

Resources

Is Your Business Ready to Reopen? Five Regulatory Items You Should Consider as Your Business Reopens in Michigan

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Phased reopening of the economy is beginning all over the country. Unfortunately, there is no consistent or uniform way in which reopening is being handled. Every business should closely review not only state-level restrictions as they reopen but also local-level restrictions and federal guidance as well. Compliance with these requirements is not only important from a regulatory standpoint but also may help limit liability. For those in Michigan, here are some specific questions to consider as you reopen:

1. **Do you have a COVID-19 Preparedness and Response Plan in place and available at your corporate headquarters or worksite?** Every business with in-person operations in Michigan must have a COVID-19 Preparedness and Response Plan that is consistent with OSHA's Guidance on Preparing Workplaces for COVID-19 under Executive Order 2020-77, and the Plan must be available at its corporate headquarters or on the worksite. This requirement is **not** limited to any specific industry or operations.
2. **Are you providing, at a minimum, non-medical grade face coverings to your in-person employees?** The latest state executive orders require all employers to provide non-medical grade face coverings to in-person employees.
3. **Are you complying with any industry-specific state-level requirements?** Many of the prior requirements for critical infrastructure workers and minimum basic operations remain in place from prior executive orders (e.g., social distancing measures, Preparedness and Response Plans, and face masks). Executive Order 2020-77 now also adds industry-specific requirements for some types of businesses. For example, there are 16 subsections that specifically address precautions that a manufacturing facility must have in place before reopening, including specific training and facility modifications.
4. **Are you complying with any local-level requirements?** In addition to state-level requirements, many local jurisdictions have imposed their own requirements for in-person operations. Some local jurisdictions have specific screening requirements and posting requirements that you must follow. See Michigan Local Government Tracker for Orders related to Essential Services.
5. **Are you staying up-to-date with any relevant federal guidance?** Many states require businesses to comply with any and all CDC guidance on social distancing and mitigation measures. See Executive Order 2020-77, Section 11(h). The same is true for OSHA guidance. Make sure you are up to date on any general federal guidance as well as industry-specific guidance.

If your business operations extend across multiple states, then uniform compliance can become quite complicated. Is your business compliant with all state and local orders? Have you documented your compliance properly?

If you have any questions concerning Executive Order 2020-77 or questions about reopening your business, please contact Courtney Kissel (248-203-0743 or ckissel@dykema.com), Jason Hanselman (517-374-9181 or jhanselman@dykema.com), or your Dykema relationship attorney.

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