

Michigan Governor Issues ‘Stay Home’ Order Effective March 24

By Marlo Johnson Roebuck &

March 23, 2020

Meet the Authors



Marlo Johnson Roebuck

(She/Her)

Principal

(248) 936-1928

Marlo.Roebuck@jacksonlewis.com

Related Services

COVID-19

Disability, Leave and Health
Management

Workplace Safety and Health

Michigan Governor Gretchen Whitmer issued [Executive Order No. 2020-21](#), requiring nonessential businesses and organizations to close their physical workspaces and facilities to customers, most workers, and the public beginning 12:01 a.m. on March 24, 2020. This Order, issued on March 23, 2020, came days 13 after Governor Whitmer declared a state of emergency across the state due to the coronavirus (COVID-19).

Under the Executive Order, “[n]o person or entity shall operate a business or conduct operations that require workers to leave their homes or places of residence except to the extent that those workers are necessary to sustain or protect life or to conduct minimum basic operations.”

The Order takes effect at 12:01 a.m. on March 24, 2020, and (unless otherwise amended or rescinded) will remain in effect until 11:59 p.m. on April 13, 2020.

With respect to employers, the Order provides two exceptions to the worker “stay-home” requirement. First, workers who “are necessary to sustain or protect life,” which are defined as “critical infrastructure workers,” will be permitted to report to work outside of their homes. In defining “critical infrastructure workers,” the Order expressly incorporates and relies on the [guidance of the Director of the U.S. Cybersecurity and Infrastructure Security Agency](#) as issued on March 19, 2020. Workforce sectors that are in the “critical infrastructure” definition include healthcare and public health, law enforcement, food and agriculture, energy, water and wastewater, transportation and logistics, public works, communications and information technology, critical manufacturing, hazardous materials, financial services, chemical supply chains and safety, and defense industrial base.

Second, regardless of whether a company employs workers who fall within the definition of “critical infrastructure workers,” the Order provides an exception for workers who are “necessary to conduct minimum basic operations.” This category of workers is defined as “those whose in-person presence is strictly necessary to allow the business or operation 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.”

Any employer who intends to require certain workers to report to work under either exception must satisfy certain legal requirements. First, and with certain exceptions, employers must identify and designate the workers deemed “necessary to conduct minimum basic operations” or “critical infrastructure workers.” Employers must notify employees of the designations. All such designations must be made in “writing, whether by electronic message, public website, or other appropriate means,” although they may be made orally until March 31, 2020, at 11:59 p.m. Second, any business that maintains “in-person activities” under the exceptions are required to “adopt social distancing practices and other mitigation measures to protect workers and patrons.” The Order identifies

certain non-exhaustive measures that “must” be taken.

Notwithstanding the terms of Executive Order No. 2020-21, virtually all businesses providing non-essential services and goods, including recreational services and non-essential consumer goods, remain closed to the public under [Executive Order No. 2020-20](#). Governor Whitmer issued Executive Order No. 2020-20 on March 21, 2020.

Jackson Lewis has a dedicated team tracking and responding to the developing issues facing employers in this difficult time. If you need guidance in handling the complicated issues pertaining to COVID-19, contact a Jackson Lewis attorney to discuss.

©2020 Jackson Lewis P.C. This material is provided for informational purposes only. It is not intended to constitute legal advice nor does it create a client-lawyer relationship between Jackson Lewis and any recipient. Recipients should consult with counsel before taking any actions based on the information contained within this material. This material may be considered attorney advertising in some jurisdictions. Prior results do not guarantee a similar outcome.

Focused on employment and labor law since 1958, Jackson Lewis P.C.'s 1,000+ attorneys located in major cities nationwide consistently identify and respond to new ways workplace law intersects business. We help employers develop proactive strategies, strong policies and business-oriented solutions to cultivate high-functioning workforces that are engaged and stable, and share our clients' goals to emphasize belonging and respect for the contributions of every employee. For more information, visit <https://www.jacksonlewis.com>.