

# Executive Order 2020-77 Allows Manufacturing Industry to Reopen & Extends Stay Home Order

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On May 8, Michigan Governor Gretchen Whitmer issued [Executive Order 2020-77](#), extending and altering the Stay Home, Stay Safe guidelines **until May 28, 2020 at 11:59 p.m.**

## MODERATE LIFT OF RESTRICTIONS ON CERTAIN BUSINESSES:

The extended stay at home order is good news for manufacturers, as manufacturing activities were added to the list of resumed activities. Manufacturing operations can resume on May 11, 2020, at 12:01 a.m., so long as businesses have put in effect the following safety measures:

- Conduct daily entry screening for workers, contractors, suppliers, and any other individual entering a facility, including a questionnaire covering symptoms and suspected or confirmed exposure to people infected with COVID-19. Temperature screening as soon as no-touch thermometers can be obtained. (This temperature screening is distinguishable from that *required if possible* in the construction industry).
- Create dedicated entry point(s) at every facility for daily screening, with physical barriers in place to prevent anyone from bypassing the screening.
- Suspend all non-essential visits (including tours) to the manufacturing site.
- Train workers on various COVID-19 related topics including:
  - How the virus causing COVID-19 is transmitted.
  - The distance that the virus can travel in the air, as well as the time it remains viable in the air and on surfaces.
  - Symptoms of COVID-19.
  - Steps workers must take to notify the business of symptoms of COVID-19 or suspected or confirmed cases.
  - Measures the facility is taking to prevent worker exposure to the virus under the business's preparedness and response plan.
  - Rules that the worker must follow in order to prevent exposure to and spread of the virus.
  - The use of personal protective equipment, including the proper steps for putting it on and taking it off.
- Reduce congestion in common spaces wherever practicable.
  - Close salad bars and buffets within cafeterias.
  - Require individuals to sit six (6) feet away from one another.

- Offer boxed food via delivery or pickup points.
  - Place markings on the floor to facilitate social distancing when standing in line.
  - Reduce cash transactions.
- Stagger start times and meal times.
  - Implement rotational shift schedules where possible (i.e. increasing the number of shifts) to reduce the number of workers at the facility at the same time.
  - Create protocols for minimizing personal contact upon delivery of materials to the facility.
  - Create protocols to limit the sharing of tools and equipment to the maximum extent possible.
  - Install temporary physical barriers, where practicable, between workstations and cafeteria tables.
  - Frequently and thoroughly clean and disinfect high touch surfaces, paying special attention to parts, products, and shared equipment.
  - Provide workers with sufficient hand-washing or hand-sanitizing stations at the work site. Quit using hand dryers.
  - Notify plant leaders and potentially exposed individuals upon identification of a positive case of COVID-19 at the facility. 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 the worker experiences COVID-19-like symptoms.
  - Shut areas of the manufacturing facility for cleaning and disinfection as necessary if a worker goes home because she is displaying symptoms of COVID-19.

Effective immediately (even before May 11!), employees necessary to perform start-up activities at manufacturing facilities, including activities necessary to prepare the facilities to follow these specific workplace safeguards, can start work. Mich. E.O. 2020-77(10)(j).

Non-manufacturing businesses should be mindful that the safety measures for manufacturing industry are likely to be applied to other sectors when they are reopened. Savvy business owners

could get a jump start on how their business will incorporate these requirements to help facilitate a smoother reopening when the time comes.

## **MASK REGULATIONS GET A FACELIFT!**

The Order updates many of the previous requirements regarding facemasks. Now, businesses, operations, and government agencies that remain open must still provide face coverings to those conducting in-person work. But, employers must only require face coverings to be worn when workers cannot consistently maintain six feet separation from other individuals in the workplace. These employers are encouraged to consider face shields when workers cannot consistently maintain three feet of separation. Mich. E.O. 2020-77(11)(e).

While an individual must wear a face covering when in an enclosed public space (where medically tolerable), he or she may be required to temporarily remove a face covering upon entering that enclosed public space for identification purposes. Mich. E.O. 2020-77(15)(b).

While wearing a face mask is recognized as a socially responsible thing to do during the COVID-19 pandemic, no individual is subject to penalty for refusing to wear a mask in public. Mich. E.O. 2020-77(16).

## **ADDITIONAL RESUMED ACTIVITIES**

Effective immediately, workers necessary to train, credential, and license first responders (i.e. police officers, fire fighters and paramedics) and health-care workers (including certified nursing assistants) may resume operations. Remote instruction is still required when possible.

With the Governor releasing her [Safe Start Reopening Plan](#), we are cautiously optimistic other sectors will be allowed to resume operations soon.

## **CONCLUSION**

As always, please do not hesitate to contact us if you have additional questions about how Executive Order 2020-77 impacts your business or workforce. Our dedicated team is continuing to monitor the situation as it develops and will provide additional information on the Michigan Safe Start reopening plan in the coming days!

*This communication is not intended to constitute legal advice. Since the emergency regulations and guidelines are evolving rapidly and each of your circumstances are unique, we encourage you to reach out to us if you have questions about how this or other COVID-19 prompted government actions apply to your place of business.*



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