Executive Order 2020-70: Re-Opening of Construction and Real Estate Industries

Governor Whitmer issued Executive Order 2020-70 on May 1, 2020, which modifies the previous Stay Home Order to allow construction and real estate activities to begin a week earlier. Accordingly, the following types of activities are permitted to resume **beginning May 7, 2020**, at 12:01 a.m.:

1. Workers who perform work that is traditionally and primarily performed outdoors, such as forestry workers, outdoor power equipment technicians, parking enforcement workers;

2. Workers in the construction industry, including workers in the building trades, such as plumbers, electricians, HVAC technicians;

3. Workers in the real-estate industry, including agents, appraisers, brokers, inspectors, surveyors, and the registers of deeds, subject to the following limitations:

   - ✓ Showings, inspections, appraisals, photography or videography, and final walk-throughs must be performed by appointment, and must be limited to no more than four people on the premises at any one time. In-person open houses are not permitted.

   - ✓ All private showings may only be arranged for owner-occupied homes, vacant homes, vacant land, commercial property, and industrial property.

4. Workers "necessary to the manufacture of goods that support workplace modification to forestall the spread of COVID-19 infections".

The above operations must abide by the social distancing and mitigation measures per the former Stay Home Order, namely:

- ✓ Gatherings of any size in which people cannot maintain six feet of distance from one another are barred.

- ✓ In-person interaction with customers must be limited to the maximum extent possible, and any such interaction must meet the six-feet distance requirements.

- ✓ Businesses must provide personal protective equipment for affected workers, such as gloves, goggles, face shields, and face masks as appropriate for the activity being performed.

- ✓ Businesses must adopt protocols to limit the sharing of tools and equipment to the maximum extent possible, and to ensure frequent and thorough cleaning of tools, equipment, and frequently touched surfaces.

The following are additional requirements imposed upon the construction industry. Construction businesses or operations must:

- ✓ Designate a site-specific supervisor to monitor and oversee the implementation of COVID-19 control strategies described above. The supervisor must remain on-site at all times during activities.
- ✓ Conduct a daily entry screening protocol for workers and visitors entering the worksite, including a questionnaire covering symptoms and exposure to people with possible COVID-19, and if possible, a temperature screening.
- ✓ Create dedicated entry point(s) at every worksite, if possible, for daily screening as provided above, or in the alternative issue stickers or other indicators to workers to show that they received a screening before entering the worksite that day.
- ✓ Require face shields or masks to be worn when workers cannot consistently maintain six feet of separation from others.
- ✓ Provide instructions for the distribution of personal protective equipment and designate on-site locations for soiled masks.
- ✓ Encourage or require the use of work gloves, as appropriate, to prevent skin contact with contaminated surfaces.
- ✓ Identify crowded and high-risk areas where workers must stand near one another and control their access and use so that social distancing is maintained.
- ✓ Ensure there are sufficient hand-washing or hand-sanitizing stations at the worksite to enable easy access.
- ✓ Notify contractors or owners of any confirmed COVID-19 cases among workers at the worksite.
- ✓ Restrict unnecessary movement between project sites.
- ✓ Create protocols for minimizing personal contact upon delivery of materials to the worksite.

The Governor's full Executive Order 2020-70 can be found at:

https://www.michigan.gov/whitmer/0,9309,7-387-90499_90705-527847--,00.html

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.