

## COVID-19 UPDATE MICHIGAN EXECUTIVE ORDERS

The Governor recently issued new Executive Orders (EOs). What follows is a recap of the pertinent updates:

- [EO 114](#) – Revises and replaces [EO 97](#) to clarify rules and add new ones (See below) for personal care businesses, home visiting businesses, outdoor and indoor entertainment venues, and gyms *when they are permitted to reopen*.
- [EO 115](#) –
  - 1) Clarifies changes including that: the restriction on “non-essential personal care” in [EO 110](#) **ends June 15, 2020**; the limits in EO 110 no longer apply up north **as of June 10, 2020** and the rules in EO 115 now apply (still requiring distancing, face coverings in any enclosed public space, allowing businesses to deny access to people without a face covering, and newly – for indoor gatherings – maximum capacity of 50 people; outdoors 250 people).
  - 2) Allows arcades, movies, performance spaces, etc. to reopen **up north only beginning 6/10** up north if they enable people from different households to stay 6 feet apart and limits the number of people to 25% of its capacity or 250 whichever is less - each auditorium or screening room is deemed a separate venue for these calculations.
  - 3) Allows outdoor concert spaces, arenas, etc. to open if it enables people from different households to stay 6 feet apart and limits the number of people to 25% of its capacity or 500 whichever is less (**up north only beginning 6/10**).
  - 4) Allows pools to open – outdoor capped at 50% of capacity and indoor capped at 25% of capacity.
  - 5) Keeps residential, travel, and troop camps closed.
- [EO 114](#) – Makes the following changes:
  - 1) When an employee is identified with a confirmed case of COVID-19, the employer must immediately notify the local health department (**previously they had 24 hours**).
  - 2) An employee with a diagnosed or suspected case of COVID-19 must be allowed to return to work after they are no longer infectious per the CDC **and once they are released from quarantine or isolation by the local health department**.
  - 3) Research labs must still suspend non-essential in person visitors, but visiting scholars are deleted from that definition and so are allowed.
  - 4) Libraries and museums are subject to the same communications and entry controls as retail stores.
  - 5) Limits on how many people may be in a store remain for most of the State but are lifted for Regions 6 and 8 (**up north**).
  - 6) Offices are no longer required to lock conference rooms or turn off water fountains.

- 7) Restaurants are to close immediately and do a deep cleaning, if an employee shows new chest tightness or new onset of cough OR two of the following: fever COVID-19 symptoms and the symptoms now include fever (measured or subjective), chills, atypical cough, rigors, myalgia, headache, sore throat, or olfactory/taste disorder(s).
- 8) Restaurants are to limit the number of employees at various locations including host stands.
- 9) All businesses or operations that provide in-home services, including cleaners, repair persons, painters, and the like, must:
  - a) Require their employees (or, if a sole-owned business, the business owner) to perform a daily health screening prior to going to the job site.
  - b) Maintain accurate appointment record, including date and time of service, name of client, and contact information, to aid with contact tracing.
  - c) Limit direct interaction with customers by using electronic means of communication whenever possible.
  - d) Prior to entering the home, inquire with the customer whether anyone in the household has been diagnosed with COVID-19, is experiencing symptoms of COVID-19, or has had close contact with someone who has been diagnosed with COVID-19. If so, the business or operation must reschedule for a different time.
  - e) Limit the number of employees inside a home to the minimum number necessary to perform the work in a timely fashion.
  - f) Gloves should be worn when practical and disposed of in accordance with guidance from the CDC.
- 10) All businesses or operations that provide barbering, cosmetology services, body art services (including tattooing and body piercing), tanning services, massage services, or similar personal-care services (**open up north June 10 and the rest of the state opens on June 15**) must:
  - a) Maintain accurate appointment and walk-in records, including date and time of service, name of client, and contact information, to aid with contact tracing.
  - b) Post sign(s) at store entrance(s) informing customers not to enter if they are or have recently been sick.
  - c) Restrict entry to customers, to a caregiver of those customers, or to the minor dependents of those customers.
  - d) Require in-use workstations to be separated by at least six feet from one another and, if feasible, separate workstations with physical barriers (e.g., plexiglass, strip curtains).
  - e) Limit waiting-area occupancy to the number of individuals who can be present while staying six feet away from one another and ask customers, if possible, to wait in cars for their appointment to be called.
  - f) Discontinue all self-service refreshments.
  - g) Discard magazines in waiting areas and other nonessential, shared items that cannot be disinfected.
  - h) Mark waiting areas to enable six feet of social distancing (e.g., by placing X's on the ground and/or removing seats in the waiting room).
  - i) Require employees to make proper use of personal protective equipment in accordance with guidance from the CDC and OSHA.
  - j) Require employees and customers to wear a face covering at all times, except that customers may temporarily remove a face covering when receiving a service that requires its removal. During services that require a customer to remove their face covering, an employee must wear a face shield or goggles in addition to the face covering.

- k) Install physical barriers, such as sneeze guards and partitions at cash registers, where maintaining physical distance of six feet is difficult.
  - l) Cooperate with the local public health department if a confirmed case of COVID- 19 is identified in the facility.
- 11) Sports and entertainment facilities, including arenas, cinemas, concert halls, performance venues, sporting venues, stadiums and theaters, as well as places of public amusement, such as amusement parks, arcades, bingo halls, bowling alleys, night clubs, skating rinks, and trampoline parks, must:
- a) Post signs outside of entrances informing customers not to enter if they are or have recently been sick.
  - b) Encourage or require patrons to wear face coverings.
  - c) Establish crowd-limiting measures to meter the flow of patrons (e.g., digital queuing, delineated waiting areas, parking instructions, social distance markings on ground or cones to designate social distancing, etc.).
  - d) Use physical dividers, marked floors, signs, and other physical and visual cues to maintain six feet of distance between persons.
  - e) Limit seating occupancy to the extent necessary to enable patrons not of the same household to maintain six feet of distance from others (e.g., stagger group seating upon reservation, close off every other row, etc.).
  - f) For sports and entertainment facilities, establish safe exit procedures for patrons (e.g., dismiss groups based on ticket number, row, etc.).
  - g) For sports and entertainment facilities, to the extent feasible, adopt specified entry and exit times for vulnerable populations, as well as specified entrances and exits.
  - h) Train employees who interact with patrons (e.g., ushers) on how to:
    - i. Monitor and enforce compliance with the facility's COVID-19 protocols.
    - ii. Help patrons who become symptomatic.
  - i) Frequently disinfect high-touch surfaces during events or, as necessary, throughout the day.
  - j) Disinfect and deep clean the facility after each event or, as necessary, throughout the day.
  - k) Close self-serve food or drink options, such as buffets, salad bars, and drink stations.
- 12) Gymnasiums, fitness centers, recreation centers, sports facilities, exercise facilities, exercise studios, and like facilities must:
- a) Post sign(s) outside of entrance(s) informing individuals not to enter if they are or have recently been sick.
  - b) Maintain accurate records, including date and time of event, name of attendee(s), and contact information, to aid with contact tracing.
  - c) To the extent feasible, configure workout stations or implement protocols to enable ten feet of distance between individuals during exercise sessions (or six feet of distance with barriers).
  - d) Reduce class sizes, as necessary, to enable at least six feet of separation between individuals.
  - e) Provide equipment cleaning products throughout the gym or exercise facility for use on equipment.
  - f) Make hand sanitizer, disinfecting wipes, soap and water, or similar disinfectant readily available.
  - g) Regularly disinfect exercise equipment, including immediately after use. If patrons are expected to disinfect, post signs encouraging patrons to disinfect equipment.

- h) Ensure that ventilation systems operate properly.
- i) Increase introduction and circulation of outdoor air as much as possible by opening windows and doors, using fans, or other methods.
- j) Regularly clean and disinfect public areas, locker rooms, and restrooms.
- k) Close steam rooms and saunas.

We hope you found this information helpful. Please contact us if you have any questions.

Arthur Siegal  
248.727.1452  
[asiegal@jaffelaw.com](mailto:asiegal@jaffelaw.com)



*The foregoing is only a general summary and is being provided with the understanding that Jaffe Raitt Heuer & Weiss, P.C. is not rendering legal, tax or other professional advice, positions or opinions on specific facts or matters and, therefore, assumes no liability whatsoever in connection with its use.*