

Michigan Governor Gretchen Whitmer Reopens Manufacturing

May 8, 2020

On May 7, 2020, Michigan Gov. Gretchen Whitmer opened up manufacturing in Michigan as a part of an overall extension of the state's Stay Home, Stay Safe orders. With the **new executive order**, manufacturing will re-open on May 11, 2020, but the Stay Home, Stay Safe requirement will extend until May 28, 2020.

The order allows for the return of manufacturing workers "necessary to perform start-up activities at manufacturing facilities, including activities necessary to prepare the facilities to follow the safeguards described in section 11(k) of [the] order" so long as they follow those workplace safeguards. Manufacturing workers necessary to perform start-up activities are allowed to return immediately. Manufacturing activities are allowed beginning on May 11, 2020, but only if the manufacturing facility has been prepared to follow the workplace safeguards in Section 11(k) of the order. The order allows in-person work by suppliers, distribution centers, and service providers along the supply chain that is "necessary to enable, support, or facilitate" resumed manufacturing activities by another business or operation.

Under Section 11(k) of the new order, manufacturing facilities must implement the following workplace safeguards:

1. Conduct a daily entry screening protocol for workers, 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.
2. Create dedicated entry point(s) at every facility for daily screening and ensure physical barriers are in place to prevent anyone from bypassing the screening.
3. Suspend all non-essential in-person visits, including tours.
4. Train workers on, at a minimum on the following:
 - a. Routes by which the virus causing COVID-19 is transmitted from person to person.
 - b. Distance that the virus can travel in the air, as well as the time it remains viable in the air and on environmental surfaces.
 - c. Symptoms of COVID-19.
 - d. Steps the worker must take to notify the business or operation of any symptoms of COVID-19 or a suspected or confirmed diagnosis of COVID-19.
 - e. Measures that the facility is taking to prevent worker exposure to the virus, as described in the COVID-19 preparedness and response plan required under section 11(a) of this order.
 - f. Rules that the worker must follow in order to prevent exposure to and spread of the virus.
 - g. The use of personal protective equipment, including the proper steps for putting it on and taking it off.
5. 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

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the floor to allow social distancing while standing in line, offering boxed food via delivery or pick-up points, and reducing cash payments.

6. Implement rotational shift schedules where possible (e.g., increasing the number of shifts, alternating days or weeks) to reduce the number of workers in the facility at the same time.
7. Stagger start times and meal times.
8. Install temporary physical barriers, where practicable, between work stations and cafeteria tables.
9. Create protocols for minimizing personal contact upon delivery of materials to the facility.
10. Adopt protocols to limit the sharing of tools and equipment to the maximum extent possible.
11. Frequently and thoroughly clean and disinfect high-touch surfaces, paying special attention to parts, products, and shared equipment (e.g., tools, machinery, vehicles).
12. Ensure there are sufficient hand-washing or hand-sanitizing stations at the worksite to enable easy access by workers, and discontinue use of hand dryers.
13. 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 workers or workers who received a positive test for COVID-19.
14. Send potentially exposed individuals home upon identification of a positive case of COVID-19 in the facility.
15. Encourage workers to self-report to plant leaders as soon as possible after developing symptoms of COVID-19.
16. Shut areas of the manufacturing facility for cleaning and disinfection, as necessary, if a worker goes home because he or she is displaying symptoms of COVID-19."

The new executive order also incorporates Gov. Whitmer's prior orders which require all businesses, operations, and government agencies that remain open or which intend to reopen for in-person work, to meet the following minimum requirements:

- 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 and available at <https://www.osha.gov/Publications/OSHA3990.pdf>. Such plan must be available at company headquarters or the worksite.
- b. Restrict the number of workers present on premises to no more than is strictly necessary to perform the in-person work permitted under this order.
- c. Promote remote work to the fullest extent possible.
- d. Keep workers and patrons who are on premises at least six feet from one another to the maximum extent possible.

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- e. Require masks to be worn when workers cannot consistently maintain six feet of separation from other individuals in the workplace, and consider face shields when workers cannot consistently maintain three feet of separation from other individuals in the workplace.
- f. Increase standards of facility cleaning and disinfection to limit worker and patron exposure to COVID-19, as well as adopting protocols to clean and disinfect in the event of a positive COVID-19 case in the workplace.
- g. Adopt policies to prevent workers from entering the premises if they display respiratory symptoms or have had contact with a person with a confirmed diagnosis of COVID-19.
- h. Adopt any other social distancing practices and mitigation measures recommended by the CDC.”

In her press conference on May 7, 2020, Gov. Whitmer characterized these steps as the beginning of the third phase of a six-phase Michigan “Safe Start Plan.”

Miller Canfield continues to monitor these orders and will provide updates and assist clients with determining how the rules may apply to your business.

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