

Michigan Extends ‘Stay Home’ Order, but Allows Manufacturing to Resume

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Consistent with her goal 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) [2020-77](#) permits *some* businesses to resume operations if they meet certain, substantial requirements and provides that the “Stay Home” Order will remain in effect until May 28, 2020.

Governor Whitmer’s Office also revealed her [“MI Safe Start. A Plan to Re-Engage Michigan’s Economy.”](#) The Plan separates Michigan into eight regions and details six phases of the COVID-19 pandemic (“Uncontrolled growth,” “Persistent spread,” “Flattening,” “Improving,” “Containing,” and “Post-pandemic”) in the state and the correlating restrictions with each phase. Except as noted below, all previous restrictions remain in effect until May 28, 2020.

Resume Business Activities

Beginning May 7, 2020, workers who perform the following services may resume work, including workers at suppliers, distribution centers, and service providers whose in-person presence is necessary to enable, support, or facilitate another business’s or operation’s resumed work, subject to the following:

- Workers necessary to train, credential, and license first responders and healthcare workers, provided that as much instruction as possible is provided remotely;
- Workers in the real estate industry (subject to heightened social distancing rules);
- Workers who perform work that is traditionally and primarily performed outdoors; and
- Workers in the construction industry, including workers in the building trades (subject to additional restrictions).

Requirements for Manufacturing Facilities Resuming Business Activities

Effective May 7, 2020, workers necessary to perform start-up activities at manufacturing facilities, including activities necessary to prepare the facilities to follow the workplace safeguards described below, are allowed to resume work.

Effective May 11, 2020, workers necessary to perform manufacturing activities, subject to restrictions, may resume work. Key restrictions include the following:

- Conduct a daily entry screening protocol for workers, contractors, suppliers, and any other individuals entering the facility.
- Create dedicated entry point(s) at every facility for daily screening and ensure physical barriers are in place to prevent anyone from bypassing the screening.
- Suspend all non-essential in-person visits.

- Train workers on, at a minimum:
 - Routes by which the virus causing COVID-19 is transmitted from person to person.
 - Distance that the virus can travel in the air, as well as the time it remains viable in the air and on environmental surfaces.
 - Symptoms of COVID-19.
 - Steps the worker must take to notify the business or operation of any symptoms of COVID-19 or a suspected or confirmed diagnosis of COVID-19.
 - Measures that the facility is taking to prevent worker exposure to the virus.
 - Rules that the worker must follow in order to prevent exposure to and spread of the virus.
 - The use of personal protective equipment.
- Reduce congestion in common spaces wherever practicable.
- Implement rotational shift schedules where possible to reduce the number of workers in the facility at the same time.
- Stagger start times and meal times.
- Install temporary physical barriers, where practicable, between workstations and cafeteria tables.
- Create protocols for minimizing personal contact upon delivery of materials to the facility.
- Adopt protocols to limit the sharing of tools and equipment to the maximum extent possible.
- Frequently and thoroughly clean and disinfect high-touch surfaces.
- Ensure there are sufficient handwashing or hand-sanitizing stations at the worksite and discontinue use of hand dryers.
- Notify plant leaders and potentially exposed individuals upon identification of a positive case of COVID-19 in the facility, as well as maintain a central log for symptomatic workers or workers who received a positive test for COVID-19.
- Send potentially exposed individuals home upon identification of a positive case of COVID-19 in the facility.
- Encourage workers to self-report to plant leaders as soon as possible after developing symptoms of COVID-19.
- Shut areas of the manufacturing facility for cleaning and disinfection, as necessary, if a worker goes home because they are displaying symptoms of COVID-19.

EO 2020-77 requires the creation and implication of safety-related policies and Jackson Lewis attorneys can assist with drafting those policies. In addition, 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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