

MDHHS Issues Updated Emergency Order

On October 9, 2020, the Michigan Department of Health and Human Services ("MDHHS") issued an update to its October 5, 2020 Emergency Order, which is effective immediately and expands the original Order to include employer and workplace requirements. This Emergency Order is more concise than the Governor's previous series of Executive Orders, but contains many of the same restrictions regarding workplace social distancing and face covering requirements.



Requirements for all employers and workplaces

- **Workplace gatherings** (i.e., "any occurrence where two or more persons from more than one household are present in a shared space") may **only** be conducted or permitted **if** the following requirements are met:
 - The gathering is **necessary** to perform job duties (except in Region 6);
 - Employees wear **face coverings when unable to maintain six feet of distance** from others and when in common areas such as hallways, restrooms and conference rooms; and
 - **No participant** is experiencing **COVID-19** symptoms or is subject to a CDC, health care provider or public health department recommendation to isolate or quarantine.
- All businesses should continue to conduct **daily screening** protocols for all employees or contractors entering the workplace.
- All persons who have been instructed to **isolate or quarantine** consistent with CDC guidance, have been instructed to remain home by a health or public health professional, or who are awaiting a COVID-19 test or the results of a COVID-19 test after having symptoms of COVID-19, must not be present at the workplace until the employee is advised by a health or public health professional that they may return to work, or the following conditions are met: (1) 24 hours have passed since the resolution of fever without the use of fever-reducing medications; and (2) 10 days have passed since their symptoms first appeared or since they were administered a COVID-19 test that yielded the positive result, if applicable; and (3) other symptoms have improved.

Businesses that have waiting rooms (such as health-care facilities and clinics) must ensure patrons maintain six feet of distance. A policy that has patrons wait in their cars is preferable.



The following businesses must maintain records of date and time of entry, names of patrons and contact information to aid with contract tracing:

- Personal care services, including barbers and hair salons
- Sports and entertainment facilities and venues, including cinemas, theaters and amusement parks
- Gyms, fitness and recreation centers
- Businesses that provide in-home services

If a patron refuses to provide at least their name and phone number, the business should deny entry/service for that patron.

The Emergency Order also contains rules regarding restaurant and retail establishments, entertainment venues, and sports and exercise facilities that are concisely described in the [MDHHS Epidemic Order Oct. 9 Notice](#) (it does not cover the above workplace guidelines).

You can review the full [Emergency Order here](#).

Finally, **local governments** may issue orders as well. [Wayne County](#) and [Detroit](#) have each issued health orders adopting in large part the voided Executive Orders and providing for some additional restrictions.

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](#).