Restaurants and bars reopening in accordance with EO 2020-114* and 2020-115* are required to:

- Create a plan and designate a COVID-19 Supervisor
  *Make a COVID-19 preparedness and response plan which should be made available for review on location. Designate a supervisor to remain on-site at all times.*

- Screen employees daily for COVID-19 symptoms
  *A sample screening checklist is included.*

- Provide visible guidance of six-foot social distancing
  *Include visual distance markings and/or physical barriers in your facility for employees, vendors, and guests.*

- Limit capacity to comply with six-foot social distancing
  *Capacity must be limited to 50% of full occupancy to adequately maintain social distancing requirements.*

- Make hand washing and hand sanitizing available and accessible and discontinue use of hand dryers

- Develop protocols for disinfection and cleaning following product recommendations from the EPA

- Provide and require masks for employees

- Provide training for employees regarding COVID-19

*Executive Order numbers subject to change.
For questions, please contact the Berrien County Health Department.*
This checklist is a sample only. It is not intended to take the place of any medical advice, diagnosis, or treatment.

What to do:

Create and implement an active screening plan including:

- Location and staffing of the screening table
- Signage to support the active screening process
- Rules to allow or prohibit entry
- Script for screening
- Alcohol-based sanitizer available at the screening table
- Handout explaining the changes
- Develop sickness policies

Screening questions to consider:

In the past 24 hours have you experienced:

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subjective fever (felt feverish)</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>New or worsening cough</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>Shortness of breath</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>Sore throat</td>
<td>☐</td>
<td>☑</td>
</tr>
</tbody>
</table>

Current temperature: ________________

If you answer “yes” to any of the symptoms listed above or your temperature is 100.4°F or higher, please do not go into work. Self-isolate at home and contact your doctor for direction.

If you test positive for COVID-19:

- You should isolate at home for minimum of 10 days since symptoms first appear **AND**
- You must also have 3 days without fever and improvements in respiratory symptoms before returning to work.

If you answer “yes” to any of the symptoms and not tested or tested negative for COVID-19:

- You may return to work after you are fever free for 72 hours without the use of medicine **AND**
- Other symptoms have improved
How to respond:

Have you been directed or told by the local health department or your healthcare provider to self-isolate or self-quarantine?

If yes, please do not go into work. Self-quarantine at home for 14 days and monitor yourself for symptoms.

Have you had close contact with a positive COVID-19 case?

If an employee has had close contact with someone that was COVID-19 positive, the employee is allowed to work at the discretion of the employer.

The employer must:

Assess employee symptoms each day
Check temperature of employee before the start of each workday and ideally before they enter the facility. If a touchless thermometer is not available, the employee should have a dedicated thermometer. Sharing of thermometers is strictly prohibited.

The employee must:

Continue to self-monitor for symptoms
Immediately go home if he/she begins to experience symptoms
Wear a face covering at all times while in the workplace. This may be issued or approved by the employer.
Maintain at least a six foot distance from other staff and patrons as work permits.

This checklist is a sample only. It is not intended to take the place of any medical advice, diagnosis, or treatment.
RESTAURANT & BAR COVID-19 PREVENTION PRACTICES

- **Limit capacity to 50%** of normal seating. Require six feet of separation between parties or groups at different tables or bar tops. (Executive Order 2020-114)
- **Create material** (i.e. signs) for customers to inform them of changes to restaurant or bar practices and to explain the precautions that are being taken to prevent infection. (EO 2020-114)
- **Close waiting areas**, ask customers to wait in cars for a call when their table is ready. (EO 2020-114)
- **Close self-service food and drink** options (i.e. buffets & drink stations). (EO 2020-114)
- **Provide physical guides**, such as tape on floors or sidewalks and signage on walls to ensure that customers remain six feet apart in any lines. (EO 2020-114)
- **Post signs at entrances** informing customers not to enter if they are or have recently been sick, and instruct customers to wear face coverings until they get to their table. (EO 2020-114)
- **Require employees** to wear face coverings and gloves in the kitchen area when handling food, consistent with guidelines from the FDA, and require hosts and servers to wear face coverings in the dining area. (EO 2020-114)
- **Limit shared items** for customers (i.e. condiments, menus) and clean high-contact areas after each customer. (EO 2020-114)
- **Train employees** on the use of personal protective equipment in conjunction with food safety guidelines, food safety health protocols and how to manage symptomatic customers upon entry or in the restaurant. (EO 2020-114)
- **Notify employees and Berrien County Health Department** if the employer learns that an individual with a confirmed case of Covid-19 has been there. (EO 2020-114)
- **Install physical barriers** at cash registers, bars, host stands, and other areas where maintaining physical distance of six feet is difficult. To the maximum extent possible, limit the number of employees in shared spaces, including kitchens, break rooms and offices, to maintain at least six foot distance between employees. (EO 2020-114)

This guidance does not relieve food establishments from becoming familiar with and following all requirements within Executive Orders 2020-97 & 110 and implementing to the best of their ability the practices within the guidance from other State or federal agencies.

Call: 269-927-5623 or Email: JGRUCHOT@BCHDMI.ORG
When is it safe to leave home if you have symptoms of COVID-19 or live with someone who does?

Employers can’t retaliate against workers for taking time away from work under these circumstances. File a complaint with MIOSHA. Learn more at Michigan.gov/MIOSHAComplaint.

**For Me**
- I have been diagnosed with COVID-19.
  - Stay home for 10 days after you were tested or developed symptoms.
  - After staying home for 10 days, have you been symptom-free for 3 days?
    - **YES**
      - You may leave if you are symptom-free.
    - **NO**
      - Stay home until 3 days have passed after all symptoms have stopped.

**Close Contacts**
- I have developed one or more symptoms of COVID-19.
  - Stay home for 14 days after your last contact with the sick person.
  - Monitor yourself for symptoms.
- I live with someone diagnosed with COVID-19.
- I live with someone who has developed one or more symptoms of COVID-19.
  - You may leave if you are symptom-free.

**How do I monitor myself?**

Pay attention for COVID-19 symptoms:
- Fever
- Cough
- Shortness of breath

If you are concerned about your health or develop symptoms, contact your health care provider or urgent care.

**Should I wear a mask?**
If you or your close contact is symptomatic and you must leave home, you should cover your nose and mouth with a homemade mask, scarf, bandana or handkerchief.

*Process for general public, does not specifically apply to workers at a health-care facility, first responders (e.g., police officers, fire fighters, paramedics), and prison employees.*
I think I have been exposed to COVID-19, what should I do?

Close Contacts

- I live with or am caring for someone with COVID-19:
  - You should self quarantine and monitor yourself for symptoms. The local health department may ask you to do so.*

- Someone that has COVID-19 coughed or sneezed on me:
  - You do not need to self quarantine, but it is a good idea to be vigilant and monitor yourself for symptoms.

- I think my coworker has COVID-19:
  - Have you developed symptoms of respiratory illness such as fever, cough, or shortness of breath?
  - If yes, continue to monitor yourself for symptoms.
  - If no, contact your health care provider to discuss your symptoms.

- I think someone I know has COVID-19:
  - If you are concerned about your health, contact your health care provider.

If your doctor decides you should be tested for COVID-19, your health care provider can order testing for you.

- Health care provider takes a sample
- Sample is sent to a laboratory for testing
- Laboratory sends result to health care provider
- Health care provider informs patient of result. The state health department will not provide results.

*Quarantine process for general public, does not specifically apply to health care workers.

SEOC TA 2710604 03/25/2020
CUSTOMERS AND EMPLOYEES MUST PRACTICE

6 FEET SOCIAL DISTANCE

WHILE INSIDE THIS FACILITY

COVID-19 SAMPLE SIGN
MASKS MUST BE WORN IN THIS FACILITY UNLESS YOU ARE SEATED AT YOUR TABLE

THANK YOU FOR HELPING US REOPEN SAFELY!

SAMPLE SIGN
STOP!

DO NOT ENTER IF YOU ARE SICK.

THANK YOU FOR HELPING US REOPEN SAFELY!

SAMPLE SIGN

BERRIEN COUNTY HEALTH DEPARTMENT
better health. stronger communities.
Top 10 Tips to Protect Employees’ Health

Healthy employees are crucial to your business. Here are 10 ways to help them stay healthy.

- Actively encourage sick employees to stay home. Develop policies that encourage sick employees to stay at home without fear of reprisals, and ensure employees are aware of these policies.

- Develop other flexible policies for scheduling and telework (if feasible) and create leave policies to allow employees to stay home to care for sick family members or care for children if schools and childcare close.

- Promote etiquette for coughing and sneezing (https://www.cdc.gov/healthywater/hygiene/etiquette/coughing_sneezing.html) and handwashing (https://www.cdc.gov/handwashing/index.html). Provide tissues, no-touch trash cans, soap and water, and hand sanitizer with at least 60% alcohol.

- Perform routine environmental cleaning. Routinely clean and disinfect all frequently touched surfaces, such as workstations, countertops, handrails, and doorknobs. Discourage sharing of tools and equipment, if feasible.

- Provide education and training materials in an easy to understand format and in the appropriate language and literacy level for all employees, like fact sheets and posters (https://www.cdc.gov/coronavirus/2019-ncov/communication/index.html).

- Have conversations with employees about their concerns. Some employees may be at higher risk for severe illness, such as older adults (https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/older-adults.html) and those with chronic medical conditions.

- Talk with companies that provide your business with contract or temporary employees about their plans. Discuss the importance of sick employees staying home and encourage them to develop non-punitive “emergency sick leave” policies.

- Plan to implement practices to minimize face-to-face contact between employees if social distancing is recommended by your state or local health department. Actively encourage flexible work arrangements such as teleworking or staggered shifts.

- Consider the need for travel and explore alternatives. Check CDC’s Travelers’ Health (https://wwwnc.cdc.gov/travel) for the latest guidance and recommendations. Consider using teleconferencing and video conferencing for meetings, when possible.

- If an employee becomes sick while at work, they should be separated from other employees, customers, and visitors and sent home immediately. Follow CDC guidelines for cleaning and disinfecting (https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/cleaning-disinfection.html) areas the sick employee visited.

Important Information About Your Cloth Face Coverings

As COVID-19 continues to spread within the United States, CDC has recommended additional measures to prevent the spread of SARS-CoV-2, the virus that causes COVID-19. In the context of community transmission, CDC recommends that you:

Stay at home as much as possible
Practice social distancing (remaining at least 6 feet away from others)
Clean your hands often

In addition, CDC also recommends that everyone wear cloth face coverings when leaving their homes, regardless of whether they have fever or symptoms of COVID-19. This is because of evidence that people with COVID-19 can spread the disease, even when they don’t have any symptoms. Cloth face coverings should not be placed on young children under age 2, anyone who has trouble breathing, or is unconscious, incapacitated, or otherwise unable to remove the mask without assistance.

How cloth face coverings work

Cloth face coverings prevent the person wearing the mask from spreading respiratory droplets when talking, sneezing, or coughing. If everyone wears a cloth face covering when out in public, such as going to the grocery store, the risk of exposure to SARS-CoV-2 can be reduced for the community. Since people can spread the virus before symptoms start, or even if people never have symptoms, wearing a cloth face covering can protect others around you. Face coverings worn by others protect you from getting the virus from people carrying the virus.

How cloth face coverings are different from other types of masks

Cloth face coverings are NOT the same as the medical facemasks, surgical masks, or respirators (such as N95 respirators) worn by healthcare personnel, first responders, and workers in other industries. These masks and respirators are personal protective equipment (PPE). Medical PPE should be used by healthcare personnel and first responders for their protection. Healthcare personnel and first responders should not wear cloth face coverings instead of PPE when respirators or facemasks are indicated.

General considerations for the use of cloth face coverings

When using a cloth face covering, make sure:
- The mouth and nose are fully covered
- The covering fits snugly against the sides of the face so there are no gaps
- You do not have any difficulty breathing while wearing the cloth face covering
- The cloth face covering can be tied or otherwise secured to prevent slipping

Avoid touching your face as much as possible. Keep the covering clean. Clean hands with soap and water or alcohol-based hand sanitizer immediately, before putting on, after touching or adjusting, and after removing the cloth face covering. Don’t share it with anyone else unless it’s washed and dried first. You should be the only person handling your covering. Laundry instructions will depend on the cloth used to make the face covering. In general, cloth face coverings should be washed regularly (e.g., daily and whenever soiled) using water and a mild detergent, dried completely in a hot dryer, and stored in a clean container or bag.

For more information, go to: https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover-faq.html

cdc.gov/coronavirus
How to Safely Wear and Take Off a Cloth Face Covering

WEAR YOUR FACE COVERING CORRECTLY
- Wash your hands before putting on your face covering
- Put it over your nose and mouth and secure it under your chin
- Try to fit it snugly against the sides of your face
- Make sure you can breathe easily
- Do not place a mask on a child younger than 2

USE THE FACE COVERING TO PROTECT OTHERS
- Wear a face covering to protect others in case you’re infected but don’t have symptoms
- Keep the covering on your face the entire time you’re in public
- Don’t put the covering around your neck or up on your forehead
- Don’t touch the face covering, and, if you do, clean your hands

FOLLOW EVERYDAY HEALTH HABITS
- Stay at least 6 feet away from others
- Avoid contact with people who are sick
- Wash your hands often, with soap and water, for at least 20 seconds each time
- Use hand sanitizer if soap and water are not available

TAKE OFF YOUR CLOTH FACE COVERING CAREFULLY, WHEN YOU’RE HOME
- Untie the strings behind your head or stretch the ear loops
- Handle only by the ear loops or ties
- Fold outside corners together
- Place covering in the washing machine
- Wash your hands with soap and water

Cloth face coverings are not surgical masks or N-95 respirators, both of which should be saved for health care workers and other medical first responders.

For instructions on making a cloth face covering, see: cdc.gov/coronavirus
Timing and location of cleaning and disinfection of surfaces.
At a school, daycare center, office, or other facility that does not house people overnight:

It is recommended to close off areas used by the ill persons and wait as long as practical before beginning cleaning and disinfection to minimize potential for exposure to respiratory droplets. Open outside doors and windows to increase air circulation in the area. If possible, wait up to 24 hours before beginning cleaning and disinfection.

How to clean and disinfect.

**Surfaces**
If surfaces are dirty, they should be cleaned using a detergent or soap and water prior to disinfection.

For disinfection, diluted household bleach solutions, alcohol solutions with at least 70% alcohol, and most common EPA-registered household disinfectants should be effective.
- Diluted household bleach solutions can be used if appropriate for the surface. Follow manufacturer's instructions for application and proper ventilation.
- Check to ensure the product is not past its expiration date. Never mix household bleach with ammonia or any other cleanser.

- Unexpired household bleach will be effective against coronaviruses when properly diluted.
  Prepare a bleach solution by mixing:
  - Five tablespoons (1/3 cup) bleach per gallon of water, or
  - Four teaspoons bleach per quart of water.

**Products with EPA-approved emerging viral pathogens claims** are expected to be effective against COVID-19 based on data for harder to kill viruses. Follow the manufacturer's instructions for all cleaning and disinfection products (e.g., concentration, application method and contact time, etc.).

**Soft Surfaces**
For soft (porous) surfaces such as carpeted floor, rugs, and drapes, remove visible contamination if present and clean with appropriate cleaners indicated for use on these surfaces. After cleaning:

- If the items can be laundered, launder items in accordance with the manufacturer's instructions using the warmest appropriate water setting for the items and then dry items completely. Otherwise, use products with the EPA-approved emerging viral pathogens claims that are suitable for porous surfaces.

For more information, visit Michigan.gov/Coronavirus.
Linens, Clothing, and Other Items That Go in the Laundry
- Do not shake dirty laundry; this minimizes the possibility of dispersing virus through the air.
- Wash items as appropriate in accordance with the manufacturer’s instructions. If possible, launder items using the warmest appropriate water setting for the items and dry items completely. Dirty laundry that has been in contact with an ill person can be washed with other people’s items.
- Clean and disinfect hampers or other carts for transporting laundry according to guidance above for hard or soft surfaces.

Cleaning staff and others should clean hands often.
Clean hands often including immediately after removing gloves and after contact with an ill person, by washing hands with soap and warm water for 20 seconds. If soap and warm water are not available and hands are not visibly dirty, an alcohol-based hand sanitizer that contains at least 60% alcohol may be used. However, if hands are visibly dirty, always wash hands with soap and warm water.

Follow normal preventive actions while at work and home, including cleaning hands and avoiding touching eyes, nose, or mouth. Additional key times to clean hands include:
- After blowing one’s nose, coughing, or sneezing
- After using the restroom
- Before eating or preparing food
- After contact with animals or pets
- Before and after providing routine care for another person who needs assistance (e.g., a child)

Personal protective equipment (PPE) and hand hygiene considerations.
Cleaning staff should wear disposable gloves and gowns for all tasks in the cleaning process, including handling trash.
- Gloves and gowns should be compatible with the disinfectant products being used.
- Additional PPE might be required based on the cleaning/disinfectant products being used and whether there is a risk of splash.
- Gloves and gowns should be removed carefully to avoid contamination of the wearer and the surrounding area. Be sure to clean hands after removing gloves.
- Gloves should be removed after cleaning a room or area occupied by ill persons. Clean hands immediately after gloves are removed.
- Cleaning staff should immediately report breaches in PPE (e.g., tear in gloves) or any potential exposures to their supervisor.

For more information, visit Michigan.gov/Coronavirus.
EXECUTIVE ORDER

No. 2020-114

Safeguards to protect Michigan’s workers from COVID-19

Rescission of Executive Order 2020-97

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended (EMA), MCL 30.401 et seq., and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended (EPGA), MCL 10.31 et seq.

Since then, the virus spread across Michigan, bringing deaths in the thousands, confirmed cases in the tens of thousands, and deep disruption to this state’s economy, homes, and educational, civic, social, and religious institutions. On April 1, 2020, in response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the State of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945. And on April 30, 2020, finding that COVID-19 had created emergency and disaster conditions across the State of Michigan, I issued Executive Order 2020-67 to continue the emergency declaration under the Emergency Powers of the Governor Act, as well as Executive Order 2020-68 to issue new emergency and disaster declarations under the Emergency Management Act.

Those executive orders have been challenged in Michigan House of Representatives and Michigan Senate v Whitmer. On May 21, 2020, the Court of Claims ruled that Executive Order 2020-67 is a valid exercise of authority under the Emergency Powers of the Governor Act but that Executive Order 2020-68 is not a valid exercise of authority under the Emergency Management Act. Both of those rulings are being challenged on appeal.
On May 22, 2020, I issued Executive Order 2020-99, again finding that the COVID-19 pandemic constitutes a disaster and emergency throughout the State of Michigan. That order constituted a state of emergency declaration under the Emergency Powers of the Governor Act of 1945. And, to the extent the governor may declare a state of emergency and a state of disaster under the Emergency Management Act when emergency and disaster conditions exist yet the legislature has declined to grant an extension request, that order also constituted a state of emergency and state of disaster declaration under that act.

The Emergency Powers of the Governor Act provides a sufficient legal basis for issuing this executive order. In relevant part, it provides that, after declaring a state of emergency, “the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control.” MCL 10.31(1).

Nevertheless, subject to the ongoing litigation and the possibility that current rulings may be overturned or otherwise altered on appeal, I also invoke the Emergency Management Act as a basis for executive action to combat the spread of COVID-19 and mitigate the effects of this emergency on the people of Michigan, with the intent to preserve the rights and protections provided by the EMA. The EMA vests the governor with broad powers and duties to “cope[e] with dangers to this state or the people of this state presented by a disaster or emergency,” which the governor may implement through “executive orders, proclamations, and directives having the force and effect of law.” MCL 30.403(1)–(2). This executive order falls within the scope of those powers and duties, and to the extent the governor may declare a state of emergency and a state of disaster under the Emergency Management Act when emergency and disaster conditions exist yet the legislature has not granted an extension request, they too provide a sufficient legal basis for this order.

To suppress the spread of COVID-19, to prevent the state’s health care system from being overwhelmed, to allow time for the production of critical test kits, ventilators, and personal protective equipment, to establish the public health infrastructure necessary to contain the spread of infection, and to avoid needless deaths, it was reasonable and necessary to direct residents to remain at home or in their place of residence to the maximum extent feasible. To that end, on March 23, 2020, I issued Executive Order 2020-21, ordering all people in Michigan to stay home and stay safe. In Executive Orders 2020-42, 2020-59, 2020-70, 2020-77, 2020-92, and 2020-96, I extended that initial order, modifying its scope as needed and appropriate to match the ever-changing circumstances presented by this pandemic.

The measures put in place by these executive orders have been effective: the number of new confirmed cases each day continues to drop. Although the virus remains aggressive and persistent—on June 4, 2020, Michigan reported 58,241 confirmed cases and 5,595 deaths—the strain on our health care system has begun to relent, even as our testing capacity has increased. We are now in the process of gradually resuming in-person work and activities. In so doing, however, we must move with care, patience, and vigilance, recognizing the grave harm that this virus continues to inflict on our state and how quickly our progress in suppressing it can be undone.

In particular, businesses must do their part to protect their employees, their patrons, and their communities. Many businesses have already done so by implementing robust safeguards to prevent viral transmission. But we can and must do more: no one should feel
unsafe at work. With Executive Orders 2020-91 and 2020-97, I created an enforceable set of workplace standards that apply to all businesses across the state. I am now amending those standards to include new provisions governing in-home services, personal care services, sporting and entertainment venues, and gyms.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. All businesses or operations that require their employees to leave the homes or residences for work must, at a minimum:

   (a) Develop a COVID-19 preparedness and response plan, consistent with recommendations in Guidance on Preparing Workplaces for COVID-19, developed by the Occupational Health and Safety Administration (“OSHA”) and available here. Within two weeks of resuming in-person activities, a business’s or operation’s plan must be made readily available to employees, labor unions, and customers, whether via website, internal network, or by hard copy.

   (b) Designate one or more worksite supervisors to implement, monitor, and report on the COVID-19 control strategies developed under subsection (a). The supervisor must remain on-site at all times when employees are present on site. An on-site employee may be designated to perform the supervisory role.

   (c) Provide COVID-19 training to employees that covers, at a minimum:

      (1) Workplace infection-control practices.

      (2) The proper use of personal protective equipment.

      (3) Steps the employee must take to notify the business or operation of any symptoms of COVID-19 or a suspected or confirmed diagnosis of COVID-19.

      (4) How to report unsafe working conditions.

   (d) Conduct a daily entry self-screening protocol for all employees or contractors entering the workplace, including, at a minimum, a questionnaire covering symptoms and suspected or confirmed exposure to people with possible COVID-19.

   (e) Keep everyone on the worksite premises at least six feet from one another to the maximum extent possible, including through the use of ground markings, signs, and physical barriers, as appropriate to the worksite.

   (f) Provide non-medical grade face coverings to their employees, with supplies of N95 masks and surgical masks reserved, for now, for health care professionals, first responders (e.g., police officers, fire fighters, paramedics), and other critical workers.

   (g) Require face coverings to be worn when employees cannot consistently maintain six feet of separation from other individuals in the workplace, and consider face
shields when employees cannot consistently maintain three feet of separation from other individuals in the workplace.

(h) Increase facility cleaning and disinfection to limit exposure to COVID-19, especially on high-touch surfaces (e.g., door handles), paying special attention to parts, products, and shared equipment (e.g., tools, machinery, vehicles).

(i) Adopt protocols to clean and disinfect the facility in the event of a positive COVID-19 case in the workplace.

(j) Make cleaning supplies available to employees upon entry and at the worksite and provide time for employees to wash hands frequently or to use hand sanitizer.

(k) When an employee is identified with a confirmed case of COVID-19:

   (1) Immediately notify the local public health department, and

   (2) Within 24 hours, notify any co-workers, contractors, or suppliers who may have come into contact with the person with a confirmed case of COVID-19.

(l) An employer will allow employees with a confirmed or suspected case of COVID-19 to return to the workplace only after they are no longer infectious according to the latest guidelines from the Centers for Disease Control and Prevention (“CDC”) and they are released from any quarantine or isolation by the local public health department.

(m) Follow Executive Order 2020-36, and any executive orders that follow it, that prohibit discharging, disciplining, or otherwise retaliating against employees who stay home or who leave work when they are at particular risk of infecting others with COVID-19.

(n) Establish a response plan for dealing with a confirmed infection in the workplace, including protocols for sending employees home and for temporary closures of all or part of the workplace to allow for deep cleaning.

(o) Restrict business-related travel for employees to essential travel only.

(p) Encourage employees to use personal protective equipment and hand sanitizer on public transportation.

(q) Promote remote work to the fullest extent possible.

(r) 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.
2. Businesses or operations whose work is primarily and traditionally performed outdoors must:

(a) Prohibit gatherings of any size in which people cannot maintain six feet of distance from one another.

(b) Limit in-person interaction with clients and patrons to the maximum extent possible, and bar any such interaction in which people cannot maintain six feet of distance from one another.

(c) Provide and require the use of personal protective equipment such as gloves, goggles, face shields, and face coverings, as appropriate for the activity being performed.

(d) Adopt protocols to limit the sharing of tools and equipment to the maximum extent possible and to ensure frequent and thorough cleaning and disinfection of tools, equipment, and frequently touched surfaces.

3. Businesses or operations in the construction industry must:

(a) Conduct a daily entry screening protocol for employees, contractors, suppliers, and any other individuals entering a worksite, including a questionnaire covering symptoms and suspected or confirmed exposure to people with possible COVID-19, together with, if possible, a temperature screening.

(b) Create dedicated entry point(s) at every worksite, if possible, for daily screening as provided in sub-provision (b) of this section, or in the alternative issue stickers or other indicators to employees to show that they received a screening before entering the worksite that day.

(c) Provide instructions for the distribution of personal protective equipment and designate on-site locations for soiled face coverings.

(d) Require the use of work gloves where appropriate to prevent skin contact with contaminated surfaces.

(e) Identify choke points and high-risk areas where employees must stand near one another (such as hallways, hoists and elevators, break areas, water stations, and buses) and control their access and use (including through physical barriers) so that social distancing is maintained.

(f) Ensure there are sufficient hand-washing or hand-sanitizing stations at the worksite to enable easy access by employees.

(g) Notify contractors (if a subcontractor) or owners (if a contractor) of any confirmed COVID-19 cases among employees at the worksite.

(h) Restrict unnecessary movement between project sites.
(i) Create protocols for minimizing personal contact upon delivery of materials to the worksite.

4. Manufacturing facilities must:

(a) Conduct a daily entry screening protocol for employees, contractors, suppliers, and any other individuals entering the facility, including a questionnaire covering symptoms and suspected or confirmed exposure to people with possible COVID-19, together with temperature screening as soon as no-touch thermometers can be obtained.

(b) Create dedicated entry point(s) at every facility for daily screening as provided in sub-provision (a) of this section, and ensure physical barriers are in place to prevent anyone from bypassing the screening.

(c) Suspend all non-essential in-person visits, including tours.

(d) Train employees on, at a minimum:

   (1) Routes by which the virus causing COVID-19 is transmitted from person to person.

   (2) Distance that the virus can travel in the air, as well as the time it remains viable in the air and on environmental surfaces.

   (3) The use of personal protective equipment, including the proper steps for putting it on and taking it off.

(e) Reduce congestion in common spaces wherever practicable by, for example, closing salad bars and buffets within cafeterias and kitchens, requiring individuals to sit at least six feet from one another, placing markings on the floor to allow social distancing while standing in line, offering boxed food via delivery or pick-up points, and reducing cash payments.

(f) Implement rotational shift schedules where possible (e.g., increasing the number of shifts, alternating days or weeks) to reduce the number of employees in the facility at the same time.

(g) Stagger meal and break times, as well as start times at each entrance, where possible.

(h) Install temporary physical barriers, where practicable, between work stations and cafeteria tables.

(i) Create protocols for minimizing personal contact upon delivery of materials to the facility.

(j) Adopt protocols to limit the sharing of tools and equipment to the maximum extent possible.
(k) Ensure there are sufficient hand-washing or hand-sanitizing stations at the worksite to enable easy access by employees, and discontinue use of hand dryers.

(l) Notify plant leaders and potentially exposed individuals upon identification of a positive case of COVID-19 in the facility, as well as maintain a central log for symptomatic employees or employees who received a positive test for COVID-19.

(m) Send potentially exposed individuals home upon identification of a positive case of COVID-19 in the facility.

(n) Require employees to self-report to plant leaders as soon as possible after developing symptoms of COVID-19.

(o) Shut areas of the manufacturing facility for cleaning and disinfection, as necessary, if an employee goes home because he or she is displaying symptoms of COVID-19.

5. Research laboratories, but not laboratories that perform diagnostic testing, must:

(a) Assign dedicated entry point(s) and/or times into lab buildings.

(b) Conduct a daily entry screening protocol for employees, contractors, suppliers, and any other individuals entering a worksite, including a questionnaire covering symptoms and suspected or confirmed exposure to people with possible COVID-19, together with, if possible, a temperature screening.

(c) Create protocols and/or checklists as necessary to conform to the facility's COVID-19 preparedness and response plan.

(d) Suspend all non-essential in-person visitors (including undergraduate students) until further notice.

(e) Establish and implement a plan for distributing face coverings.

(f) Limit the number of people per square feet of floor space permitted in a particular laboratory at one time.

(g) Close open workspaces, cafeterias, and conference rooms.

(h) As necessary, use tape on the floor to demarcate socially distanced workspaces and to create one-way traffic flow.

(i) Require all office and dry lab work to be conducted remotely.

(j) Minimize the use of shared lab equipment and shared lab tools and create protocols for disinfecting lab equipment and lab tools.
(k) Provide disinfecting supplies and require employees to wipe down their work stations at least twice daily.

(l) Implement an audit and compliance procedure to ensure that cleaning criteria are followed.

(m) Establish a clear reporting process for any symptomatic individual or any individual with a confirmed case of COVID-19, including the notification of lab leaders and the maintenance of a central log.

(n) Clean and disinfect the work site when an employee is sent home with symptoms or with a confirmed case of COVID-19.

(o) Send any potentially exposed co-workers home if there is a positive case in the facility.

(p) Restrict all non-essential work travel, including in-person conference events.

6. Retail stores that are open for in-store sales, as well as libraries and museums, must:

(a) Create communications material for customers (e.g., signs or pamphlets) to inform them of changes to store practices and to explain the precautions the store is taking to prevent infection.

(b) Establish lines to regulate entry in accordance with subsection (c) of this section, with markings for patrons to enable them to stand at least six feet apart from one another while waiting. Stores should also explore alternatives to lines, including by allowing customers to wait in their cars for a text message or phone call, to enable social distancing and to accommodate seniors and those with disabilities.

(c) Except in Regions 6 and 8, adhere to the following restrictions:

(1) For stores of less than 50,000 square feet of customer floor space, must limit the number of people in the store (including employees) to 25% of the total occupancy limits established by the State Fire Marshal or a local fire marshal. Stores of more than 50,000 square feet must:

(A) Limit the number of customers in the store at one time (excluding employees) to 4 people per 1,000 square feet of customer floor space.

(B) Create at least two hours per week of dedicated shopping time for vulnerable populations, which for purposes of this order are people over 60, pregnant women, and those with chronic conditions, including but not limited to heart disease, diabetes, and lung disease.
(2) The director of the Department of Health and Human Services is authorized to issue an emergency order varying the capacity limits described in this subsection as necessary to protect the public health.

(d) Post signs at store entrance(s) instructing customers of their legal obligation to wear a face covering when inside the store.

(e) Post signs at store entrance(s) informing customers not to enter if they are or have recently been sick.

(f) Design spaces and store activities in a manner that encourages employees and customers to maintain six feet of distance from one another.

(g) Install physical barriers at checkout or other service points that require interaction, including plexiglass barriers, tape markers, or tables, as appropriate.

(h) Establish an enhanced cleaning and sanitizing protocol for high-touch areas like restrooms, credit-card machines, keypads, counters, shopping carts, and other surfaces.

(i) Train employees on:

(1) Appropriate cleaning procedures, including training for cashiers on cleaning between customers.

(2) How to manage symptomatic customers upon entry or in the store.

(j) Notify employees if the employer learns that an individual (including a customer or supplier) with a confirmed case of COVID-19 has visited the store.

(k) Limit staffing to the minimum number necessary to operate.

7. Offices must:

(a) Assign dedicated entry point(s) for all employees to reduce congestion at the main entrance.

(b) Provide visual indicators of appropriate spacing for employees outside the building in case of congestion.

(c) Take steps to reduce entry congestion and to ensure the effectiveness of screening (e.g., by staggering start times, adopting a rotational schedule in only half of employees are in the office at a particular time).

(d) Require face coverings in shared spaces, including during in-person meetings and in restrooms and hallways.
(e) Increase distancing between employees by spreading out workspaces, staggering workspace usage, restricting non-essential common space (e.g., cafeterias), providing visual cues to guide movement and activity (e.g., restricting elevator capacity with markings).

(f) Prohibit social gatherings and meetings that do not allow for social distancing or that create unnecessary movement through the office. Use virtual meetings whenever possible.

(g) Provide disinfecting supplies and require employees wipe down their work stations at least twice daily.

(h) Post signs about the importance of personal hygiene.

(i) Disinfect high-touch surfaces in offices (e.g., whiteboard markers, restrooms, handles) and minimize shared items when possible (e.g., pens, remotes, whiteboards).

(j) Institute cleaning and communications protocols when employees are sent home with symptoms.

(k) Notify employees if the employer learns that an individual (including a customer, supplier, or visitor) with a confirmed case of COVID-19 has visited the office.

(l) Suspend all nonessential visitors.

(m) Restrict all non-essential travel, including in-person conference events.

8. Restaurants and bars must:

(a) Limit capacity to 50% of normal seating.

(b) Require six feet of separation between parties or groups at different tables or bar tops (e.g., spread tables out, use every other table, remove or put up chairs or barstools that are not in use).

(c) Create communications material for customers (e.g., signs, pamphlets) to inform them of changes to restaurant or bar practices and to explain the precautions that are being taken to prevent infection.

(d) Close waiting areas and ask customers to wait in cars for a notification when their table is ready.

(e) Close self-serve food or drink options, such as buffets, salad bars, and drink stations.

(f) Provide physical guides, such as tape on floors or sidewalks and signage on walls to ensure that customers remain at least six feet apart in any lines.
(g) Post sign(s) at store entrance(s) informing customers not to enter if they are or have recently been sick.

(h) Post sign(s) instructing customers to wear face coverings until they get to their table.

(i) Require hosts, servers, and staff to wear face coverings in the dining area.

(j) Require employees to wear face coverings and gloves in the kitchen area when handling food, consistent with guidelines from the Food and Drug Administration (“FDA”).

(k) Limit shared items for customers (e.g., condiments, menus) and clean high-contact areas after each customer (e.g., tables, chairs, menus, payment tools).

(l) Train employees on:

   (1) Appropriate use of personal protective equipment in conjunction with food safety guidelines.

   (2) Food safety health protocols (e.g., cleaning between customers, especially shared condiments).

   (3) How to manage symptomatic customers upon entry or in the restaurant.

(m) Notify employees if the employer learns that an individual (including an employee, customer, or supplier) with a confirmed case of COVID-19 has visited the store.

(n) Close restaurant immediately if an employee shows symptoms of COVID-19, defined as either the new onset of cough or new onset of chest tightness or two of the following: fever (measured or subjective), chills, rigors, myalgia, headache, sore throat, or olfactory/taste disorder(s), and perform a deep clean, consistent with guidance from the FDA and the CDC. Such cleaning may occur overnight.

(o) 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 is difficult.

(p) To the maximum extent possible, limit the number of employees in shared spaces, including kitchens, host stands, break rooms, and offices, to maintain at least a six-foot distance between employees.

9. Outpatient health-care facilities, including clinics, primary care physician offices, or dental offices, and also including veterinary clinics, must:

   (a) Post signs at entrance(s) instructing patients to wear a face covering when inside.
(b) Limit waiting-area occupancy to the number of individuals who can be present while staying six feet away from one another and ask patients, if possible, to wait in cars for their appointment to be called.

(c) Mark waiting rooms to enable six feet of social distancing (e.g., by placing X's on the ground and/or removing seats in the waiting room).

(d) Enable contactless sign-in (e.g., sign in on phone app) as soon as practicable.

(e) Add special hours for highly vulnerable patients, including the elderly and those with chronic conditions.

(f) Conduct a common screening protocol for all patients, including a temperature check and questions about COVID-19 symptoms.

(g) Place hand sanitizer and face coverings at patient entrance(s).

(h) Require employees to make proper use of personal protective equipment in accordance with guidance from the CDC and OSHA.

(i) Require patients to wear a face covering when in the facility, except as necessary for identification or to facilitate an examination or procedure.

(j) Install physical barriers at sign-in, temperature screening, or other service points that normally require personal interaction (e.g., plexiglass, cardboard, tables).

(k) Employ telehealth and telemedicine to the greatest extent possible.

(l) Limit the number of appointments to maintain social distancing and allow adequate time between appointments for cleaning.

(m) Employ specialized procedures for patients with high temperatures or respiratory symptoms (e.g., special entrances, having them wait in their car) to avoid exposing other patients in the waiting room.

(n) Deep clean examination rooms after patients with respiratory symptoms and clean rooms between all patients.

(o) Establish procedures for building disinfection in accordance with CDC guidance if it is suspected that an employee or patient has COVID-19 or if there is a confirmed case.

10. 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.

11. 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 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.

12. 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:

   (1) Monitor and enforce compliance with the facility’s COVID-19 protocols.

   (2) 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.

13. 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.

14. Employers must maintain a record of the requirements set forth in Sections 1(c), (d), and (k).

15. The rules described in sections 1 through 14 have the force and effect of regulations adopted by the departments and agencies with responsibility for overseeing compliance with workplace health-and-safety standards and are fully enforceable by such agencies. Any challenge to penalties imposed by a department or agency for violating any of the rules described in sections 1 through 14 of this order will
proceed through the same administrative review process as any challenge to a penalty imposed by the department or agency for a violation of its rules.

16. Any business or operation that violates the rules in sections 1 through 14 has failed to provide a place of employment that is free from recognized hazards that are causing, or are likely to cause, death or serious physical harm to an employee, within the meaning of the Michigan Occupational Safety and Health Act, MCL 408.1011.

17. Executive Order 2020-109, which establishes temporary safety measures for food-selling establishments and pharmacies, does not terminate until the end of the states of emergency and disaster declared in Executive Order 2020-99 or the end of any subsequently declared states of disaster or emergency arising out of the COVID-19 pandemic, whichever comes later.

18. Nothing in this order shall be taken to limit or affect any rights or remedies otherwise available under law.

Given under my hand and the Great Seal of the State of Michigan.

Date: June 5, 2020
Time: 10:30 am

___________________________________
GRETCHEM WHITMER
GOVERNOR

By the Governor:

___________________________________
SECRETARY OF STATE
EXECUTIVE ORDER
No. 2020-115

Temporary restrictions on certain events, gatherings, and businesses

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended (EMA), MCL 30.401 et seq., and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended (EPGA), MCL 10.31 et seq.

Since then, the virus spread across Michigan, bringing deaths in the thousands, confirmed cases in the tens of thousands, and deep disruption to this state’s economy, homes, and educational, civic, social, and religious institutions. On April 1, 2020, in response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the State of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945. And on April 30, 2020, finding that COVID-19 had created emergency and disaster conditions across the State of Michigan, I issued Executive Order 2020-67 to continue the emergency declaration under the Emergency Powers of the Governor Act, as well as Executive Order 2020-68 to issue new emergency and disaster declarations under the Emergency Management Act.

Those executive orders have been challenged in Michigan House of Representatives and Michigan Senate v Whitmer. On May 21, 2020, the Court of Claims ruled that Executive Order 2020-67 is a valid exercise of authority under the Emergency Powers of the Governor Act but that Executive Order 2020-68 is not a valid exercise of authority under the Emergency Management Act. Both of those rulings are being challenged on appeal.

order constituted a state of emergency declaration under the Emergency Powers of the Governor Act of 1945. And, to the extent the governor may declare a state of emergency and a state of disaster under the Emergency Management Act when emergency and disaster conditions exist yet the legislature has declined to grant an extension request, that order also constituted a state of emergency and state of disaster declaration under that act.

The Emergency Powers of the Governor Act provides a sufficient legal basis for issuing this executive order. In relevant part, it provides that, after declaring a state of emergency, “the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control.” MCL 10.31(1).

Nevertheless, subject to the ongoing litigation and the possibility that current rulings may be overturned or otherwise altered on appeal, I also invoke the Emergency Management Act as a basis for executive action to combat the spread of COVID-19 and mitigate the effects of this emergency on the people of Michigan, with the intent to preserve the rights and protections provided by the EMA. The EMA vests the governor with broad powers and duties to “cope with dangers to this state or the people of this state presented by a disaster or emergency,” which the governor may implement through “executive orders, proclamations, and directives having the force and effect of law.” MCL 30.403(1)–(2). This executive order falls within the scope of those powers and duties, and to the extent the governor may declare a state of emergency and a state of disaster under the Emergency Management Act when emergency and disaster conditions exist yet the legislature has not granted an extension request, they too provide a sufficient legal basis for this order.

To suppress the spread of COVID-19, to prevent the state’s health care system from being overwhelmed, to allow time for the production of critical test kits, ventilators, and personal protective equipment, to establish the public health infrastructure necessary to contain the spread of infection, and to avoid needless deaths, it was reasonable and necessary to direct residents to remain at home or in their place of residence to the maximum extent feasible. To that end, on March 23, 2020, I issued Executive Order 2020-21, ordering all people in Michigan to stay home and stay safe. In Executive Orders 2020-42, 2020-59, 2020-70, 2020-77, 2020-92, and 2020-96, I extended that initial order, modifying its scope as needed and appropriate to match the ever-changing circumstances presented by this pandemic.

The measures put in place by these executive orders have been effective: the number of new confirmed cases each day continues to drop. Although the virus remains aggressive and persistent—on June 4, 2020, Michigan reported 58,241 confirmed cases and 5,595 deaths—the strain on our health care system has begun to relent, even as our testing capacity has increased. We are now in the process of gradually resuming in-person work and activities. In so doing, however, we must move with care, patience, and vigilance, recognizing the grave harm that this virus continues to inflict on our state and how quickly our progress in suppressing it can be undone.

Regions 6 and 8 have significantly fewer new cases per million each day than other regions in the state and have not shown an increase in viral activity in response to earlier relaxations of my orders. Taking into account the public health data and the ongoing costs of continued restrictions, I find it reasonable and necessary to move Regions 6 and 8 to Stage 5 of the Michigan Safe Start Plan as of June 10. Gyms, hair salons, indoor theaters,
tattoo parlors, and similar establishments will be permitted to reopen, subject to strict workplace safeguards. Indoor social gatherings and organized events of up to 50 people will be allowed, as will outdoor social gatherings and organized events of up to 250 people.

In addition, I find it reasonable and necessary to allow personal care services—including hair and nail salons—to reopen statewide as of June 15. This constitutes a partial step along the path of an orderly transition to Stage 5 for those parts of the state outside Regions 6 and 8.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. For purposes of this order, Michigan comprises eight separate regions.

   (a) Region 1 includes the following counties: Monroe, Washtenaw, Livingston, Genesee, Lapeer, Saint Clair, Oakland, Macomb, and Wayne.

   (b) Region 2 includes the following counties: Mason, Lake, Osceola, Clare, Oceana, Newaygo, Mecosta, Isabella, Muskegon, Montcalm, Ottawa, Kent, and Ionia.

   (c) Region 3 includes the following counties: Allegan, Barry, Van Buren, Kalamazoo, Calhoun, Berrien, Cass, Saint Joseph, and Branch.

   (d) Region 4 includes the following counties: Oscoda, Alcona, Ogemaw, Iosco, Gladwin, Arenac, Midland, Bay, Saginaw, Tuscola, Sanilac, and Huron.

   (e) Region 5 includes the following counties: Gratiot, Clinton, Shiawassee, Eaton, and Ingham.

   (f) Region 6 includes the following counties: Manistee, Wexford, Missaukee, Roscommon, Benzie, Grand Traverse, Kalkaska, Crawford, Leelanau, Antrim, Otsego, Montmorency, Alpena, Charlevoix, Cheboygan, Presque Isle, and Emmet.

   (g) Region 7 includes the following counties: Hillsdale, Lenawee, and Jackson.

   (h) Region 8 includes the following counties: Gogebic, Ontonagon, Houghton, Keweenaw, Iron, Baraga, Dickinson, Marquette, Menominee, Delta, Alger, Schoolcraft, Luce, Mackinac, and Chippewa.

2. As of 12:01 am on June 15, 2020, subsection 12(c) of Executive Order 2020-110, which restricts the operation of facilities offering non-essential personal care services, is rescinded.

3. As of 12:01 am on June 10, 2020, individuals and businesses in Regions 6 and 8 are no longer subject to Executive Order 2020-110 and are instead subject to the rules described in this order.

4. Work that can be performed remotely (i.e., without the worker leaving his or her home or place of residence) should be performed remotely.
5. Any business or operation that requires its employees to leave their home or place of residence for work is subject to the rules on workplace safeguards in Executive Order 2020-114 or any order that may follow from it.

6. Any individual who leaves his or her home or place of residence must:

(a) Follow social distancing measures recommended by the Centers for Disease Control and Prevention (“CDC”), including remaining at least six feet from people from outside the individual’s household to the extent feasible under the circumstances.

(b) Wear a face covering over his or her nose and mouth—such as a homemade mask, scarf, bandana, or handkerchief—when in any enclosed public space, unless the individual is unable medically to tolerate a face covering.

   (1) An individual may be required to temporarily remove a face covering upon entering an enclosed public space for identification purposes. An individual may also remove a face covering to eat or drink when seated at a restaurant or bar.

   (2) Businesses and building owners, and those authorized to act on their behalf, are permitted to deny entry or access to any individual who refuses to comply with the rule in this subsection (b). Businesses and building owners will not be subject to a claim that they have violated the covenant of quiet enjoyment, to a claim of frustration of purpose, or to similar claims for denying entry or access to a person who refuses to comply with this subsection (b).

   (3) Supplies of N95 masks and surgical masks should generally be reserved, for now, for health care professionals, first responders (e.g., police officers, fire fighters, paramedics), and other critical workers who interact with the public.

   (4) The protections against discrimination in the Elliott-Larsen Civil Rights Act, 1976 PA 453, as amended, MCL 37.2101 et seq., and any other protections against discrimination in Michigan law, apply in full force to individuals who wear a face covering under this order.

7. Rules on Gatherings, Performances, and Events

(a) A social gathering or organized event among persons not part of the same household is permitted, but only to the extent that:

   (1) Persons not part of the same household maintain six feet of distance from one another.

   (2) If it is indoors, the gathering or event does not exceed 50 people.

   (3) If it is outdoors, the gathering or event does not exceed 250 people.
(b) Notwithstanding the restrictions in subsection (a), an arcade, bowling alley, cinema, climbing facility, convention center, performance space, meeting hall, night club, sports arena, theater, or similar venue may, if it is indoors, be open to spectators or patrons, but only to the extent that it:

(1) Enables persons not part of the same household to maintain six feet of distance from one another at all times while in the venue.

(2) Limits the number of people in the venue to 25% of its maximum capacity or to 250, whichever is smaller. For purposes of this order, each separate auditorium or screening room is a separate venue.

(c) Notwithstanding the restrictions in subsection (a), a concert space, race track, sports arena, stadium, or similar venue may, if it is outdoors, be open to spectators or patrons, but only to the extent that it:

(1) Enables persons not part of the same household to maintain six feet of distance from one another at all times while in the venue.

(2) Limits the number of people in the venue to 25% of its maximum capacity or to 500, whichever is smaller.

(d) Subsection (a) does not apply to the incidental gathering of persons in a shared space, including an airport, bus station, factory floor, restaurant, shopping mall, public pool, or workplace.

8. Unless otherwise prohibited by local regulation, outdoor parks and recreational facilities may be open, provided that they make any reasonable modifications necessary to enable employees and patrons not part of the same household to maintain six feet of distance from one another, and provided that areas in which social distancing cannot be maintained be closed, subject to guidance issued by the Department of Health and Human Services.

9. Unless otherwise prohibited by local regulation, public swimming pools, as defined by MCL 333.12521(d), may be open, subject to guidance issued by the Department of Health and Human Services, provided that:

(a) If they are outdoors, they limit capacity to 50% of the bather capacity limits described in Rule 325.2193 of the Michigan Administrative Code.

(b) If they are indoors, they limit capacity to 25% of the bather capacity limits described in Rule 325.2193 of the Michigan Administrative Code.

10. Residential, travel, and troop camps within the meaning of Rule 400.11101(n), (p), or (q) of the Michigan Administrative Code remain closed for the time being.

11. Nothing in this order should be taken to interfere with or infringe on the powers of the legislative and judicial branches to perform their constitutional duties or exercise their authority. Similarly, nothing in this order shall be taken to abridge
protections guaranteed by the state or federal constitution under these emergency circumstances.

12. Consistent with prior guidance, neither a place of religious worship nor its owner is subject to penalty under section 15 of this order for allowing religious worship at such place. No individual is subject to penalty under section 15 of this order for engaging in religious worship at a place of religious worship, or for violating the face covering requirement of section 6(b) of this order.

13. Except as specified, nothing in this order supersedes any other executive order. This order takes effect immediately unless otherwise specified.

14. In determining whether to maintain, intensify, or relax the restrictions in this order, I will consider, among other things, (1) data on COVID-19 infections and the disease’s rate of spread; (2) whether sufficient medical personnel, hospital beds, and ventilators exist to meet anticipated medical need; (3) the availability of personal protective equipment for the health care workforce; (4) the state’s capacity to test for COVID-19 cases and isolate infected people; and (5) economic conditions in the state.

15. Consistent with MCL 10.33 and MCL 30.405(3), a willful violation of this order is a misdemeanor.

Given under my hand and the Great Seal of the State of Michigan.

Date: June 5, 2020
Time: 10:32 am

GRETCHEN WHITMER
GOVERNOR

By the Governor:

SECRETARY OF STATE