

Michigan: Gradual Reopening of Businesses

By Marlo Johnson Roebuck and Linda L. Ryan

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To gradually reopen businesses in the state while continuing to slow the spread of COVID-19 in Michigan, Governor Gretchen Whitmer's Executive Order (EO) [2020-59](#) would permit *some* businesses to resume operations if they meet certain, substantial requirements.

EO 2020-59, issued on April 24, 2020, went into effective immediately, subject to certain additional protections that will become effective on April 26, 2020 at 11:59 p.m. (EO 2020-59 rescinds EO 2020-42, which suspended many business operations.) Except as noted, all previous restrictions remain in effect until May 15, 2020.

New Requirements for Employers, Public Effective April 26, 2020, 11:59 p.m.

The following requirements affect businesses and individuals:

- Every person able to medically tolerate a face covering must wear one that covers both nose and mouth (such as a mask, scarf, bandana, or handkerchief) when in any enclosed public space;
- All businesses and operations whose workers perform in-person work, at a minimum, must provide non-medical-grade face coverings to their workers; and
- Anti-discrimination provisions of the Michigan Elliott-Larsen Civil Rights Act apply in full force to persons wearing masks.

Resumed Business Activities

Workers who perform the following services may resume work, subject to enhanced social distancing rules:

- Workers who process or fulfill remote orders for goods for delivery or curbside pick-up;
- Workers who perform bicycle maintenance or repair;
- Workers for garden stores, nurseries, and lawn care, pest control, and landscaping operations (this also allows big box stores selling such supplies to reopen those areas of the facility);
- Maintenance workers and groundskeepers necessary to maintain the safety and sanitation of places of outdoor recreation not closed under Executive Order 2020-43;
- Workers for moving or storage operations; and
- Businesses that do not sell necessary supplies may sell any good through remote sales by delivery or at the curbside, but must otherwise remain closed to the public.

Required Measures to Protect Workers

For workers whose in-person presence is necessary, businesses operations must:

- Provide personal protective equipment such as gloves, goggles, face shields, and face masks appropriate for the activity being performed;
- Bar any gatherings of any size in which people cannot maintain six feet of distance from one another;
- Limit in-person interaction with clients and patrons to the maximum extent possible, and bar all interactions in which people cannot maintain six feet of distance from one another;
- Provide personal protective equipment such as gloves, goggles, face shields, and face masks appropriate for the activity being performed;
- Adopt protocols to limit the sharing of tools and equipment to the maximum extent possible and to ensure frequent and thorough cleaning of tools, equipment, and frequently touched surfaces;
- If open to customers, explore alternatives to lines, including allowing customers to wait in their cars for a text message or phone call; and

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- Adhere to any other social distancing practices and mitigation efforts recommended by the Centers for Disease Control and Prevention (CDC).

Resumed Non-Business Activities

Michigan residents may resume:

- Visits to an individual under the care of a healthcare facility, residential care facility, or congregate care facility, to the extent otherwise permitted;
- Attending funerals and addiction recovery mutual aid societies, provided that not more than 10 people are in attendance; and
- Travel between two residences in Michigan.

New Requirements for Public

Every person able to medically tolerate a face covering must wear one that covers both nose and mouth, such as a mask, scarf, bandana, or handkerchief, when in any enclosed public space.

Jackson Lewis has a dedicated team tracking and responding to the developing issues facing employers as a result of COVID-19. Please contact a team member or the Jackson Lewis attorney with whom you regularly work if you have questions or need assistance.

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