



Coronavirus

CORONAVIRUS / RESOURCES / EXECUTIVE ORDERS & DIRECTIVES

Executive Order 2020-21 FAQs

The most up-to-date guidance on these and other mitigation strategies is available at [Michigan.gov/Coronavirus](https://www.michigan.gov/Coronavirus). This matter is rapidly evolving and MDHHS may provide updated guidance.

Executive Order, No. 2020-21:

Temporary requirement to suspend activities that are not necessary to sustain or protect life

Q: If a business employs critical infrastructure workers, can the business conduct both its critical infrastructure and non-critical infrastructure operations?

A: Under the order, a business cannot require workers to leave their homes unless the workers are “necessary to sustain or protect life or to conduct minimum basic operations”

Workers considered necessary to sustain or protect life are those who meet the definition of “critical infrastructure workers” provided in sections 8 and 9 of the order. Only workers properly designated for these purposes can be on-site. All other in-person business operations must be suspended. In determining whether certain in-person operations are permitted under the order, businesses that offer goods and services must bear in mind that, under the order, individuals are only allowed to leave their homes to secure necessary services or supplies, such as food, medication, and products necessary to maintain the safety, sanitation, and basic operation of their residences. Businesses must tailor their in-person provision of goods and services accordingly.

The order does not prohibit or suspend work that can be performed remotely. All work under the order must be performed remotely to the greatest extent possible, and any in-person work must be done in accordance with the mitigation measures required under section 5 of the order.



Q: Are manufacturing workers considered critical infrastructure?

A: Under the order, a business or operation cannot require workers to leave their homes unless the workers are “necessary to sustain or protect life or to conduct minimum basic operations.” Workers considered necessary to sustain or protect life are those who meet the definition of “critical infrastructure workers” as defined under sections 8 and 9 of the order. In-person work that does not meet these criteria must be suspended.

Guidance as to what qualifies as critical infrastructure can be found here:

https://www.michigan.gov/coronavirus/0,9753,7-406-98178_98737---,00.html

Workers considered necessary to conduct minimum basic operations are those whose in-person presence is strictly necessary to:

- Maintain the value of inventory and equipment
- Care for animals
- Ensure security
- Process transactions (including payroll and employee benefits)
- Facilitate the ability of other workers to work remotely

All work under the order must be performed remotely to the greatest extent possible, and any in-person work must be done in accordance with the mitigation measures required under section 5 of the order.

Q: May a company that performs oil changes and other routine automotive maintenance services provide those services in person to the public?

A. Yes. Workers that provide auto repair and maintenance services constitute critical infrastructure workers and may perform that work in person as needed. All work under the order must be performed remotely to the greatest extent possible, and any in-person work must be done in accordance with the mitigation measures required under section 5 of the order.

Q: Can security companies and security guards continue to operate?

A: Under the order, workers are permitted to leave their home for work if their in-person presence is strictly necessary to conduct the minimum basic operations of a business under section 4(b) of the order, which includes ensuring security. Some security workers may also constitute critical infrastructure workers under section 8 or section 9(b) of the order. Security workers who have been properly designated for in-person work under any of these criteria may leave their home to perform that work as needed. All work under the order must be performed remotely to the greatest extent possible, and any in-person work must be done in accordance with the mitigation measures required under section 5 of the order.

Q: Can law firms, attorney offices and legal aid clinics continue in-person activities?

A: Generally, no. Attorneys do not constitute “critical infrastructure workers” and thus may not leave their homes for work unless, under section 9(d) of the order, they are “provid[ing] food, shelter, and other necessities of life for economically disadvantaged or otherwise needy individuals, individuals who need assistance as a result of this emergency, and people with disabilities.” This is a tightly circumscribed category that captures only work that must be carried out in person and is absolutely necessary to assist those with a genuine and emergent need. All work under the order must be performed remotely to the greatest extent possible, and any in-person work must be done in accordance with the mitigation measures required under section 5 of the order.

Q: May campgrounds remain open for public use under Executive Order 2020-21?

A: In general, no. Recreational camping at campgrounds who rent to individuals who otherwise have a primary residence and are traveling to the campground for non COVID-19 related purposes are not permitted under this order. However, in some limited cases, workers at campgrounds may be critical infrastructure workers to the extent they “provide temporary or permanent housing for... shelter ... for ... otherwise needy individuals.” For purposes of the order, the term “otherwise needy individuals” includes anyone residing in a campground at the time the order was issued or anyone seeking shelter during the current pandemic. They may also remain open to the extent they are used for COVID-19 mitigation and containment efforts and to serve critical infrastructure workers.

If a licensed campground serves in the above capacity, it may only engage in activities to provide shelter and basic needs. In engaging in those activities, it must limit guest-to-guest, guest-to-staff, and staff-to-staff interactions as much as possible and must adopt all other mitigation measures required by section 5(c) of the order. It may not provide additional on-site amenities such as gyms, pools, spas, entertainment faculties, meetings rooms or like facilities, or provide in-house dining.

Q: Is bottle return an essential service?

A: Although bottle return services are often located within grocery and convenience stores, they are not considered critical infrastructure. There will be no change in the deposit collected at the time of purchase during this temporary suspension of bottle return services.

Q: Does in-person work that is essential to sustain or protect human life also include in-person work to prevent severe psychological harm?

A: Yes

Q: Are automotive dealership workers considered critical infrastructure under Executive Order 2020-21?

A: Under Executive Order 2020-21, showrooms of automotive dealerships are closed, but the automotive repair and maintenance components of a dealership can remain open for in-person work, so long as that work is done in accordance with section 5 of the order.

There is one very narrow circumstance under which a dealership may engage in in-person sales. Under section 9(d) of the order, a business may engage in in-person work if it is to “provide food, shelter, and other necessities of life for economically disadvantaged or otherwise needy individuals, individuals who need assistance as a result of this emergency, and people with disabilities.” Consistent with this tightly circumscribed category of in-person work, a sale at a dealership may occur if it must be carried out in person and if it is absolutely necessary to assist someone with a genuine and emergent need (such as a critical infrastructure worker whose vehicle has been damaged beyond repair and who has no other means of transport to his or her work). These circumstances are expected to be satisfied very rarely. An in-person sale that occurs under these conditions must be done by appointment and in accordance with section 5 of the order, including the mitigation measures listed in section 5(c).

Q: Are childcare workers considered critical infrastructure employees?

A: Childcare workers are considered critical infrastructure workers but only to the extent necessary to serve the children or dependents of critical infrastructure workers as defined in Executive Order 2020-21

Q: How does this order impact custody agreements / how does this order impact parent’s visits with their children placed in foster care?

A: Individuals may also travel as required by law enforcement or a court order, including the transportation of children pursuant to a Friend of the Court custody agreement under section 7 (b) (3) of this order. Court ordered parent child visits related to a child custody arrangement continue but these visits need not always be in person. Alternatives including telephone and videoconference are acceptable.

Visits between a child and parent while a child resides in foster care are limited to telephone and videoconference or other technology. Limited exceptions can be made if there is risk of severe psychological harm. Exceptions must be approved by the Executive Director of the Children’s Services Agency. In person visits at a Child Caring Institution need not occur unless a court order requires in-person contact to occur and if it can be safely facilitated.

Q: Are bicycle shop employees considered critical infrastructure for purposes of Executive Order 2020-21?

A: In general, no. Workers at bicycle repair shops can be designated as critical infrastructure workers only if they provide maintenance for bicycles that other critical infrastructure workers use to get to their jobs. We expect that this condition will be satisfied very rarely.

Q: Are people who repair homes considered critical infrastructure employees for the purposes of Executive Order 2020-21?

In general, yes. Under the order, critical infrastructure workers include workers “who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences.” To the extent your workers perform jobs that are necessary to the safety, sanitation, and operation of homes, they may be designated as critical infrastructure workers.

Q



Q: Are hotels and motels to remain open Executive Order 2020-21?

A: In general, hotels and motels may remain open, but must limit functions and operations.

Under the order, workers at hotels and motels are critical infrastructure workers to the extent they “provide temporary or permanent housing for... shelter ... for ... otherwise needy individuals.” For purposes of the order, the term “otherwise needy individuals” includes anyone residing in a hotel or motel at the time the order was issued or anyone seeking shelter during the current pandemic. Hotels and motels may also remain open to the extent they are used for COVID-19 mitigation and containment efforts and to serve critical infrastructure workers.

Hotels and motels may therefore remain open, but they may only engage in activities providing shelter and basic needs (such as carry-out/delivery/room-service food) and, in engaging in those activities, they must limit guest-to-guest, guest-to-staff, and staff-to-staff interactions as much as possible and must adopt all other mitigation measures required by

section 5(c) of the order. They may not provide additional in-house amenities such as gyms, pools, spas, entertainment facilities, meetings rooms or like facilities, or provide in-house dining.

Q: Under the Stay Home, Stay Safe EO, can school districts continue to provide food service for students?

A: Gov. Whitmer is committed to ensuring that Michigan students have access to the food they need during the COVID-19 pandemic. Under the governor's executive order, K-12 school food services are considered critical infrastructure and should continue.

Q: Are real estate agents, brokers, and real estate service employees considered critical infrastructure workers under 2020-21?

A: These workers do not constitute "critical infrastructure workers" and thus may not leave their homes for work unless, under section 9(d) of the order, they are "provid[ing] food, shelter, and other necessities of life for economically disadvantaged or otherwise needy individuals, individuals who need assistance as a result of this emergency, and people with disabilities." This is a tightly circumscribed category that captures only work that must be carried out in person and is absolutely necessary to assist those with a genuine and emergent need, such as an immediate lack of shelter. All work must be carried out remotely to the greatest extent possible.

Q: Do I need to carry credentials or any paperwork that indicates I've been designated a critical infrastructure employee or to travel to and from my home or residence?

A: No, there is not a requirement under Executive Order 2020-21 to carry credentials or paperwork with you under any circumstance.

Q: Are laundromat / coin laundry employees considered critical infrastructure employees for the purposes of Executive Order 2020-21?

A: Yes, these employees constitute critical infrastructure workers in the sector of public works and they are allowed to leave their home for work as needed. Like all critical infrastructure workers, their in-person work must be carried out consistently with the mitigation measures required by section 5 of the order.

Q: Are workers in RV sales, manufacturing, and distribution critical infrastructure employees?

A: No, workers who manufacture, sell and distribute RVs are not critical infrastructure workers under the Executive Order.

Q: Is construction allowed under the executive order?

A: Some limited forms of construction are permissible, including construction to maintain and improve roads, bridges, telecommunications infrastructure, and public health infrastructure (such as the creation or expansion of hospitals or other medical facilities to provide or support the provision of necessary care during the emergency). Construction workers may also undertake projects that are necessary to maintain the safety, sanitation, and essential operations of a residence during the emergency; any non-emergency maintenance or improvements to residences is not permitted. In addition, a business may designate a construction firm under section 9(b) of the order to provide necessary support to the work of that business’s critical infrastructure workers.

Construction projects that do not meet these criteria cannot be started or progressed while the order is in effect. This includes any such projects that were already underway at the time the order was issued. For those projects, workers are permitted on site only to carry out “minimum basic operations” under section 4(b) of the order. This work is limited to in-person tasks that are strictly necessary to preserve the current condition of the project while the order is in effect, such as putting in place temporary security and weatherization measures. All other in-person work on the project must cease until the restrictions of the order are lifted and normal operations resume

Q: May landscaping, lawncare, tree service, irrigation, and related outdoor maintenance companies operate under this order?

A: No, except if the service is necessary to maintain and improve the safety, sanitation, and essential operations of a residence. Therefore, cosmetic and non-emergency maintenance and improvements to the outdoor areas of residences and businesses are not permissible under this order. Any necessary landscaping work that is carried out while the order is in effect must be done in accordance with the mitigation measures required under section 5(c) of the order.

Q: Can hardware stores remain open?

A: Hardware stores may remain open because they supply goods necessary for construction of public infrastructure, projects that are necessary to maintain and improve the safety, sanitation, and essential operations of a residence, and projects that support critical infrastructure workers in businesses. All in-person work of hardware stores must be done in accordance with section 5 of the order, including the mitigation measures listed in section 5(c).

 **Q: Are golf courses allowed to stay open?**



A: No. While EO 2020-21 contemplates outdoor activity, opening a golf course to the public does not fall under the designation of critical infrastructure. Consequently, a golf course may not designate employees as critical infrastructure employees and authorize them come to work.

Q: Are tobacco shops, cigar bars, vape shops, and hookah lounges able to stay open under EO 2020-21?

A: No. These businesses are not considered critical infrastructure.

Q: May members of the media continue to have access to the station to relay news?

A: Yes. Employees responsible for disseminating news are covered in the exception in section 7 of the Executive Order 2020-21 since they are “critical infrastructure workers” as indicated in section 8(h).

Q: Are employees of pest control companies considered critical infrastructure workers for the purposes of Executive Order 2020-21?

A: Employees of pest control companies may be considered critical infrastructure workers if the pest control project is necessary to maintain and improve the safety, sanitation, and essential operations of a residence. Because pest control within a residence is often conducted for sanitation purposes, pest control projects would be permissible under the order. All pest control work that is carried out while the order is in effect must be done in accordance with the mitigation measures required under the order.


Q: Can hunting, shooting or target sports facilities/clubs continue to be open to the public?

A: No. A business or entity cannot require workers to leave their residence unless the worker is “necessary to sustain or protect life or to conduct minimum basic operations.” Whether indoor or outdoor in nature, employees of these types of facilities are not considered critical infrastructure. As needed, however, management may designate workers to leave their home for work if their in-person presence is strictly necessary to conduct the minimum basic operations listed in section 4(b) of the order. Minimum basic operations do not include serving members of the public.

Q: Are car wash employees considered critical infrastructure employees?

A: No, car washes or car detailing businesses do not employ critical infrastructure workers and in-person operations should be closed pursuant to the Executive Order 2020-21.

Q: Can pool or spa stores remain open to the public?

A: No, employees at these stores are not critical infrastructure workers under the Executive Order and the stores should not be open to the public. 

Q: Are massage parlors allowed to be open to serve members of the public under the Executive Order?

A: No. Massage parlor workers are not necessary to sustain or protect human life, nor do they employ or support critical infrastructure workers.

Q: Are furniture deliveries permissible under EO 2020-21?

A: No, in nearly all cases. The Executive Order specifically contemplates that people may leave their homes to obtain services or supplies necessary to maintain the safety, sanitation, and basic operation of their residences, and encourages obtaining such services or supplies via delivery to the maximum extent possible. Therefore, delivery of household items cosmetic in nature, like furniture, that are not required for emergency maintenance is not permissible under this order and must await abatement of the current emergency.

Q: May craft/hobby stores continue to remain open to the public?

A: No. The Executive Order specifically contemplates that people may leave their homes to obtain services or supplies necessary to maintain the safety, sanitation, and basic operation of their residences, and encourages obtaining such services or supplies via delivery to the maximum extent possible. The provision of items used for crafts or hobbies are not considered necessary to maintain the safety, sanitation, and basic operation of residences under the order.



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