more than 10 people. Individuals must continue to practice social distancing, maintaining at least a six-foot distance, and wear a face covering in public places or when working.

Executive Order Number 37

REVISES ELECTIVE SURGERIES — Defines and renders assistance in support of the State's response to hospitals, health care facilities, health care professionals, and health care volunteers. Those that continue to cancel or postpone all elective surgeries or procedures, or begin elective surgeries on or after May 11th, in order to respond to the COVID-19 outbreak shall be immune from civil liability for any alleged injury or death relating to COVID-19.

Executive Order Number 36

MARRIAGE LICENSES — To obtain a marriage license, couples may appear before the county clerk and conduct a marriage ceremony using two-way audio-video communication technology, if certain conditions are met. Suspends the requirement that a fully executed marriage license must be submitted to the county clerk within 10 days. Suspends the requirement that a marriage license becomes effective one day after the date of issuance.

Executive Order Number 35

SUSPENDS VARIOUS PROVISIONS — Suspends provisions in the Assisted Living and Shared Housing Act, the Nursing Home Care Act and the Community Care Act. For example, suspends IDPH conducting an on-site review at each facility annually. IDPH will continue to conduct on-site reviews to the extent feasible. Suspends provisions regarding pest control, milk production, mobile homes, body piercing and speech language pathology.

Executive Order Number 34

CANNABIS REQUIREMENTS — Suspends the requirement that IDFPR issue up to 75 Conditional Adult Use Dispensing Organization Licenses before May 1, 2020. Suspends certain requirements, including the need for an adult use cannabis dispensing organization agent to obtain an agent identification card from IDFPR prior to beginning work at a dispensary and the need for a medical or adult use cannabis dispensing organization agent to keep an agent identification card visible at all times when in the dispensary.

Executive Order Number 33

REISSUES EXECUTIVE ORDERS — Reissues Executive Orders 2020-03 through 2020-31, extending most provisions through May 29, 2020.

Executive Order Number 32

NEW STAY AT HOME ORDER— This new order allows Illinoisans to leave their home for essential activities, including for health and safety, for necessary supplies and services, for outdoor activity, for certain types of work, to take care of others, and to engage in the free exercise of religion, but otherwise requires them to stay at home or their place of residence to prevent spread of COVID-19. Individuals are required to wear a face covering in public places when they are unable to maintain a six-foot social distance, such as in stores. Defines essential businesses and operations. Non-essential retail stores may fulfill online and telephonic orders through pick-up outside the store or delivery.

Executive Order Number 31

AMENDS PROVISIONS IN THE ILLINOIS SCHOOL CODE — Suspends provisions in the teacher preparation programs. Suspends requiring internships for endorsements on professional educator licenses. Suspends requiring certain courses as a prerequisite to receiving a high school diploma for twelfth grade students who are unable to complete coursework as a result of the suspension of in-person instruction due to COVID-19.

Executive Order Number 30

CLARIFIES CEASING EVICTIONS — Defines “State Agency.” Prohibits residential eviction actions and all law enforcement officers are instructed to cease enforcing evictions for non-residential premises, unless the tenant poses a threat. Permits service of pleadings to be conducted personally, by first-class mail, or by electronic mail.

Executive Order Number 29

ILLINOIS INSURANCE CODE — Suspends certain provisions in the Illinois Insurance Code that require in-person education and/or exams within a certain time frame in order to maintain or obtain a professional insurance license.

Executive Order Number 28

RADIOLOGY CERTIFICATIONS — Suspends the provision in the Radiation Protection Act of 1990 that limits the validity of industrial radiography certifications to five years and industrial radiography trainee certifications to two years. Industrial radiography certifications and industrial radiography trainee certifications that have expired or will expire may be extended.

Executive Order Number 27

MEDICAL SCIENCE INSTITUTIONS — Suspends medical science institutions from holding indigent cadavers for 30 days after receipt from the State facility, for cadavers testing positive for COVID-19. Suspends requiring the director of any State facility in custody of an unclaimed cadaver to donate the cadaver to a qualified medical science institution for the advancement of medical science, for cadavers testing positive for COVID-19.

Executive Order Number 26

HOSPITAL CAPACITY — IDPH shall exercise discretion enforcing certain regulations. Suspends specific provisions in the Hospital Licensing Act, the Hospital Report Card Act, the Department of Public Health Powers and Duties Law, the Illinois Adverse Health Care Events Reporting Law of 2005, and the Emergency Medical Services (EMS) Systems Act. Hospitals licensed by IDPH or the State of Illinois may establish an ACF to provide room and board, nursing, and diagnosis or treatment to patients to increase regional hospital capacity.

Executive Order Number 25

CIVIL PROCEDURE — Suspends sections in the Illinois Code of Civil Procedure that permit the service of a garnishment summons, wage deduction summons, or a citation to discover assets on a consumer debtor or consumer garnishee. It shall not be construed to apply to domestic support obligations or relieving a debtor of any liability.

Executive Order Number 24

FORENSIC SERVICES — Suspends admissions to Illinois Department of Human Services Forensic Treatment Programs from Illinois county jails. Suspends certain provisions: 1) Employees that are being investigated for conduct that would not result in their termination or placement on the HCWR or 2) Employees who are the subject of an OIG investigation that is either complete or materially complete.

Executive Order Number 23

PROFESSIONAL REGULATION LAW — Suspends the Secretary of the Department of Financial and Professional Regulation from taking certain actions to increase the number of licensed professionals responding to the disaster, to the extent that it limits the Secretary's authority to those working under the direction of IEMA and IDPH. Ensures any impacted licensed professionals are aiding in the response to the disaster.

Executive Order Number 22

VARIOUS PROVISIONS — Suspends the date of each township's annual meeting for calendar year 2020. Suspends the provision that no license of a funeral director intern shall be renewed more than twice and suspends the requirement that the transportation of deceased human remains must be under the immediate direct supervision of a licensee. Under the Child Care Act of 1969, the definition of "child" is suspended to ensure those who are 18 years or older can remain in their placement. In the Health Care Worker Background Check Act, suspends the time period for designated students, applicants, and employees to have their fingerprints collected electronically.

Executive Order Number 21

ILLINOIS DEPARTMENT OF CORRECTIONS (IDOC) — Suspends the allowable time period for furloughs and the phrase "for a period of time not to exceed 14 days." The phrase "to obtain

medical, psychiatric or psychological services when adequate services are not otherwise available” shall be suspended and furloughs for medical, psychiatric or psychological purposes shall be allowed. The IDOC shall file emergency rules as needed.

Executive Order Number 20

PUBLIC ASSISTANCE — Suspends the requirement that an applicant for public assistance must provide an audio recording of their verbal attestation during a telephone application for public assistance benefits. Instead, a verbal attestation documented by the State constitutes a valid signature. Unsigned applications for public assistance received by mail can be signed by a verbal attestation by telephone.

Executive Order Number 19

HEALTH CARE FACILITIES, PROFESSIONALS, AND VOLUNTEERS — Defines healthcare facilities, health care professionals and health care volunteers. Calls for the postponement or cancelation of elective surgeries. Health care facilities, professionals, and volunteers are immune from civil liability for any injury or death alleged, unless caused by gross negligence or willful misconduct.

Executive Order Number 18

STAY AT HOME ORDER EXTENSION — An extension of the state’s disaster proclamation, requiring individuals to stay at home or their place of residence for an additional 30 days. Individuals may leave their homes only for essential activities or for essential operations. Extends the suspension of on-site learning in K-12 schools, with schools transitioning from Act of God Days to Remote Learning Days. Provides the authority for the governor to sign additional executive orders to extend the Stay at Home order. This supersedes Executive Order 2020-10.

Executive Order Number 17

EXTENDS CANNABIS APPLICATIONS — Further extends the deadline for cannabis craft grower, infuser and transporter license applications and directs applicants to mail completed applications. This supersedes Section 1 of Executive Order 2020-03.

Executive Order Number 16

SUSPENDS PROVISIONS IN THE ILLINOIS VEHICLE CODE — Suspends the repossession of vehicles; however, individuals must still comply with any obligation they may have to a loan agreement or otherwise. Suspends classroom training for private security and fingerprint vendors, as any training can be conducted online.

Executive Order Number 15

SUSPENDS PROVISIONS IN THE ILLINOIS SCHOOL CODE — Suspends requirements on the administration of assessments, school terms, and the calculation of daily pupil attendance. Allows ISBE to implement rules regarding remote learning. Permits the use of early childhood block grant funding to provide child care for children of employees performing essential work. Any bids received by a school district for construction purposes may be communicated and accepted electronically.

Executive Order Number 14

NOTARY AND WITNESS GUIDELINES - any act of notarization or witnessing required by Illinois law may be completed remotely by via two-way audio-video communication technology provided that the acts follows specific guidelines set forth in the Order and by the Secretary of State.

Executive Order Number 13

SUSPENDS ADMISSIONS TO IDOC FROM COUNTY JAILS — Admissions to the Illinois Department of Corrections from all Illinois county jails are suspended, except at the discretion of the Director of the Illinois Department of Corrections for limited essential transfers.

Executive Order Number 12

HEALTH CARE WORKERS — Individuals who are certified as a nurse assistant, but are currently inactive on the Health Care Worker Registry, may be hired under certain provisions, such as the inactive status being no more than five years and limiting conditional employment to three months pending the result of a more extensive background check.

Executive Order Number 11

ESSENTIAL HUMAN SERVICES OPERATIONS — Individuals may leave their residence to work for or obtain any Human Services Operations, such as adoption agencies, long-term care facilities, residential settings for individuals with disabilities and day care centers for children of essential employees. Illinois school districts do not need approval by the school board for an e-learning curriculum.

Executive Order Number 10

STAY AT HOME — All individuals must stay at home, with exceptions for essential activities, essential government functions, and essential businesses and operations. All non-essential business and operations must cease, aside from Minimum Basic Operations. Business can continue with employees working from home. Local government units across the state must halt all evictions, and gatherings of more than 10 people are prohibited.

Executive Order Number 9

TELEHEALTH — All health insurers regulated by the Department of Insurance are required to cover telehealth services and reimburse providers at the same rate as in-person visits and are prohibited from imposing any cost-sharing for in-network providers.

Executive Order Number 8

SECRETARY OF STATE OPERATIONS — During the duration of the disaster proclamation and 30 days thereafter, the urgent need to address the expiration of vehicle registrations, driver's licenses, permits, parking decals, Illinois identification cards and hearings pursuant to the Illinois Vehicle Code is suspended, as are the filing of statements of economic interest.

Executive Order Number 7

RESTAURANTS & BARS — Beginning March 16 at 9 p.m., bars and restaurants must suspend on-premises consumption, but are permitted to continue delivery service, drive-through and curbside pick-up. Gatherings of 50 or more people are prohibited, including fitness centers, private clubs, and theaters.

Executive Order Number 6

K-12 SCHOOLS CLARIFICATION — All public and private schools must close for educational purposes, but schools operated by the Illinois Department of Juvenile Justice, the Illinois State Board of Education or the Illinois Department of Human Services may remain open.

Executive Order Number 5

K-12 SCHOOLS — All public and private K-12 schools must close for educational purposes; however, this will not affect the availability of school buildings to supply food for students in need.

Executive Order Number 4

LARGE GATHERINGS — Gatherings of 1,000 or more people are prohibited, including concerts, conferences and sporting events as well as closes the James R. Thompson Center to the public, except for necessary state business.

Executive Order Number 3

CANNABIS APPLICATIONS — The deadline for cannabis grower, infuser and transporter license applications is extended, and applicants are now allowed to mail completed applications, rather than submitting in person.