

Michigan stay home, stay safe order in effect - now what?



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At 12:01 a.m. March 24, 2020, [Michigan Executive Order 2020-21](#), known as the “Stay Home, Stay Safe” order went into effect, halting all non-essential on-site business operations in Michigan, other than those operations necessary to sustain or protect life or to conduct minimum basic operations, until at least April 13, 2020. Businesses must designate employees that meet those criteria, and must adopt social distancing practices and other mitigation measures to protect workers and patrons in the performance of that necessary in-person work.

STEP 1: Is my business exempt from the prohibition on continued in-person operations as providing “critical infrastructure” workers?

The order exempts businesses and operations that employ critical infrastructure workers and allows those businesses to continue in-person operations, subject to certain requirements. The order defines critical infrastructure employees and businesses as follows:

1. **CISA list** – All businesses and workers identified in the U.S. Department of Homeland Security, Cybersecurity & Infrastructures Agency’s [Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response](#).
2. **Child care workers** – Includes only child care centers and individuals serving the children or dependents of critical infrastructure workers.
3. **Designated suppliers and distribution centers** – Businesses whose continued operation is necessary

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to enable, support, or facilitate the work of its critical infrastructure employees.

4. **Workers in the insurance industry** – Only to the extent their work cannot be done remotely.
5. **Charitable and social service organizations** – Businesses or operations (including both and religious and secular nonprofit organizations) that 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.
6. **Critical labor union functions** – Includes individuals who administer health and welfare funds and those who monitor the well-being and safety of union members who are critical infrastructure workers.
7. **Hotels and motels** - Hotels and motels may remain open only to provide shelter and basic needs (carry-out/delivery/room-service). They may not provide additional in-house amenities such as gyms, pools, spas, entertainment faculties, meetings rooms or like facilities, or provide in-house dining.

STEP 2: Do I need to designate my employees as critical infrastructure workers and/or do I need to designate my suppliers as essential?

A. All employers must designate which of its employees are considered critical infrastructure, except:

- Health care and public health
- Essential governmental activities
- Charitable and social service organizations

All designations must be in writing to these critical infrastructure employees. McDonald Hopkins can assist you with making sure your critical infrastructure employee written designations meet the requirements of the order.

B. If your business falls under one of the critical infrastructure categories above, and will depend on certain suppliers, distribution centers or service providers to support your business's continued operations, you need to designate in writing, all such suppliers, distribution centers or service providers. If your business is a "designated supplier, distribution center or service provider," you may also designate additional businesses that are necessary to your continued operations.

No matter where your business falls in the supply chain, McDonald Hopkins can assist you in making sure you are correctly designating those suppliers, distribution centers and service providers integral to your continued operations.

STEP 3: My business is not one of the critical infrastructure categories enumerated under the order, but I still need to maintain some on-site operations. What do I do?

Under the order non-essential businesses are required to cease all operations except for "minimum basic operations". Minimum basic operations include the minimum necessary activities required to maintain the value of a business's inventory and equipment, care for animals, ensure security, process transaction (including payroll and employee benefits), or facilitate the ability of others to work remotely. Businesses must determine which of their workers are necessary to conduct minimum basic operations and make such designations in writing.

McDonald Hopkins can assist you with making sure you correctly designating those employees necessary to maintain minimum basic operations under the order.

McDonald Hopkins has a team of professionals dedicated to helping Michigan businesses navigate through

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the requirements of Executive Order 2020-21. Whether you need guidance designating employees as critical infrastructure workers or essential to maintain minimum basic operations, or if you need to designate suppliers necessary to your business's continued operation, we are here to help. Our team can also help ensure that you adopt the social distancing practices and other mitigation measures in the performance of necessary in-person work as mandated under the order. If you have questions regarding Michigan's Stay Home, Stay Safe order, and how impacts your business, please contact one of the attorneys listed below.



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