
Michigan Stay at Home Order

On March 23, 2020, Governor Whitmer issued Executive Order 2020-21 that, with certain exceptions, requires all individuals currently living within Michigan to stay at home or at their place of residence, prohibits in-person work that is not necessary to sustain or protect life, and prohibits all public and private gatherings of any number of people occurring among persons not part of a single household. The Executive Order is set to take effect on Tuesday, March 24, 2020 at 12:01 a.m. and will continue until April 13, 2020 at 11:59 p.m. Schools will remain closed for the same time period.

When construing Executive Order 2020-21, the definitions and exceptions should be construed in favor of prohibiting in-person work that is not necessary to sustain or protect life.

WORKERS ARE NOT PERMITTED TO LEAVE THEIR HOMES OR PLACES OF RESIDENCE FOR BUSINESS PURPOSES UNLESS THEY ARE: (1) “CRITICAL INFRASTRUCTURE WORKERS” OR (2) NECESSARY TO CONDUCT MINIMUM BASIC OPERATIONS OF A BUSINESS

EMPLOYERS MUST DESIGNATE THOSE INDIVIDUALS WHO ARE CRITICAL INFRASTRUCTURE WORKERS OR NECESSARY TO CONDUCT THEIR MINIMUM BASIC OPERATIONS, WITH SOME EXCEPTIONS. EMPLOYERS MUST INFORM SUCH WORKERS OF THE DESIGNATION ORALLY UNTIL MARCH 31ST OR OTHERWISE IN WRITING (INCLUDING PUBLIC WEBSITE, ELECTRONIC MESSAGE, OR OTHER APPROPRIATE MEANS).

Critical Infrastructure Workers

Employers may require critical employees to work during this time period. Critical employees are those that are necessary to sustain and protect life. These “critical infrastructure workers” include workers according to the order available here, including some workers in each of the following sectors:

- a. Health care and public health.
- b. Law enforcement, public safety, and first responders.
- c. Food and agriculture.

-
- d. Energy.
 - e. Water and wastewater.
 - f. Transportation and logistics.
 - g. Public works.
 - h. Communications and information technology, including news media.
 - i. Other community-based government operations and essential functions.
 - j. Critical manufacturing.
 - k. Hazardous materials.
 - l. Financial services.
 - m. Chemical supply chains and safety.
 - n. Defense industrial base.

The Executive Order also includes in the definition of “critical infrastructure workers”:

- a. Childcare workers but only to the extent necessary to serve the children or dependents of critical infrastructure workers as defined above.
- b. Workers at suppliers, distribution centers, or service providers who have are necessary to enable, support, or facilitate the work of critical infrastructure workers, as designated by the business or operation employing such critical infrastructure workers.
- c. Workers in the insurance industry, but only to the extent that their work cannot be done by telephone or remotely.
- d. Workers and volunteers for businesses or operations (including both and religious and secular nonprofit organizations) that provide food, shelter, and other necessities of life for economically disadvantaged or otherwise needy individuals, individuals who need assistance as a result of this emergency, and people with disabilities.
- e. Workers who perform critical labor union functions, including those who administer health and welfare funds and those who monitor the well-being and safety of union members who are critical infrastructure workers, provided that any administration or monitoring should be done by telephone or remotely where possible.

The above critical infrastructure workers must be designated (and provided

requisite notice orally until March 31, 2020 or in writing), except for workers in health care and public health, workers who perform necessary government activities, and workers and volunteers as described in subsection (d) above.

Minimum Basic Operations Workers

Workers who are necessary to conduct minimum basic operations, and thereby permitted to go to work, include 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.

All Businesses that Remain Open Must Practice Social Distancing and Reduce Staff as Practicable.

Critical businesses that may stay open are still required to practice social distancing when practicable. Business should be advising their essential workers of this limitation, along with other mitigation efforts (e.g., reducing the number of workers on premises to no more than strictly necessary to perform critical infrastructure functions; promoting remote work to the fullest extent possible; increasing cleaning and disinfection of facility and adopting protocols to clean and disinfect the workplace; adopting policies to prevent entry of anyone displaying respiratory symptoms or having had contact with person known or suspected to have COVID-19).

MICHIGAN RESIDENTS ARE ORDERED TO STAY HOME

Subject to certain exceptions, all individuals currently living within the State of Michigan are ordered to stay at home or at their place of residence. Subject to the same exceptions noted above, all public and private gatherings of any number of people occurring among persons not part of a single household are prohibited.

Residents may leave their residence to:

1. Engage in outdoor activity, six feet from any individual who is not a member of that person's household.
2. Perform jobs as critical infrastructure workers, as designated by employers.
3. To conduct minimum basic operations, as designated by employers.

-
4. To perform necessary government activities.
 5. To perform tasks necessary for their health and safety or for the health and safety of their family or household members.
 6. To obtain necessary services or supplies (utilizing delivery to the maximum extent possible). As needed, individuals may leave home to purchase groceries, take-out food, gasoline, needed medical supplies, and any other products necessary to maintain the safety, sanitation, and basic operation of their residences.
 7. To care for a family member or a family member's pet in another household.
 8. To care for minors, dependents, the elderly, person with disabilities, or other vulnerable people.
 9. To visit an individual under the care of a health care facility.
 10. To attend legal proceedings as ordered by the court.
 11. To work or volunteer for businesses or operations (religious and secular non-profits) that provide food, shelter, and other necessities of life for economically disadvantaged or otherwise needy individuals, individuals who need assistance as a result of this emergency, and people with disabilities.
 12. To return to a home or place of residence outside this state.
 13. To travel between two residences of this state.
 14. As required by law enforcement or court order, including transportation of children pursuant to a custody agreement.

Anyone who willfully violates this Executive Order can be charged with a misdemeanor.