

EXECUTIVE ORDER 2020-42 EXTENDING AND EXPANDING STAY HOME ORDER

On April 9, 2020, Governor Whitmer issued Executive Order 2020-42 which rescinds Executive Order 2020-21 (the "Stay Home, Stay Safe" order). Generally, the "Stay Home, Stay Safe" mandate continues through April 30, 2020.

The key provisions affecting employers are as follows:



- Businesses may not require workers to leave their homes to perform in-person work, with the same two exceptions:
 - 1) employees necessary to sustain or protect life or to "conduct minimum basic operations" of any business; and
 - 2) employees who are "critical infrastructure workers" of a business that is in an exempt or essential sector. To identify those sectors, the Order specifically adopts the Cybersecurity and Infrastructure Security Agency ("CISA") guidance published on March 19, 2020, not the updated CISA guidance issued more recently.
- Both "minimum basic operations" employees and "critical infrastructure workers" must be specifically designated as such in writing by the employer. However, such workers are not required to carry their written designation when traveling to work.
- In-person business operations for "critical infrastructure work" may continue, subject to social distancing and COVID-19 mitigation measures from the CDC and the applicable county orders (see previous memos).
- Many requirements are implemented for retail stores that continue to operate in-person sales:
 - Stores must establish lines of entry with markings that enable individuals to maintain a six-foot distance from others.
 - Stores are encouraged to use curbside pick-up and other methods to reduce in-store traffic and lines.
 - For stores which are less than 50,000 sq. ft., the number of people in the store (including employees) must not exceed 25% of the total occupancy limits established by the applicable fire marshal.
 - For stores which are more than 50,000 sq. ft., the stores must limit the number of customers to 4 people per 1,000 sq. ft. of customer floor space (excluding employees). Also, areas of a store selling carpet or flooring, furniture, garden centers and paint must be closed off (i.e. cordoning them off, placing signs, removing goods). The area encompassing these spaces is NOT taken into account when factoring the customer floor space calculation for the number of allowable customers at one time.
 - Stores may not advertise or promote goods which are not groceries, medical supplies or items that are necessary to maintain the safety, sanitation, and basic operation of residences, from April 13 to April 30, 2020.
 - Stores must create at least two hours per week of dedicated shopping time for populations vulnerable to illness (e.g. people over 60, pregnant women, people with chronic conditions).

The Governor's full Executive Order can be found at:

https://content.govdelivery.com/attachments/MIEOG/2020/04/09/file_attachments/1423850/EO%202020-42.pdf

This memo is intended only as a summary and general overview. If you have any questions or would like legal advice regarding the above or any other employment issue, please contact [David Lawrence](#) or [Stacey DiDomenico](#).