



Quick Reference Guide Michigan Local Government Level Orders Related to COVID-19 and Business

November 6, 2020 - noon

Contact Information:

Dykema Coronavirus Task Force

<https://www.dykema.com/services-practices-dykema-coronavirus-task-force.html>

Coronavirus Disease (COVID-19) is affecting companies across the nation and around the world in a variety of ways. Dykema is closely monitoring the legal ramifications of the crisis and evaluating the potential impact to businesses in a wide variety of industries.

This Quick Reference Guide is for informational purposes only and is not intended to be legal advice. It is issued as of its dated date, and may be updated and reissued, which is important to consult as these matters change daily. The most current version is always available on Dykema's COVID-19 Resource Center, and is intended to help our clients and other organizations better understand current government actions that may affect their respective business operations. The Resource Center is available here:

<https://www.dykema.com/services-practices-Coronavirus-COVID-19-Resource-Center.html>.

This Quick Reference Guide provides information on select provisions of the identified orders issued by local units of government, and readers are encouraged to consult the complete orders (hyperlinks included) and local websites for further information and updates. This particular Quick Reference Guide only includes local government (county, township, city or village) orders in Michigan, other state and local government orders may be more restrictive. Consult the Resource Center or a Dykema attorney for additional information.

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Order Number	No active orders at this time.
Effective Dates	
Relevant Provisions	

Barry-Eaton District Health Department	
Order Number	No active orders at this time.
Effective Dates	
Relevant Provisions	

Bay County Health Department	
Order Number	<u>Emergency Order 2020-04</u>
Effective Dates	September 11, 2020
Relevant Provisions	Employers required to (1) screen employees for travel, close contact with COVID-19-positive person, and COVID-19 symptoms; (2) exclude employees from work for up to 14 days or depending on how long symptoms lasts (except for asymptomatic healthcare workers); and publish the order so it is visible to employees and members of the public.

Benzie-Leelanau District Health Department	
Order Number	No active orders at this time.
Effective Dates	
Relevant Provisions	

Berrien County Health Department	
Order Number	No active orders at this time.
Effective Dates	
Relevant Provisions	

Branch-Hillsdale-St. Joseph Community Health Agency	
Order Number	No active orders at this time.
Effective Dates	
Relevant Provisions	

Calhoun County Public Health Department	
Order Number	No active orders at this time.
Effective Dates	
Relevant Provisions	

Central Michigan District Health Department (Arenac, Clare, Gladwin, Osceola & Roscommon Counties, Michigan)	
Order Number	<u>Emergency Order Limiting Public Gatherings</u>
Effective Dates	August 24, 2020
Relevant Provisions	Applies to Union Township and the City of Mount Pleasant: (1) social gatherings/event must be designed to ensure people are 6 feet apart; (2) people must maintain six feet of distance from each other at the gathering/event (unless from same household); and (3) outdoor gatherings cannot exceed 25 people. Event organizers are encouraged to keep record of all event attendees.

Chippewa County Health Department	
Order Number	No active orders at this time.
Effective Dates	
Relevant Provisions	

Public Health of Delta & Menominee Counties	
Order Number	No active orders at this time.
Effective Dates	
Relevant Provisions	

City of Detroit Health Department	
Order Number	Standards for Essential Construction Contracts
Effective Dates	April 28, 2020
Relevant Provisions	<p>Contractors with the City of Detroit are required to implement COVID-19 Safe Workplace policies that include at a minimum the following elements:</p> <ol style="list-style-type: none"> 1. Initial testing of each worker for COVID-19. 2. Daily worker temperature check, health screening, and monitoring. 3. Workplace distancing and hygiene protocols. 4. Mandatory use of masks and other necessary PPE. 5. Thorough and frequent cleaning of worksites and vehicles.
Order Number	Emergency Order for Control of Pandemic
Effective Dates	October 9, 2020
Relevant Provisions	<p><u>Section I.</u> Face masks required during most indoor and some outdoor public gatherings; masks required on public transportation.</p> <p><u>Section II.</u> Bars, restaurants and nightclubs must limit capacity, require patrons and staff to wears masks, and implement various social distancing and risk mitigation measures (e.g. prohibit access to common areas, allow only table service). No indoor service for bars (70%+ of gross receipts from the sale of alcohol).</p> <p><u>Section III.</u> Limits on gatherings: Indoor: 10 or fewer permitted; may have up to 500 if organizer and venue have certain capacity restrictions in place. Outdoor: 100 or fewer permitted; may have up to 1,000 if organizer and venue have certain capacity restrictions in place. Order does not apply to incidental gatherings (e.g., airports, factory floors, workplaces); training exercises for law enforcement, medical, or first responders; or polling places.</p> <p><u>Section IV.</u> Employers must implement employee screening, mitigation measures, and response plan. Remote work recommended if capable.</p> <p>Business-specific rules for: (1) Outdoor work; (2) Construction; (3) Manufacturing; (4) Research labs; (5) Retail, libraries, & museums; (6) Offices; (7) Health care; (8) In-home services; (9) Personal-care Services; (12) Public accommodations (e.g. sporting venues, bowling centers); (13) Sports & exercise facilities; (14) Swimming pools; (15) Meat processing; (16) Casinos; (17) Residential care facilities (Section V); (18) Groceries & pharmacies (Section X); and (19) Child-care centers & camps (Section XII).</p>

Dickinson-Iron District Health Department	
Order Number	No active orders at this time.
Effective Dates	
Relevant Provisions	

District Health Department #10 (Crawford, Kalkaska, Lake, Manistee, Mason, Mecosta, Missaukee, Newaygo, Oceana & Wexford Counties, Michigan)	
Order Number	No active orders at this time.
Effective Dates	
Relevant Provisions	

District Health Department #2 (Alcona, Iosco, Ogemaw & Oscoda Counties, Michigan)	
Order Number	No active orders at this time.
Effective Dates	
Relevant Provisions	

District Health Department #4 (Alpena, Cheboygan, Montmorency & Presque Isle Counties, Michigan)	
Order Number	No active orders at this time.
Effective Dates	
Relevant Provisions	

City of Flint, Michigan	
Order Number	No active orders at this time.
Effective Dates	
Relevant Provisions	

Genesee County Health Department	
Order Number	No active orders at this time.
Effective Dates	
Relevant Provisions	

Grand Traverse County Health Department	
Order Number	No active orders at this time.
Effective Dates	
Relevant Provisions	

Huron County Health Department	
Order Number	No active orders at this time.
Effective Dates	
Relevant Provisions	

Ingham County Health Department	
Order Number	<u>2020-23</u>
Effective Dates	October 4, 2020
Relevant Provisions	<p>Applies to facilities with a Food Licenses in Ingham County: (1) occupancy is limited to 50% (excluding employees) of allowed capacity or 125 people, whichever is less; (2) require customers to wear face masks until seated and to remain at table (unless entering/exiting); (3) close waiting areas, self-serve area, and common areas (e.g. dance floors); implement and provide guidance on social distancing measurers; and (4) require employees to wear face masks (and gloves if applicable) and limit number of employees in certain areas.</p> <p>Order does not apply to healthcare facilities and grocery stores.</p>
Order Number	<u>2020-20</u> (extends <u>2020-17 et al.</u>)
Effective Dates	October 1, 2020 – October 27, 2020
Relevant Provisions	Applies to local government and relevant businesses and nonprofits (e.g. hospitals and nursing homes): must implement a temporary quarantine and isolation program utilizing non-congregate solutions for clients, vulnerable populations, first responders, and healthcare workers to provide adequate social distancing.
Order Number	<u>2020-25</u>
Effective Dates	October 28, 2020
Relevant Provisions	Applies to areas in downtown East Lansing and adjacent to Michigan State University: Outdoor social gatherings may not exceed 10 people, subject to certain exceptions.

Ionia County Health Department	
Order Number	<u>Screening and Limitation of People at Childcare Facilities</u>
Effective Dates	July 21, 2020
Relevant Provisions	Childcare service providers are required to (1) screen all staff, children, parents, and other visitors for COVID-19 symptoms; (2) exclude persons with symptoms from the facility; (3) restrict all non-essential visitors for entering the facility; and (4) publish the order at the entrance of the facility.

Jackson County Health Department	
Order Number	No active orders at this time.
Effective Dates	
Relevant Provisions	

Kalamazoo County Health and Community Services	
Order Number	No active orders at this time.
Effective Dates	
Relevant Provisions	

Kent County Health Department	
Order Number	Public Health Order
Effective Dates	March 22, 2020
Relevant Provisions	<p>Persons providing childcare services for compensation shall develop and implement a daily screening program for all staff, children, parents entering the facility, and other visitors entering the facility. The screening criteria must include the following:</p> <ul style="list-style-type: none"> a. symptoms of a respiratory infection, such as fever of 100.4 degrees Fahrenheit or greater, severe cough and/or shortness of breath unrelated to a chronic condition, and; b. procedures must be in place to take the temperature of all covered individuals. <p>Persons demonstrating fever shall not be allowed to enter or return into the facility until they have been fever-free for 72 hours (3 days) without the use of fever-reducing medications, 7 days have passed since the onset of severe coughing and/or breathing difficulties, and those respiratory symptoms are improving. 4. Restrict all non-essential visitors from entering the childcare facility.</p>

Lapeer County Health Department	
Order Number	No active orders at this time.
Effective Dates	
Relevant Provisions	

Lenawee County Health Department	
Order Number	Emergency Public Health Directive ; Order 2020-14
Effective Dates	July 31, 2020; September 1, 2020
Relevant Provisions	<p><u>Emergency Public Health Directive</u> Mandates compliance with Governor’s Executive Orders regarding gatherings and allowable activities.</p> <p><u>Order 2020-14</u> All businesses that remain open or reopen must:</p> <ol style="list-style-type: none"> 1. Implement a daily screening program for employees that includes tests/questions to determine: <ol style="list-style-type: none"> A. Symptom check for fever ($\geq 100.4^{\circ}\text{F}$), cough (unless chronic cough due to known medical condition), shortness of breath, and sore throat (recommend use of a touchless thermometer). B. Close contact in past 14 days with a COVID-19-diagnosed person. 2. Implement social distancing measures between employees working together and customers inside or outside the business. 3. Limit capacity inside facilities by using visual markings and signage; entrance limits; and specialized hours. 4. Publish the order to the public at the entrance of the business and by all reasonable means available. 5. Require masks to be worn when workers cannot consistently maintain six feet of separation and consider face shields if they cannot maintain three feet of separation. <p>If the answer is yes to any of the screening tests/questions above, the employee must be excluded from the business for the following amount of time:</p> <ol style="list-style-type: none"> 1. 3 days with no fever (without use of fever-reducing medications) AND respiratory symptoms have resolved AND 10 days since onset of first symptom; 2. 14 days if close contact with COVID-19-diagnosed person or following travel. However, at employer’s discretion may allow an employee without symptoms to continue working if implementing the following precautions: <ol style="list-style-type: none"> A. Temperature checks each day before starting work. B. Employee self-monitoring under employer’s health program. C. Employees that experience symptoms are sent home immediately. D. Employee should wear a face mask at all times in the workplace for 14 days since last exposure. E. Employee should maintain six feet of distance from other people. F. Clean and disinfect all areas routinely known to be impacted by the exposed employee for 14 days after last exposure. <p>Those who disregard the order could be subject to a misdemeanor that includes up to 90 days in jail and/or a fine of up to \$200.</p> <p>Exemption for essential workers.</p>

Livingston County Health Department	
Order Number	No active orders at this time.
Effective Dates	
Relevant Provisions	

Luce-Mackinac-Alger-Schoolcraft District Health Department	
Order Number	No active orders at this time.
Effective Dates	
Relevant Provisions	

Macomb County Health Department	
Order Number	No active orders at this time.
Effective Dates	
Relevant Provisions	

Marquette County Health Department	
Order Number	No active orders at this time.
Effective Dates	
Relevant Provisions	

Mid-Michigan District Health Department (Clinton, Gratiot & Montcalm Counties, Michigan)	
Order Number	No active orders at this time.
Effective Dates	
Relevant Provisions	

Midland County Health Department	
Order Number	No active orders at this time.
Effective Dates	
Relevant Provisions	

Monroe County Health Department	
Order Number	No active orders at this time.
Effective Dates	
Relevant Provisions	

Public Health of Muskegon County	
Order Number	No active orders at this time.
Effective Dates	
Relevant Provisions	

Health Department of Northwest Michigan (Antrim, Charlevoix, Emmet & Otsego Counties, Michigan)	
Order Number	No active orders at this time.
Effective Dates	
Relevant Provisions	

Oakland County Health Division	
Order Number	No active orders at this time.
Effective Dates	
Relevant Provisions	

Ottawa County Department of Public Health	
Order Number	No active orders at this time.
Effective Dates	
Relevant Provisions	

Saginaw County Health Department	
Order Number	No active orders at this time.
Effective Dates	
Relevant Provisions	

Sanilac County Health Department	
Order Number	No active orders at this time.
Effective Dates	
Relevant Provisions	

Shiawassee County Health Department	
Order Number	No active orders at this time.
Effective Dates	
Relevant Provisions	

St. Clair County Health Department	
Order Number	No active orders at this time.
Effective Dates	
Relevant Provisions	

Tuscola County Health Department	
Order Number	No active orders at this time.
Effective Dates	
Relevant Provisions	

Van Buren/Cass County District Health Department	
Order Number	No active orders at this time.
Effective Dates	
Relevant Provisions	

Washtenaw County Health Department	
Order Number	<u>Order on Gatherings and Events; Stay in Place for UM Students</u>
Effective Dates	October 7, 2020; October 20, 2020-November 3, 2020
Relevant Provisions	<p>Order on Gatherings and Events</p> <p>For City of Ann Arbor and the City of Ypsilanti: Gatherings of persons not part of the same household are permitted, but only to the extent that:</p> <ol style="list-style-type: none"> 1) Indoor gatherings have up to 10 persons; 2) Outdoor gatherings have up to 25 people. <p>Requires compliance with MDHHS October 5, 2020 order.</p> <p>Any individual, group or entity organizing or hosting an outdoor gathering or organized event are strongly encouraged to make and keep a record of all attendees for 21 days thereafter. If confirmed COVID-19 cases become associated with the gathering or event, the record will greatly facilitate case investigations by the Washtenaw County Health Department.</p> <p>This order does not apply to:</p> <ol style="list-style-type: none"> a. Social gatherings or organized events that take place outside of the City of Ann Arbor and the City of Ypsilanti; b. Social gatherings in non-residential settings; and c. Social gatherings or events that take place in bars and restaurants. <p>Stay in Place for UM Students</p> <ol style="list-style-type: none"> 1. U-M undergraduate students enrolled in U-M Fall 2020 on the Ann Arbor Campus, living in on-campus, near-campus or off-campus housing will be required to “stay in place” and remain in their current designated residence. Students who live in U-M housing may only return to their permanent address if they follow U-M testing and checkout procedures. For the purposes of this order, “staying in place” means that gatherings or group activities shall not occur outside the listed exceptions below: <ol style="list-style-type: none"> a. Students will be allowed to attend in-person classes, including instructional labs, and access essential technology at U-M designated study areas that provide for single person study space. Strict adherence to preventive measures is required. b. Students will be allowed to leave their room/residence for the purpose of picking up food and other basic needs, attending medical appointments, picking up medication, voting or election related activities (including registering to vote, working at polling locations, campaign outreach and leafletting), attending religious practice activities or obtaining COVID-19 testing. Strict adherence to preventive measures is required. c. Students will be allowed to attend work with the approval of the employer, if the work cannot be done remotely. Strict adherence to preventive measures is required. d. Students who have clinical rotations, student teaching or other off-campus experiential learning assignments that are held in person will be allowed to continue only with approval from the college dean and disclosure to the organization of placement such that both the school and site are aware and supportive of continued participation. Strict adherence to preventive measures is required.

	<p>e. Students will be allowed to leave their room/residence for purposes of physical activity outdoors in groups of no more than two. Strict adherence to preventive measures is required.</p> <p>f. Students who are associated with intercollegiate varsity sports may attend practices and competitions provided that athletic medical staff is present during the entire process, actively supervises the team’s COVID-19 mitigation activities during the practice, has the authority to suspend the practice if he or she believes COVID-19 mitigation practices require that result, and testing is conducted per governing athletic organizations’ (i.e. Big10) policies.</p> <p>2. Students are required to respond to inquiries (texts, emails or calls) from the WCHD and UM-EHS and are required to fully disclose information relevant to case investigation and contact tracing (see Attachment 1 – WCHD Compliance Criteria).</p> <p>3. Students who have tested positive for COVID-19 (cases), or who are identified as a close contact to a case, are required to adhere to all public health isolation and quarantine restrictions as set forth by the WCHD / U-M-EHS. The exceptions listed in this order (1.a-f) do not apply to students, staff or faculty that are under a public health order to quarantine or isolate.</p> <p>4. Strict preventive measures include adherence to the WCHD and U-M guidelines regarding COVID-19 prevention; maintaining 6-foot distance between persons; and wearing a face covering in compliance with U-M Face Covering Policy for COVID-19 and MDHHS Gathering Prohibition and Face Covering Order. In-person gatherings with non-household members are strictly prohibited for the duration of this order. Under no circumstance are visitors permitted in on- or off-campus housing for the duration of this order. If a residence employs individuals to provide food preparation, cleaning, maintenance or repair services to the residents, such employees may be permitted to enter on- or off-campus housing.</p> <p>5. If incidence of COVID-19 among U-M students and staff continue to be substantially above the rates of other Washtenaw County residents and/or if U-M COVID-19 response metrics continue to be exceeded (including: 1) 5 days of sustained increases in student, staff, or faculty infections, determined in partnership with WCHD; 2) Over a 14 day period, 3 clusters that exceed the ability or capacity for full contact tracing as determined by WCHD; 3) 1 cluster with >100 contacts; 4) In Washtenaw County, >70 new cases per million, sustained 10% positivity, or 3 consecutive days of +10% case increase; 5) Inability to provide prompt case investigation and prompt contact tracing; 6) Isolation and quarantine housing projected to reach capacity within 14 days or 80% of 600 beds), this Order may be extended beyond November 3, 2020 and more restrictive measures may be required.</p>
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Wayne County Health Department	
Order Number	Order
Effective Dates	October 16, 2020
Relevant Provisions	Mandates compliance with MDHHS orders and MIOSHA orders

Western Upper Peninsula Health Department (Baraga, Gogebic, Houghton, Keweenaw & Ontonagon Counties, Michigan)	
Order Number	No active orders at this time.
Effective Dates	
Relevant Provisions	

Endnotes

1. This spreadsheet provides a comprehensive overview of the requirements and restrictions that local governments in Michigan have enacted related to general orders to close or stay-at-home. These lists are not all inclusive and are subject to change as the situation progresses. For a comprehensive list of the requirements and restrictions that affect your area, please contact your Dykema relationship attorney.
2. Many states have issued general orders to close or stay-at-home with exceptions regarding services deemed “Essential.” A comprehensive overview of the services each state deems “Essential” and excepted from the general orders to close or stay-at-home can be found [here](#).