

Gov. Whitmer Issues Stay Home, Stay Safe Order

March 24, 2020

Michigan Gov. Gretchen Whitmer issued a temporary order for the state's residents to suspend activities that are not necessary to sustain or protect life.

As of 12:01 a.m., March 24, 2020, and subject to exceptions set forth in the order, all individuals living in Michigan must stay home and refrain from gathering in public or in private with people outside their household.

Individual activities excepted from the order are:

- Engaging in outdoor activity such as walking, running, cycling or other recreational activity consistent with remaining at least six feet from anyone outside an individual's household
- Performing jobs as critical infrastructure workers after so being designated by their employer (other than workers in health care, public health, certain government workers, certain child care workers, and workers at designated suppliers and distribution centers, which do not need to be designated)
- Conducting minimum basic business operations after being designated to perform such work by their employer upon the employer's determination that an in-person presence is strictly necessary to allow the business to maintain the value of inventory and equipment, care for animals, ensure security, process transactions (including payroll and employee benefits), or facilitate the ability of other workers to work remotely
- Performing necessary government activities such as law enforcement, public safety, and first responders, public transit, trash pick-up and disposal, enabling transactions that support the work of a business or operation that has critical infrastructure workers, and maintaining safe and sanitary public parks
- Performing tasks necessary to a person's own health and safety or that of a family or household member, including pets, such as seeking medical or dental care or securing medication to address an emergency or preserve health and safety
- Caring for a family member or family member's pet in another household
- Caring for minors, dependents, the elderly, persons with disabilities, or other vulnerable persons
- Visiting an individual under the care of a health care facility, residential care facility, or congregate care facility to the extent otherwise permitted
- Attending legal proceedings or hearings for essential or emergency purposes as ordered by a court
- Working or volunteering for businesses or operations (religious or secular nonprofits) that provide food, shelter, and other necessities for economically disadvantaged or otherwise needy individuals and people with disabilities

Individuals may also travel from outside of Michigan to return to a home or place of residence in Michigan, leave Michigan for a home or residence elsewhere, and travel between two residences in Michigan.

The order permits businesses and operations employing critical infrastructure workers to continue in-person operations but only after determining which workers are critical infrastructure workers and informing workers of that designation.

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Critical infrastructure workers are those described by the Director of the U.S. Cybersecurity and Infrastructure Security Agency in guidance dated March 19, 2020, on the COVID-19 response. Such workers include *some workers* in each of the following sectors:

- Health care and public health
- Law enforcement, public safety, and first responders
- Food and agriculture
- Energy
- Water and wastewater
- Transportation and logistics
- Public works
- Communications and information technology, including news media
- Other community-based government operations and essential functions
- Critical manufacturing
- Hazardous materials
- Financial services
- Chemical supply chains and safety
- Defense industrial base

Click here for a link to the full guidance on designating “critical infrastructure workers.”

Critical infrastructure worker designations may be communicated verbally until March 31, 2020, at 11:59 p.m. All designations after March 31, 2020, must be communicated in writing – which may include an electronic message, website publication or “other appropriate means.”

Special work rules apply to employers of critical infrastructure workers. At a minimum, employers must restrict the number of workers present to the minimum necessary to perform critical infrastructure functions, keep workers and patrons on premises at least six feet apart, increase standards of facility cleaning and disinfection to limit exposure to COVID-19, and adopt policies preventing workers from entering the premises if they display respiratory symptoms or have had contact with a person who is known or suspected to have COVID-19.

The “Stay Home, Stay Safe” order will be in effect until 11:59 p.m., on April 13, 2020. It is intended to slow the spread of the novel coronavirus that causes COVID-19, a respiratory disease that can result in serious illness or death. Suppressing the spread of the virus is necessary 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, and to avoid needless deaths, it is reasonable and necessary to direct residents to remain at home or in their place of residence to the maximum extent feasible, according to **Executive Order 2020-21**, issued on March 23, 2020.

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Miller Canfield attorneys are available to advise on how it may impact your business's operations. Please call your Miller Canfield attorney or a member of the firm's **Coronavirus Response Team** to discuss your concerns.

This information is based on the facts and guidance available at the time of publication, and may be subject to change.