

CLIENT ALERT

March 24, 2020

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COVID-19 UPDATE

MICHIGAN GOVERNOR ISSUES STAY-AT-HOME ORDER

by Angelina Irvine

On Monday, March 23, 2020, Michigan Governor Gretchen Whitmer issued a statewide stay-at-home order to fight the ongoing coronavirus outbreak. The executive order, effective at 12:01 am on Tuesday, March 24, 2020, will continue for at least the next three weeks.

Individuals may only leave their home or place of residence under very limited circumstances. Businesses must determine which of their workers are necessary to conduct minimum basic operations and inform such workers of that designation.

Dickinson Wright attorneys are working hard to assist our clients navigate the challenges created by the coronavirus pandemic. During these unprecedented circumstances, our attorneys are creating a database with articles, blogs and other information on legal issues affecting our clients regarding the Coronavirus (COVID-19). We are continuously keeping this list updated as materials are being produced. The database can be found here:

<https://www.dickinson-wright.com/news-alerts/coronavirus-related-article-and-blogs>

If you have any questions, please reach out to your Dickinson Wright attorney or contact Dickinson Wright at COVID19info@Dickinson-Wright.com.

Executive Order No. 2020-21

Starting: March 24, 2020 at 12:01 a.m.

Ends: April 13, 2020 at 11:50 p.m.

The Order is to be "construed broadly to prohibit in-person work that is not necessary to sustain or protect life."

In general, all individuals living in Michigan are ordered to stay at home. All gatherings of any number involving individuals from more than one household are prohibited. Anyone who leaves their home must remain at least 6 feet from any person who is not in their household to the greatest extent possible.

Businesses must cease all in-person operations except to the extent that certain workers are:

- **(1) necessary to sustain or protect life, or;**
- **(2) to conduct minimum basic operations.**
- Workers **necessary to sustain or protect life** – "critical infrastructure workers"

- Critical infrastructure workers are those described in the U.S. CISA 3/19/20 guidance.¹
- This includes some workers in:
 - Health care and public health
 - Law enforcement, public safety, and first responders
 - Food and agriculture
 - Energy
 - Water and wastewater
 - Transportation and logistics
 - Public works
 - Communications and IT, including news media
 - Other community-based government operations and essential functions
 - Critical manufacturing
 - Hazardous materials
 - Financial services
 - Chemical supply chains and safety
 - Defense industrial base
 - Child care workers (only as necessary to serve the children of critical infrastructure workers)
 - Insurance industry (only to the extent the work cannot be done remotely)
 - Workers and volunteers for operations that provide food, shelter, and other necessities for economically disadvantaged or otherwise needy persons
 - Workers who perform critical labor union functions (work should be done remotely where possible)
 - Workers at designated suppliers and distribution centers:
- A business employing critical infrastructure workers may designate suppliers, distribution centers, and service providers whose continued operation is necessary for the work of the critical infrastructure workers.
- Those designated suppliers, distribution centers, and service providers can, in turn, designate workers as critical infrastructure workers when those workers are necessary for the work of the original business's critical infrastructure workers.
- Designated suppliers, distribution centers, and service providers can, in turn, designate additional suppliers, distribution centers, and service providers whose continued operation is necessary for the work of their critical infrastructure workers.
- Such additional suppliers, distribution centers, and service providers may designate workers as critical infrastructure workers only to the extent those workers are necessary to enable, support, or facilitate the work of the critical infrastructure workers at the supplier, distribution center, or service provider that has designated them.
- All of these designations must be in writing, but can be oral until March 31, 2020 at 11:59 p.m.

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- Businesses that employ critical infrastructure workers must designate which workers are critical infrastructure workers and inform these workers that they have been designated as such.
- These designations must be in writing (e-mail, public website, etc.), but can be oral until March 31, 2020 at 11:59 p.m.
- Business need not designate:
 - Health care and public health workers
 - Workers performing **necessary government activities** (*1 – necessary to sustain or protect life, 2 – necessary to support businesses and operations that are necessary to sustain or protect life, or 3 – necessary to conduct minimum basic government operations*)
 - Critical infrastructure workers
 - Law enforcement
 - Public safety
 - First responders
 - Public transit
 - Trash pick-up and disposal
 - Overseeing elections
 - Maintenance of safe and sanitary public parks
- Workers and volunteers of operations providing food, shelter, and other necessities for economically disadvantaged or otherwise needy individuals
- **In-person activities that are not necessary to sustain or protect life must still be suspended.**
- Workers who are **necessary to conduct minimum basic operations** are those whose in-person presence is strictly necessary to:
 - maintain the value of inventory and equipment;
 - care for animals;
 - ensure security;
 - process transactions (including payroll and employee benefits); or
 - facilitate the ability of other workers to work remotely.

Business must designate which workers are necessary to conduct minimum basic operations and inform these workers that they have been designated as such.

- These designations must be in writing (e-mail, public website, etc.), but can be oral until March 31, 2020 at 11:59 p.m.

In all cases, any in-person operations must adopt social distancing and mitigation measures:

- Only have workers on-site that are strictly necessary to perform (1) critical infrastructure functions or (2) necessary minimum basic operations
- Promote remote work as much as possible
- Workers and patrons must be at least 6 feet from each other as much as possible
 - Includes customers in line
- Increase facility cleaning and disinfecting
 - Develop protocols regarding cleaning and disinfecting in the event of a COVID-19 case in the workplace
- Adopt policies to prevent workers with symptoms or who have had contact with known or suspected COVID-19 from entering the workplace
- Any other measures recommended by the CDC

Other Exceptions:

In addition to leaving the home to perform work as critical infrastructure workers or workers necessary to conduct minimum basic operations, individuals may also leave the home **as necessary**:

- To engage in outdoor activity (*must remain at least 6 feet from anyone not in the individual's household*)
- To perform tasks necessary to their health and safety and the health and safety of their family or household members (including pets).
 - Secure medication, seek medical or dental care necessary to address a medical emergency or preserve health and safety
 - Obtain necessary services and supplies for themselves, their family or household members, and their vehicles, such as groceries, take-out food, gas, medical supplies, and other basic safety, sanitation, and home products (*should secure services and supplies via delivery as much as possible*)
- To care for a family member or a family member's pet in another household
- To care for minors, dependents, the elderly, persons with disabilities, or other vulnerable persons
- To visit an individual under the care of a health care facility, residential care facility, or congregate care facility
- To attend legal proceedings or hearings for essential or emergency purposes as ordered by a court
- To work or volunteer for businesses or operations that provide food, shelter, and other necessities of life for economically disadvantaged or otherwise needy individuals

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- To travel:
 - Home to Michigan from outside Michigan
 - To leave Michigan for a home or residence outside Michigan
 - Between two residences in Michigan
 - As required by law enforcement or a court order (including transporting children pursuant to a custody agreement)

¹ <https://www.cisa.gov/sites/default/files/publications/CISA-Guidance-on-Essential-Critical-Infrastructure-Workers-1-20-508c.pdf>

This client alert is published by Dickinson Wright PLLC to inform our clients and friends of important developments in COVID-19. The foregoing content is informational only and does not constitute legal or professional advice. We encourage you to consult a Dickinson Wright attorney if you have specific questions relating to any of the topics covered.

ADDITIONAL RESOURCES:

- [Employers' Top 10 Burning Questions About the Families First Coronavirus Response Act Answered](#)
- [CORONAVIRUS \(COVID-19\) PRECAUTIONS FOR EMPLOYERS | 新型冠状病毒疫情雇主需注意事项](#)
- [Contractors: Are You Protected From The Coronavirus Infecting The Project Schedule?](#)
- [Coronavirus \(COVID-19\) Precautions for Employers](#)
- [High Deductible Health Plans and Expenses Related to COVID-19](#)
- [Michigan and Ohio Have Issued New Unemployment Rules Relating to COVID-19](#)
- [Pandemic Workplace Response: Now What?](#)
- [Update on Coronavirus: Travel Restrictions and Quarantine Now Extended to Certain Travelers from Iran](#)
- [ESTA Cancellation Risks and the Schengen Travel Presidential Proclamation](#)
- [Treasury Secretary Announces Extension of Time to Make Tax Payments](#)
- [SBA COVID-19 Economic Injury Disaster Loan Program](#)
- [Employer Actions for 401\(K\) Plans Sickened by Coronavirus](#)
- [Estate Planning Amidst the Coronavirus Pandemic](#)
- [FAQS Regarding the Coronavirus and Health Care Providers](#)
- [DHS Announces Remote I-9 Completion and Suspension of Audit Responses Due to Covid-19](#)