

Restaurant Revival: New Executive Orders Permit the Limited Resumption of Dine-In Service, Work in Office Settings, and Retail

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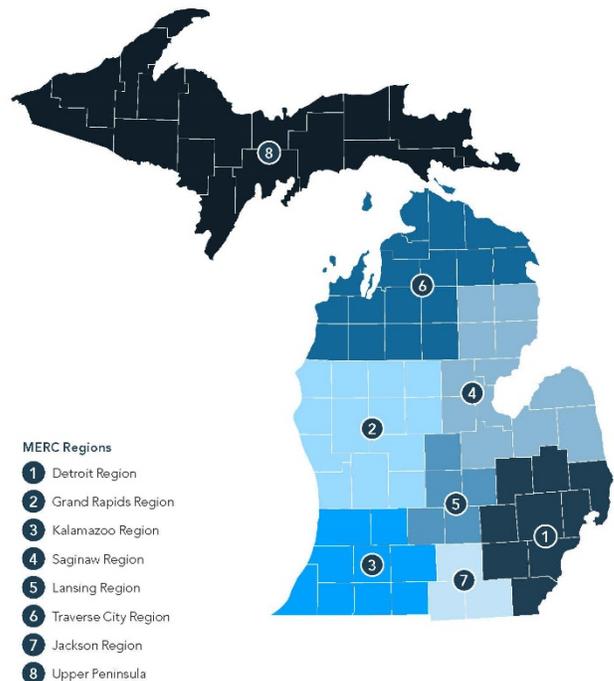
Today, the Governor of Michigan issued Executive Orders [2020-91](#) and [2020-92](#), establishing new standards all employers who have employees doing on-site work must follow and allowing for the limited reopening of businesses in Michigan Economic Recovery Council Reporting Regions six and eight.



FSBR SHIELD SUMMARY:

- Executive Order 2020-91 includes requirements for **all** employers who have employees performing in-person work.
- Executive Order 2020-91 establishes industry specific safety requirements for restaurants & bars, retail stores, and office work locations allowed to reopen in MERC regions six and eight. We anticipate these standards will apply to similar businesses in other regions and encourage clients to plan accordingly.
- MERC Regions Six and Eight are comprised of: Alpena, Antrim, Benzie, Charlevoix, Cheboygan, Crawford, Emmet, Grand Traverse, Kalkaska, Leelanau, Manistee, Missaukee, Montmorency, Parke Isle, Otsego, Roscommon, Wexford, Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Luce, Keweenaw, Mackinac, Menominee, Ontonagon, and Schoolcraft Counties.

MICHIGAN ECONOMIC RECOVERY COUNCIL REPORTING REGIONS



Michigan Economic Recovery Council (“MERC”) reporting region six comprises most of Northern Michigan, while region eight is comprised of the entire Upper Peninsula. Map excerpted from [MI SAFE START. A Plan to Re-Engage Michigan’s Economy.](#)

MANDATORY SAFETY PRECAUTIONS FOR EMPLOYERS:

Executive Order 2020-91 introduced requirements for businesses and other operations that have employees performing in-person work, including the following:

- Develop a COVID-19 preparedness and response plan, consistent with the Recommendations in [Guidance on Preparing Workplaces for COVID-19](#), developed by OSHA.
 - By June 1, 2020, or within two weeks of resuming in-person activities, whichever is later, a business's or operation's plan must be made readily available to employees, labor unions, and customers, whether by website, internal network, or by hard copy.
- Designate one or more worksite supervisors to implement, monitor, and report on the COVID-19 control strategies developed in the business's preparedness and response plan. The supervisor must remain on-site at all times when employees are present. An on-site employee may be designated to perform the supervisory role.
- Provide and keep record of COVID-19 training for employees that covers, at a minimum:
 - workplace infection-control practices;
 - the proper use of personal protective equipment;
 - steps an employee must take to notify their employer of any symptoms of COVID-19 or a suspected or confirmed diagnosis of COVID-19; and
 - how to report unsafe working conditions.
- Conduct and keep record of daily entry self-screening for all employees or contractors entering the workplace, including, at a minimum, a questionnaire covering symptoms and suspected or confirmed exposure to people who potentially have COVID-19.
- Keep everyone on the worksite at least six feet apart to the maximum extent possible. Use ground markings, signs and barriers as appropriate to the worksite.
- Provide non-medical grade face coverings to your employees, with supplies of N95 and surgical masks reserved for healthcare professionals, first responders, and other critical infrastructure workers.
- Require face coverings to be worn when employees cannot consistently maintain six feet of separation from other individuals. Consider face shields if employees cannot remain three feet apart from other individuals.
- Increase facility cleaning and disinfection to limit exposure to COVID-19, especially high-touch surfaces.

- Adopt protocols to clean and disinfect the facility in the event of a positive COVID-19 case in the workplace.
- Make cleaning supplies available to employees upon entry and at the worksite. Provide employees time to disinfect hands frequently.
- When an employee is identified with a confirmed case of COVID-19, within 24 hours, notify both:
 - the local public health department, and;
 - any co-workers, contractors, or suppliers who may have come in contact with the person with a confirmed case of COVID-19.

*Employer must maintain a record of confirmed cases of COVID-19 in their workforce and subsequent efforts to give notice to the health department and other employees. Do not disclose identifying information of the infected individual when giving notice to coworkers, contractors or suppliers.

- Adhere to Mich. E.O. 2020-36 which prohibits employers from discharging, disciplining, or otherwise retaliating against employees who stay home or leave work when they are at particular risk of infecting others with COVID-19.
- Establish a response plan for dealing with a confirmed infection in the workplace, including protocols for sending employees home and for temporary closure of all or part of the worksite to allow for deep cleaning.
- Restrict business-related travel for employees to essential travel only.
- Encourage employees to use personal protective equipment and hand sanitizer when on public transportation.
- Promote remote work to the fullest extent possible.
- Adopt any additional infection control measures that are reasonable in light of the work performed at the worksite and the rate of infection in the surrounding community.

INDUSTRY SPECIFIC REQUIREMENTS FOR RESTAURANTS & BARS

Under Michigan Executive Order 2020-91(8) restaurants and bars opening for dine-in service in MERC regions six and eight, must:

- Limit capacity to 50% of normal seating.
- Require six feet of separation between parties or groups at different tables or bar tops (e.g. spread tables out, remove or put up chairs or barstools that are not in use).

- ❑ Create communication materials for customers (signs or pamphlets) to inform them of changes to the restaurant or bar to explain the precautions being taken to prevent infection.
- ❑ Close waiting areas and ask customers to wait in cars for a call when their table is ready.
- ❑ Close self-serve food or drink options such as buffets, salad bars, and drink stations.
- ❑ Provide physical guides, such as tape on floors or sidewalks and signage on walls to ensure customers remain six feet apart in any lines.
- ❑ Post sign(s) instructing customers to wear face coverings until they get to their table.
- ❑ Require hosts and servers to wear face coverings and gloves in the dining areas.
- ❑ Require employees to wear face coverings and gloves in the kitchen area when handling food, consistent with the FDA guidelines.
- ❑ Limit shared items for customers (e.g. condiments and menus) and clean high-contact areas after each customer (e.g. tables, chairs, menus, payment tools, and condiments).
- ❑ Train Employees on:
 - Appropriate use of personal protective equipment in conjunction with food and safety guidelines.
 - Food safety health protocols (e.g. cleaning between customers, especially shared condiments).
 - How to manage symptomatic customers upon entry or in the restaurant.
- ❑ Notify Employees if the employer learns that an individual (including employee, customer, or supplier) with a confirmed case of COVID-19 has visited the facility.
- ❑ Close Bar or Restaurant immediately if an employee shows multiple symptoms of COVID-19 (fever, atypical shortness of breath, atypical cough) and perform a deep clean consistent with guidance from the FDA [and CDC](#).
- ❑ Require a doctor's written release to return to work if an employee has a confirmed case of COVID-19.
- ❑ Install physical barriers, such as sneeze guards and partitions at cash registers, bars, host stands, and other areas where maintaining physical distance of six feet at all times is difficult.

- To the maximum extent possible, limit the number of employees in shared spaces, including kitchens, break rooms, and offices to maintain at a six-foot distance at all times.

CONSIDERATIONS FOR RETAIL STORES & OFFICES ALLOWED TO REOPEN IN MERC REGIONS SIX AND EIGHT

Like bars and restaurants, retail stores and offices in MERC regions six and eight are allowed to reopen on May 22, 2020. Offices and retail stores that reopen in MERC regions six and eight are obligated to adopt the industry specific safety measures identified in [Mich. E.O. 2020-91](#). Please contact us if you have detailed questions regarding those specific safety measures.

CONCLUSION

As always, please do not hesitate to contact us if you have additional questions about how Executive Orders 2020-91 and 2020-92 impact your business or workforce. Our dedicated team is continuing to monitor the situation as it develops.

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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