

**EXECUTIVE ORDER 2020-96 - STAY HOME ORDER REVISED;
EXECUTIVE ORDER 2020-97 - UPDATED WORKPLACE RULES**

On May 21, 2020, Governor Whitmer issued two new executive orders, permitting small gatherings, reopening auto dealerships and retail businesses by appointment, and authorizing nonessential medical, dental and veterinary procedures to resume.

1. **Effective immediately, state-wide, social gatherings of no more than 10 people are permitted** (but subject to social distancing).

2. Beginning 12:01 a.m. on **May 26, 2020, state-wide**, the following in-person work is permitted:

- Workers at **motor vehicle dealership showrooms**, but by appointment only;
- Workers necessary to perform "**retail activities**", but the customer retail area is to be open by appointment only and retail stores are limited to 10 customers at any one time.



"Retail activities" include "the selling of goods and the rendering of services incidental to the sale of the goods (e.g., any packaging and processing to allow for or facilitate the sale and delivery of the goods)", but excludes places of public accommodation that remain closed under E.O. 2020-69 (e.g. restaurants, bars [\[except as permitted in Regions 6 and 8\]](#), barbers/salons, gyms and entertainment venues)

3. The recent "Safeguards to protect Michigan's workers from COVID-19" (2020-91) are updated, state-wide, as follows:

- "An employer will allow employees with a confirmed or suspected case of COVID-19 to return to the workplace only after they are no longer infectious according to the latest guidelines from the Centers for Disease Control and Prevention ("CDC")" [\[find CDC Guidelines here\]](#).
- Restaurants and bars are no longer required to have an employee with a confirmed case of COVID-19 to have a doctor's written release to return to work, and should instead follow the guidelines set forth above.

4. **Non-essential medical and dental procedures and veterinary services may resume May 29**, state-wide, but all outpatient health-care facilities, including clinics, primary care physician offices, dental offices, and veterinary clinics, must comply with all of the following requirements:

- (a) Post signs at entrance(s) instructing patients to wear a face covering when inside.
- (b) Limit waiting-area occupancy to the number of individuals who can be present while staying six feet away from one another and ask patients, if possible, to wait in cars for their appointment to be called.

- (c) Mark waiting rooms to enable six feet of social distancing (e.g., by placing X's on the ground and/or removing seats in the waiting room).
- (d) Enable contactless sign-in (e.g., sign in on phone app) as soon as practicable.
- (e) Add special hours for highly vulnerable patients, including the elderly and those with chronic conditions.
- (f) Conduct a common screening protocol for all patients, including a temperature check and questions about COVID-19 symptoms.
- (g) Place hand sanitizer and face coverings at patient entrance(s).
- (h) Require employees to make proper use of personal protective equipment in accordance with guidance from the CDC and the U.S. Occupational Health and Safety Administration.
- (i) Require patients to wear a face covering when in the facility, except as necessary for identification or to facilitate an examination or procedure.
- (j) Install physical barriers at sign-in, temperature screening, or other service points that normally require personal interaction (e.g., plexiglass, cardboard, tables).
- (k) Employ telehealth and telemedicine to the greatest extent possible.
- (l) Limit the number of appointments to maintain social distancing and allow adequate time between appointments for cleaning.
- (m) Employ specialized procedures for patients with high temperatures or respiratory symptoms (e.g., special entrances, having them wait in their car) to avoid exposing other patients in the waiting room.
- (n) Deep clean examination rooms after patients with respiratory symptoms and clean rooms between all patients.
- (o) Establish procedures for building disinfection in accordance with CDC guidance if it is suspected that an employee or patient has COVID-19 or if there is a confirmed case.

The Governor's full Executive Order 2020-96 can be found at:

https://content.govdelivery.com/attachments/MIEOG/2020/05/21/file_attachments/1456636/EO%202020-96%20Emerg%20order%20-%20MI%20Safe%20Start%20-%20re-issue.pdf

The Governor's full Executive Order 2020-97 can be found at:

https://content.govdelivery.com/attachments/MIEOG/2020/05/21/file_attachments/1456637/EO%202020-97%20Emerg%20order%20-%20Workplace%20safeguards%20-%20re-issue.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](#).