

Executive Order 2020-77 Extending the Stay Home Order to May 28;
Manufacturing Permitted to Resume May 11 with Restrictions

On May 7, 2020, Governor Whitmer issued Executive Order 2020-77, which again extends the "Stay Home Stay Safe" order, now **through May 28, 2020**. This Order replaces Executive Order 2020-70, just issued May 1, which allowed construction and real estate activities to resume May 7, 2020. That remains unchanged.



Resuming Manufacturing Work

Manufacturing work is permitted to resume on May 11, 2020. **However, before resuming activities, manufacturing facilities are required to make arrangements to comply with all of the following:**

- (1) Conduct a daily entry screening protocol for workers, contractors, suppliers, and any other individuals entering the facility, including a questionnaire covering symptoms and suspected or confirmed exposure to people with possible COVID-19, together with temperature screening as soon as no-touch thermometers can be obtained.
- (2) Create dedicated entry point(s) at every facility for daily screening as provided in subprovision (1) of this subsection, and ensure physical barriers are in place to prevent anyone from bypassing the screening.
- (3) Suspend all non-essential in-person visits, including tours.
- (4) Train workers on, at a minimum:
 - (A) Routes by which the virus causing COVID-19 is transmitted from person to person.
 - (B) Distance that the virus can travel in the air, as well as the time it remains viable in the air and on environmental surfaces.
 - (C) Symptoms of COVID-19.
 - (D) Steps the worker must take to notify the business or operation of any symptoms of COVID-19 or a suspected or confirmed diagnosis of COVID-19.
 - (E) Measures that the facility is taking to prevent worker exposure to the virus, as described in the COVID-19 preparedness and response plan required under section 11(a) of this order.
 - (F) Rules that the worker must follow in order to prevent exposure to and spread of the virus.

(G) The use of personal protective equipment, including the proper steps for putting it on and taking it off.

(5) Reduce congestion in common spaces wherever practicable by, for example, closing salad bars and buffets within cafeterias and kitchens, requiring individuals to sit at least six feet from one another, placing markings on the floor to allow social distancing while standing in line, offering boxed food via delivery or pick-up points, and reducing cash payments.

(6) Implement rotational shift schedules where possible (e.g., increasing the number of shifts, alternating days or weeks) to reduce the number of workers in the facility at the same time.

(7) Stagger start times and meal times.

(8) Install temporary physical barriers, where practicable, between work stations and cafeteria tables.

(9) Create protocols for minimizing personal contact upon delivery of materials to the facility.

(10) Adopt protocols to limit the sharing of tools and equipment to the maximum extent possible.

(11) Frequently and thoroughly clean and disinfect high-touch surfaces, paying special attention to parts, products, and shared equipment (e.g., tools, machinery, vehicles).

(12) Ensure there are sufficient hand-washing or hand-sanitizing stations at the worksite to enable easy access by workers, and discontinue use of hand dryers.

(13) Notify plant leaders and potentially exposed individuals upon identification of a positive case of COVID-19 in the facility, as well as maintain a central log for symptomatic workers or workers who received a positive test for COVID-19.

(14) Send potentially exposed individuals home upon identification of a positive case of COVID-19 in the facility.

(15) Encourage workers to self-report to plant leaders as soon as possible after developing symptoms of COVID-19.

(16) Shut areas of the manufacturing facility for cleaning and disinfection, as necessary, if a worker goes home because he or she is displaying symptoms of COVID-19.

Suppliers to Businesses Conducting "Resumed Activities"

The following businesses may also resume operations beginning when the supported business is permitted to resume activity: "suppliers, distribution centers, or service providers whose in-person presence is necessary to enable, support, or facilitate another business's or operation's resumed activities [such as real estate, construction and manufacturing businesses], including workers at suppliers, distribution centers, or service providers along the supply chain whose in-

person presence is necessary [to] enable, support, or facilitate the necessary work of another supplier, distribution center, or service provider in enabling, supporting, or facilitating another business's or operation's resumed activities". As with suppliers to essential businesses with "critical infrastructure workers" under previous Executive Orders, these suppliers to "resumed activity" businesses should first obtain written designation of necessity from their applicable customers and clients.

Changes Affecting All Businesses

- All businesses and operations that remain open or reopen for in-person work must continue the safety and mitigation measures previously ordered.
- In addition, if workers cannot consistently maintain six feet of separation from one another, workers are required to wear masks. In the event workers cannot maintain a distance of three feet from one another, face shields are encouraged.
- Daily screening protocols must also be conducted for contractors, suppliers, and any other individuals entering the worksite, in addition to workers. The screening should include a question asking whether the individual has suspected or confirmed exposure to people with COVID-19, or who are potentially infected.

The Governor's full Executive Order 2020-77 can be found at:

https://content.govdelivery.com/attachments/MIEOG/2020/05/07/file_attachments/1446124/EO%202020-77.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](#).