
Michigan Stay-At-Home Order: Necessary Employee Letters

By Corinne S. Rockoff

Michigan's recent Executive Order 2020-21, released on March 23, 2020 is the most sweeping order to date in the state's efforts to combat the spread of COVID-19. It requires that generally all individuals in Michigan are to remain at home, with a few limited exceptions. One key exception is provided for workers necessary to "conduct minimum basic operations."

This category of necessary employees is significantly limited, and businesses are required to determine which of their employees are designated as "necessary" under its terms. These employees must be made aware of their necessary status immediately, and by Wednesday, April 1, 2020, those necessary employees must be designated in writing. Options for this designation include a letter that employees may carry and publish online, but compliance with the order must be stated in writing.

While we have yet to see this order enforced in Michigan, reports from states with similar orders tell us that law enforcement officers have approached employees on the job and requested that they produce their letters designating them as necessary. We can't be certain how enforcement will stack up here in Michigan, but with the outbreak continuing to grow, we can only expect that law enforcement will take this order seriously. The Michigan order provides that each violation of its terms is a misdemeanor, punishable by a \$500 fine and/or up to 90 days in jail.

Michigan State Police representatives have stated that businesses may not only be subject to fines, but can also incur other consequences for failing to follow this order. These consequences include loss of state-provided licenses the business may currently hold and reports to the state attorney general's office.

The cost of this pandemic is already significant, and Maddin Hauser attorneys are available to ensure that businesses avoid costly fines by staying compliant with this executive order. Our attorneys are assisting businesses in preparing

designation letters that ensure that their necessary employees are properly designated, and they can maintain critical operations.

Corinne S. Rockoff

Associate and member of the firm's Financial Services and Real Property Litigation Group.

Phone: (248) 827-1881

Fax: (248) 827-1882

crockoff@maddinhauser.com
