



Updated Safeguard Requirements for Your Workplace as Michigan Reopens



COVID-19

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Overview

EXECUTIVE ORDER

No. 2020-114

Safeguards to protect Michigan's workers from COVID-19


Rescission of Executive Order 2020-97



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Overview

- Executive Order 2020-99
 - Extends State of Emergency to June 19, 2020
- Executive Order 2020-114
 - Provides specific safeguards that employers must have in place when opening, adds new industries
- Executive Order 2020-115
 - Moves Region 6 and Region 8 to "Stage 5"
 - Ends restrictions on non-essential personal care services as of June 15, 2020



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Requirements for All Businesses

All businesses must, at a minimum:

- Develop COVID-19 Preparedness and Response Plan consistent with OSHA guidance
 - Within 2 weeks of resuming operations
 - Make available to employees, labor unions and customers whether via website, internal network or hard copy
- Designate one or more worksite supervisors to implement, monitor and report on COVID-19 control strategies

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Requirements for All Businesses

All businesses must, at a minimum:

- Provide **(AND MAINTAIN A RECORD OF)** COVID-19 employee training
 - Workplace infection-control practices
 - Proper use of PPE
 - Steps employees must take to notify business they are having symptoms of or have a suspected/confirmed diagnosis of COVID-19
 - How to report unsafe working conditions

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Requirements for All Businesses

All businesses must, at a minimum:

- Conduct **(AND MAINTAIN A RECORD OF)** daily entry self-screenings for all employees and contractors
- Keep everyone on the worksite premise at least 6 feet away from one other, to extent possible
 - Use ground markings, signs, physical barriers



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Requirements for All Businesses

All businesses must, at a minimum:

- Provide non-medical grade face coverings to employees
- Require face coverings to be worn if an employee cannot consistently maintain 6 feet of separation



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Requirements for All Businesses

All businesses must, at a minimum:

- Increase facility cleaning and disinfection
- Adopt protocols for cleaning and disinfection if positive COVID-19 case
- Make cleaning supplies available at entry and around the worksite
- Provide time to wash hands and use sanitizer

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Requirements for All Businesses

All businesses must, at a minimum:

1) **Immediately** notify local public health department of a confirmed case and 2) **Within 24 hours**, notify any employees, contractors or suppliers who may have come in contact with the employee

- **MUST MAINTAIN A RECORD OF THIS**

Can only allow an employee with a confirmed or suspected case to return after they are no longer infectious according to CDC guidance and they are released from any quarantine or isolation by the local health department.

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Requirements for All Businesses

All businesses must, at a minimum:

- Establish response plan for dealing with confirmed infection in workplace
- Encourage employees to use PPE and hand sanitizer on public transports
- Promote remote work to fullest extent possible
- Restrict business travel to essential travel only
- Do not retaliate under EO 2020-36

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Requirements for All Businesses

Catch-all:

ADOPT ANY ADDITIONAL INFECTION-CONTROL MEASURES THAT ARE REASONABLE IN LIGHT OF THE WORK PERFORMED AND THE RATE OF INFECTION IN THE SURROUNDING COMMUNITY

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Manufacturing

- Daily screenings include temperature screenings as soon as no-touch thermometers available
- Create dedicated entry points with physical barriers for screenings
- Suspend non-essential in-person visits and tours
- Conduct additional COVID-19 employee training



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Manufacturing (cont.)

- Implement rotational shift schedules where possible and stagger meal, break and entrance times.
- Install physical barriers between work stations and cafeteria tables
- Create protocols to minimize contact during deliveries
- Adopt protocols to limit sharing of tools and equipment
- Notify plant leaders of positive case(s) and maintain a central log for symptomatic and positive cases.

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Offices

- Assign dedicated entry points with indicators of appropriate spacing
- Take steps to reduce congestion (staggering start times, rotational schedule)
- Require face coverings in shared spaces (in-person meetings, restrooms, hallways)
- Restrict non-essential common spaces

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Offices

- Prohibit meetings, gatherings that don't allow for social distancing. Use virtual meetings whenever possible.
- Provide disinfecting supplies and require employees to clean work stations twice a day
- Post signs about the importance of personal hygiene
- Disinfect high-touch items and minimize sharing of items

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Offices

- Institute cleaning and communication protocols when employees are sent home with symptoms
- Notify employees of anyone who has visited the office with a confirmed case of COVID-19
- Suspend all non-essential visitors and travel

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In-Home Services

- Includes:
 - Cleaners
 - Repair persons
 - Painters
 - Others

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In-Home Services

- Require daily health screening for employees (or if sole-owned, the business owner) prior to going to the job site
- Maintain accurate appointment records (date, time of service, name of client, contact information) for contact tracing purposes
- Limit direct contact with customers by using electronic communication whenever possible

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In-Home Services

- Prior to entering home, ask whether anyone in the household has been diagnosed with COVID-19, is experiencing symptoms of COVID-19, or has had close contact with someone diagnosed with COVID-19. If so, must reschedule.
- Limit the number of employees to the minimum necessary to perform the work in a timely fashion.
- Gloves should be worn when practical and disposed of in accordance with CDC guidance.

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Personal Care Services

- Includes:
 - barbershops/hair salons
 - businesses providing cosmetology services
 - body art (tattoo/piercing)
 - tanning services
 - massage services
 - Other similar personal-care services

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Personal Care Services

- Maintain accurate appointment and walk-in records (date/time of services, name of client, contact information) for contact tracing purposes
- Post sign(s) at the store entrance(s) informing customers not to enter if they are or have recently been sick
- Restrict entry to customers, a caregiver of those customers, or to the minor dependents of those customers

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Personal Care Services

- Require in-use workstations to be separated by at least six feet. If feasible, separate workstations with physical barriers.
- Limit waiting-area occupancy to the number of individuals who can be present while staying six feet away from one another.
- Ask customers, if possible, to wait in cars for their appointment to be called.

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Personal Care Services

- Discontinue all self-service refreshments.
- Discard magazines in waiting areas and other nonessential shared items that cannot be disinfected.
- Mark waiting areas to enable six feet of social distancing (e.g. place X's on the ground and/or remove seats in waiting room).

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Personal Care Services

- Require employees to properly use PPE per guidance from CDC/OSHA.
- Require customers and employees to wear face coverings at all times.
 - Customers can remove face coverings for services that require its removal.
 - During those services, employees must wear a face shield or goggles in addition to their face covering.

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Personal Care Services

- Install physical barriers (sneeze guards/partitions) at cash registers, where maintaining physical distance of six feet is difficult.
- Cooperate with local health department if a confirmed case of COVID-19 is identified in the facility.

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Sports/Entertainment Facilities

- Includes: arenas, cinemas, concert halls, performance venues, sporting venues, stadiums, theaters, amusement parks, arcades, bingo halls, bowling alleys, night clubs, skating rinks, trampoline parks

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Sports/Entertainment Facilities

- Post signs outside of entrances informing customers not to enter if they are or have recently been sick
- Encourage or require patrons to wear face coverings
- Establish crowd-limiting measures to meter the flow of patrons

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Sports/Entertainment Facilities

- Use physical/visual cues to maintain six feet of distance between persons
- Limit seating occupancy to the extent necessary to enable patrons not of the same household to maintain six feet of distance (stagger group seating, close off every other row, etc.)
- Establish safe exit procedures for patrons

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Sports/Entertainment Facilities

- For sports and entertainment facilities, adopt specified entry and exit times and specified entrances/exits for vulnerable populations to the extent feasible
- Train employees who interact with patrons on: (1) monitoring and enforcing the COVID-19 protocols; (2) helping patrons who become symptomatic

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Sports/Entertainment Facilities

- Frequently disinfect high-touch surfaces during events or as necessary throughout the day
- Disinfect and deep-clean the facility after each event or as necessary throughout the day
- Close self-serve food or drink options

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Gyms/Fitness Centers

- Includes:
 - Gyms
 - Fitness centers
 - Rec centers
 - Sports facilities
 - Exercise facilities
 - Exercise studios
 - Other like facilities

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Gyms/Fitness Centers

- Post sign(s) outside of entrance(s) informing individuals not to enter if they are or have recently been sick
- Maintain accurate records (date/time of event, name of attendees, and contact info) for contact tracing purposes
- To the extent feasible, configure workout stations or protocols to enable **ten** feet of distance between individuals during exercise sessions (or six feet with barriers)

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Gyms/Fitness Centers

- Reduce class sizes to enable at least six feet of separation between individuals
- Provide equipment cleaning products throughout facility
- Make hand sanitizer, disinfecting wipes, soap and water, or similar disinfectant readily available
- Regularly disinfect exercise equipment, including immediately after use
 - If patrons are expected to disinfect equipment after use, post signs encouraging them to do so.

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Gyms/Fitness Centers

- Ensure that ventilation systems operate properly
- Increase introduction/circulation of outdoor air as much as possible by opening windows/doors, using fans, etc.
- Regularly clean and disinfect public areas, locker rooms, and restrooms
- Close steam rooms and saunas

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Other Industries

- Industries primarily operating outdoors
- Construction
- Research laboratories
- Retail stores (these requirements now also apply to libraries and museums)
- Restaurants and bars
- Outpatient health-care facilities including clinics, dental offices, vets.

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Enforcement Mechanisms

The EO says:

- The requirements outlined have the "force and effect" of regulations adopted by government departments and agencies who oversee workplace health-and-safety and are fully enforceable by those agencies.
- Any business that violates the requirements has failed to provide a place of employment free from recognized hazards that are causing, or likely to cause, death or serious physical harm according to the MIOASH Act.
- **BUT . . . Associated Builders & Contractors of Michigan v. Whitmer**

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Burning questions . . .

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Question and Answer

Is remote work required whenever it's possible for work to be done remotely?

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Question and Answer

What if an employee still refuses to come to work?

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Question and Answer

When may facial coverings no longer be required in manufacturing? Can a face shield be worn alone as a facial covering?

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Question and Answer

What options do employees have if the employer is not meeting the safety requirements for reopening?

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Question and Answer

What is reasonable in terms of compliance with the "daily screening protocol"? Is posting a questionnaire on entry doors sufficient?

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Question and Answer

What is reasonable in terms of face covering usage in offices? If 2 people are having a conversation 10 feet apart in a large room, is that still an in-person meeting?

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Question and Answer

In "open office" settings, is the entire "open office" a "shared space" where workers should wear face coverings at all times?

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Question and Answer

May workers temporarily remove face coverings to speak on the phone, speak on a video meeting, etc.?

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Question and Answer


What are the requirements if an out-of-state remote worker flies into Michigan to work onsite for a short period of time?



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Question and Answer

What are best practices for collecting / keeping self-screening questionnaire (health) data? Do individual responses have to be retained? How long? Are there privacy concerns?



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Conclusion



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