

Executive Orders 2020-114 and 2020-115
Opening Additional Businesses and Modifying Workplace Safeguards



On June 5, Governor Whitmer issued Executive Orders 2020-114 and 2020-115, opening up additional businesses and modifying certain Workplace Safeguard regulations. Performances, events, gyms, theaters, large gatherings and places of amusement may reopen effective June 10 **for Regions 6 and 8 only** (Northern Michigan and U.P.), not statewide.

Key Provisions of Executive Order 2020-115:

Gatherings, Performances, and Events - for Regions 6 and 8 Only, Effective June 10

- **Social gatherings or organized events** among persons not part of the same household are permitted, but only to the extent that:
 - (1) Persons not part of the same household maintain six feet of distance from one another.
 - (2) If it is **indoors**, the gathering or event does not exceed **50 people**.
 - (3) If it is **outdoors**, the gathering or event does not exceed **250 people**.

(This section does not apply to any incidental gathering of persons in a shared space, including an airport, bus station, factory floor, restaurant, shopping mall, public pool, or workplace.)
- An arcade, bowling alley, cinema, climbing facility, convention center, performance space, meeting hall, night club, **sports arena, theater, or other similar venue may, if it is indoors, be open** to spectators or patrons, but only to the extent that it:
 - (1) Enables persons not part of the same household to maintain **six feet of distance** from one another at all times while in the venue.
 - (2) Limits the number of people in the venue to **25% of its maximum capacity or to 250**, whichever is smaller. (For purposes of the Order, each separate auditorium or screening room is a separate venue.)
- A concert space, race track, **sports arena, stadium, or other similar venue may, if it is outdoors, be open** to spectators or patrons, but only to the extent that it:
 - (1) Enables persons not part of the same household to maintain **six feet of distance** from one another at all times while in the venue.
 - (2) Limits the number of people in the venue to **25% of its maximum capacity or to 500**, whichever is smaller.
- **Sporting facilities, entertainment venues, fitness centers and gyms may reopen** subject to the restrictions set forth above, and the specific regulations set forth in

Executive Order 2020-114. (Note: outdoor fitness classes, athletic practices, training sessions and games are permitted statewide per an earlier Executive Order, subject to social distancing.)

Personal Care Services (Salons and Barbers) - Statewide - Effective June 15 (Regions 6 and 8 only - Effective June 10)

- Personal care services including **barbers, hair and nail salons may reopen statewide, effective June 15** (June 10 in Regions 6 and 8). In addition to the standard workplace safeguard requirements set forth in E. O. 2020-114 (discussed below), there are **specific additional or different requirements imposed upon these businesses.**



Regions 6 and 8 Only Move to Stage 5 - Effective June 10

- **Regions 6 and 8** will move to "Stage 5" of the *Michigan Safe Start Plan*, and as a result, all businesses in those Regions may **open**, but remain subject to the rules set forth in E.O. 2020-115.

Key Provisions of Executive Order 2020-114:

Updated Workplace Safeguard Requirements

- **For offices and every type of workplace**, all work "that can be performed remotely **should be performed remotely**". This is a change from the prior rule that *required* such work to be performed remotely.
- A few changes were made to the existing Workplace Safeguard rules in Executive Order 2020-97:
 - In the event an employee has a confirmed case of COVID-19, a workplace must **immediately** notify the local health department.
 - An employer may 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 CDC](#) (and, if applicable, they are released from any quarantine or isolation by the local public health department).
 - For all offices, **virtual meetings should be used whenever possible.**
 - For **bars and restaurants**, there are updated guidelines set forth in the order.

Key Safeguards that Remain in Effect

- Everyone leaving his or her home, to conduct the "resumed activities" or for any other purpose, is **still required to maintain social distancing** recommended by the CDC (e.g., remain six feet away from individuals from outside the person's household), whether inside or outside, and is **still required to wear a face covering while in any enclosed public space** (unless the person is unable to medically tolerate a face

covering). Businesses and building owners may refuse entry to any person not wearing a face covering, without being subject to the typical claims for denying entry or access.

- **All workplaces that open continue to be subject to the *extensive* Workplace Safeguard regulations now contained in Executive Order 2020-114** ([see our previous article](#) regarding the prior versions of the workplace safeguards, which remain substantially the same).

The Governor's full Executive Order 2020-114 can be found at:

https://content.govdelivery.com/attachments/MIEOG/2020/06/05/file_attachments/1467520/EO%202020-114.pdf

The Governor's full Executive Order 2020-115 can be found at:

https://content.govdelivery.com/attachments/MIEOG/2020/06/05/file_attachments/1467521/EO%202020-115.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](#).