



MEMORANDUM

RE: COVID-19
State of Michigan Executive Order No. 2020-21
Issued: March 23, 2020
Effective: March 24, 2020 at 12:01 a.m. - April 13, 2020 at 11:59 p.m.

The Governor issued Executive Order 2020-21 on March 23, 2020. This Order generally prohibits in-person work for the next three weeks, with certain exceptions. These exceptions are dependent on the kind of work each employee performs, and include certain service providers and suppliers necessary for critical infrastructure employees to perform their work. The rules for businesses and individuals are outlined below.

1. Business Restrictions and Obligations.

No person or company may operate a business or conduct operations that require workers to leave their home or place of residence except to the extent those workers are necessary (i) to sustain or protect life (designated as *Critical Infrastructure Workers*), or (ii) to conduct minimum basic operations. These two categories of allowed in-person workers are described as follows:

- A. *Critical Infrastructure Workers*. These include 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 information technology
 - Government operations
 - Critical manufacturing
 - Hazardous materials
 - Financial Services
 - Chemical supply chains and safety

- Defense industrial base
- Workers described in the Federal COVID-19 guidance document, dated March 19, 2020, which include many construction workers, such as workers on dams, locks, levees, roads and bridges, water and sewer mains, buried utilities, and residential plumbers, electricians, exterminators, and other service providers needed for the “essential operation of residences.”

B. *Minimum Basic Operations*. These are employees strictly necessary to:

- Maintain the value of inventory and equipment
- Care for animals
- Ensure security
- Process transactions (including payroll and benefits)
- Facilitate workers to work remotely
- These workers must be designated and informed by their employer, orally until March 31, and in writing thereafter. The writing may be an email, on an employer’s website, or other appropriate means.

C. Employers with in-person workers must adopt social distancing policies and other practices to protect workers and patrons.

D. While there is no general construction industry exception, suppliers and service providers for *Critical Infrastructure Employers* are also excepted if they enable, support, or facilitate the work. Such suppliers and service providers must be designated by the *Critical Infrastructure Employer* orally until March 31, or in writing thereafter. If a contractor or supplier is working on a project for a *Critical Infrastructure Employer*, they should request designation by email in order to keep working.

2. Individual Prohibitions.

Subject to certain enumerated exceptions, all individuals living in Michigan are ordered to stay at home or their place of residence. All public and private gatherings of *any* number of people who are not part of a single household are prohibited.

All individuals who leave home must adhere to CDC guidance on social distancing, including remaining 6 feet from people outside their household “to the extent feasible.”

Individuals may leave their homes and travel as follows:

- A. To engage in outdoor activities such as walking, hiking, running, cycling, or other recreational activity, subject to social distancing requirements.
- B. To perform their jobs if designated by their employers as *critical infrastructure* employees.
- C. To work as *minimum basic operations* employees if designated by their employers.

- D. To perform *necessary government activities*.
- E. To perform health and safety tasks for their household or family, including picking-up medications, seeking emergency medical or dental care for themselves or a family member.
- F. To get groceries, take-out food, gasoline, medical supplies, and other products necessary to maintain the safety, health and basic operation of the household.
- G. To care for a family member or family pet in another household.
- H. To care for minors, dependents the elderly, and persons with disabilities or vulnerable persons.
- I. To visit an individual in an individual, residential or group health care facility.
- J. To attend legal proceedings.
- K. To work or volunteer for a organizations that provide food, shelter and other necessities of life for individuals who are economically disadvantaged, needy, or disabled.
- L. To return home from out-of-state, to leave Michigan for a home elsewhere, to travel between two residences in Michigan, or as required by a court order, including a child custody agreement.

A willful violation of the Executive Order is a criminal misdemeanor.

Please contact Jeffrey S. Theuer with any questions at jstheuer@loomislaw.com