

## **Critical Update for Employers: Gyms, Pools and Organized Sports Can Reopen; Updated Workplace Guidelines**

On September 3, 2020, Governor Whitmer issued two more executive orders affecting employers. Executive Order 2020-176 updates the "Safe Start" plan, replaces Executive Order 160, allows organized sports to resume and permits gyms, fitness centers and indoor pools to open with restrictions. Executive Order 2020-175 updates the "Safeguards to protect Michigan's workers from COVID-19", replaces Executive Order 161, and includes requirements for newly reopened gyms, exercise facilities and pools.



Also, the **remote work** standard, which had been softened to "**should**", is now back to "**must**" be performed remotely. The Order states "[e]xcept in Regions 6 and 8 [Up North], any work capable of being performed remotely (i.e., without the worker leaving his or her home or place of residence) must be performed remotely. Although not required, in Regions 6 and 8, any work capable of being performed remotely should be performed remotely."

Beginning September 9, **indoor gymnasiums, fitness centers, recreation centers, sports facilities, exercise facilities, and exercise studios are permitted to reopen**, subject to the workplace guidelines set forth in E.O. 2020-175. The guidelines limit gyms, exercise facilities, and other indoor recreation facilities to **25% of the total occupancy limits** established by the fire marshal. Also, patrons must wear face coverings at all times, except when swimming.

With the exception of Regions 6 and 8, indoor and outdoor services or facilities involving close contact of persons, for amusement or other recreational or entertainment purposes (such as amusement parks, arcades, bingo halls, bowling alleys, indoor climbing facilities, indoor dance areas, roller rinks, ice rinks, trampoline parks, carnivals and waterparks) must remain closed. However, bowling alleys and indoor rinks may be open solely for serving as a venue for organized sports.

**Organized sports** (defined as "competitive athletic activity requiring skill or physical prowess and organized by an institution or association that sets and enforces rules to ensure the physical health and safety of all participants") for both indoors and outdoors are permitted to occur but with many restrictions set in place, including for audiences. In addition, sports organizers should follow the [Public Guidance For Contact Sports](#) issued by the Michigan Department of Health and Human Services.

The Order also clarifies that the restrictions on the number of people permitted to attend a gathering (10 people inside/100 people outside) applies to workplace gatherings and events (including meetings and trainings), but, as before, does not apply to "incidental gatherings" such as a factory floor or other workplace areas.

Click here to read [Executive Order 2020-175](#) for the current workplace guidelines.

Click here to read [Executive Order 2020-176](#) for the current COVID-19-related restrictions for businesses.

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](#).