

MARVAC

Last week, Governor Whitmer issued Executive Order 2020-70, reaffirming prior stay-at-home measures, extending those measures through May 15, 2020, and easing some restrictions from prior executive orders. The new order allows certain “resumed activities” to re-open, but imposes new requirements, including requiring any business with in-person operations to adopt and post in the workplace a Preparedness and Response Plan that contains specific safety precautions and protocols, including providing employees with personal protective equipment. To help members during this transition, MARVAC has worked with our legal counsel to develop a sample plan for your reference.

Campgrounds should note that the Executive Order allows individuals to again travel between two residences in Michigan. **Although “recreational camping” remains prohibited, due to MARVAC’s efforts, the Governor’s office has confirmed understanding that an RV is considered a primary or secondary residence. For campgrounds that have customers who’s RV is *not* used in a recreational manner, but is truly a primary or secondary residence in Michigan, the campground may open for the purpose of serving those guests. This includes the designation of certain employees as critical for purposes of minimal actions required to maintain the safe and sanitary function of the facility.**

This appropriately only applies to a campsite and RV with full hook-up (water, electricity, and sewer) that requires no interaction with people outside of the individual’s household. Further, all common areas (e.g., playground equipment, bathrooms and showers, etc.) must remain closed and all other precautions have to be followed, including providing an alternative means of payment other than in-person interaction.

As outlined in prior MARVAC member guidance, for those members who designate critical infrastructure workers that do continue in-person operations, section 5 details further direction: businesses and operations must determine which of their workers are critical infrastructure workers and inform such workers of that designation. Businesses and operations must make such designations in writing, whether by electronic message, public website, or other appropriate means.

It is important to reiterate that the executive order still prohibits “vacation rentals” or advertising short-term vacation property except as necessary to assist in housing a health care professional or volunteer aiding in the response to the COVID-19 crisis.

Subject to enhanced social distancing rules described below, the following resumed activity workers may also return to in-person operations:

- Effective at 12:01 am on May 7, 2020, workers who perform work that is traditionally and primarily performed outdoors, including but not limited to forestry workers, outdoor power equipment technicians, parking enforcement workers, and similar workers;

- Effective at 12:01 am on May 7, 2020, workers in the construction industry, including workers in the building trades (plumbers, electricians, HVAC technicians, and similar workers);
- Effective at 12:01 am on May 7, 2020, workers in the real-estate industry, including agents, appraisers, brokers, inspectors, surveyors, and registers of deeds;
- Workers for and lawn care, pest control, and landscaping operations;
- Maintenance workers and groundskeepers who are necessary to maintain the safety and sanitation of places of outdoor recreation; and
- Workers for moving or storage operations.

The following enhanced social distancing rules are required for all resumed activities:

- Prohibit gatherings of any size in which people cannot maintain six feet of distance from one another.
- Limit in-person interaction with clients and patrons to the maximum extent possible and prohibit any such interaction in which people cannot maintain six feet of distance from one another.
- Provide personal protective equipment such as gloves, goggles, face shields, and face masks as appropriate for the activity being performed.
- Adopt protocols to limit the sharing of tools and equipment to the maximum extent possible and to ensure frequent and thorough cleaning of tools, equipment, and frequently touched surfaces.

What remains the same for business operations under Executive Order 2020-70 from prior orders?

- Businesses must still designate critical infrastructure workers, those who conduct minimum basic operations, or those performing resumed activities;
- All businesses and operations whose workers perform in-person work must, at a minimum, provide non-medical grade face coverings to their workers
- In-person activities that are not necessary to sustain or protect life (or now to perform a resumed activity) must be suspended.
- Businesses must still develop a COVID-19 Preparedness and Response Plan consistent with the Executive Order and the Guidance on Preparing Workplaces for COVID-19 developed by the Occupational Health and Safety Administration. **This plan must be available at company headquarters or the worksite.**
- Restrict the number of workers present on-premises to no more than is strictly necessary to perform the in-person work permitted under the order;
- Promote remote work to the fullest extent possible;
- Keep workers and patrons on the premises at least six feet from one another to the maximum extent possible;
- Increase facility cleaning and disinfection to limit worker and patron exposure;

- Adopt protocols to clean and disinfect in the event of a positive COVID-19 case in the workplace;
- 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;
- Adopt any other social distancing practices and mitigation measures recommended by the CDC.
- Businesses must continue to comply with state law, including but not limited to Executive Order 2020-36 (Protecting workers who stay home, stay safe when they or their close contacts are sick), as well as any relevant local order as well.

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Because a COVID-19 preparedness and response plan is required before businesses resume in-person work, MARVAC has developed a sample plan for members' use.