



The mission of the Health Department of Northwest Michigan is to serve our entire community and to achieve health equity by promoting well-being, preventing disease, and protecting the environment through partnerships, innovation, and excellence in public health practice.

Lisa Peacock, Health Officer

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**EMERGENCY ORDER (2020-1) FOR CONTROL OF EPIDEMIC/PANDEMIC
Required screening and social distancing measures at open businesses and operations subject to
the Governor's Executive Order 2020-21**

This Emergency Order is made pursuant to Section 2453 of the Public Health Code, being MCL 333.2453.

Matters concerning the public health of the residents of Antrim, Charlevoix, Emmet and Otsego Counties have been brought to the attention of the Health Department of Northwest Michigan Local Health Officer. The Local Health Officer has determined that controls are necessary to reduce transmission of COVID-19 to protect the public's health of Antrim, Charlevoix, Emmet and Otsego Counties based on the following facts:

1. A State of Emergency was declared March 10, 2020 with an Executive Order expanding the emergency declaration and declaring a State of Disaster on April 1, 2020 by Governor Whitmer and Michigan is under threat of a pandemic virus that has reached epidemic status in Michigan.
2. On April 2, 2020, an Emergency Order regarding the Governor's Executive Orders was issued by Michigan Department of Health and Human Services Director, Robert Gordon, which declared COVID-19 an epidemic in the State of Michigan.
3. All Emergency Orders (also called "Executive Orders") of the Governor related to the Coronavirus and the Emergency Order of the MDHHS Director are incorporated herein by reference.
4. COVID-19 and its effects have been detected within **Antrim, Charlevoix, Emmet and Otsego Counties**.
5. Coronavirus, which causes COVID-19, is a communicable disease and can be transmitted from person to person.
6. The Coronavirus transmission is possible even though the infected person has no symptoms and is unaware of the infection.
7. In order to control and limit the spread of this communicable disease, it is necessary to prevent infected people from coming into contact with uninfected people. It is also imperative that critical infrastructure workers (hereafter, call "worker" or "workers") be protected.
8. Although healthcare workers and their employers are exempt from compliance with Part 1, Section b., Item ii in this Emergency Order, it is recommended that these parties reference the guidance issued in the memorandum dated March 20, 2020 as well as any subsequent guidance from Dr. Joneigh Khaldun, Chief Medical Executive of the Michigan Department of Health and Human Services.

It is hereby ordered that businesses and operations remaining open under EO 2020-21 **must** only be conducting operations that require employees to leave their homes or places of residence for functions that are necessary to sustain or protect life or to conduct minimum basic operations as defined by EO 2020-21 and **must** take the following actions:

- 1) Develop and implement a daily screening program for all workers, who do not work from their residence.
 - a) Screening criteria must include asking the worker the following questions and taking the following actions:
 - i) Determine whether the worker is experiencing the following symptoms: fever, cough, shortness of breath, sore throat, diarrhea. When a touchless thermometer is available, a temperature check is strongly recommended in lieu of verbal confirmation. However, in the presence of a shortage of thermometers, employees may self-report temperature.
 - ii) Determine whether the worker has had any close contact in the last 14 days with someone with a diagnosis of COVID-19. "Close contact" means someone identified as "close contact" by the local health department, a household member, or someone within 6 feet for 10 minutes or longer.
 - iii) Determine whether the worker has engaged in any activity or travel within the last 14 days which fails to comply with Executive Order 2020-21 (COVID-19).
 - iv) Determine whether the worker has been directed or told by the local health department or their healthcare provider to self-isolate or self-quarantine.
 - b) A "yes" to any of the screening questions above requires the worker, who is not working from their residence, to be excluded from work:
 - i) 3 days with no fever and 7 days since onset of first symptom.
 - ii) 14 days if close contact of a diagnosed case of COVID-19 as described in 1(a)(ii).
 - iii) 14 days following any activity or travel as described in 1(a)(iii).
 - c) The business and operations remaining open under EO 2020-21 shall maintain written or digital documentation of the results for each worker, who is subject to the daily screening program that is described above. All written or digital documentation, which is required by this Emergency Order, shall be made available to the local health department or its authorized representative upon request.
 - d) Exemptions:
 - i) First responders, healthcare workers, law enforcement, EMS, health-related transportation workers and other essential healthcare workers are exempt from Part 1, Section b., Item ii.
 - ii) Nothing in this order shall limit the operations of first responders, healthcare workers, law enforcement, EMS, health-related transportation workers and other entities that are involved in the mitigation of risk during this pandemic.
- 2) Develop and implement a plan to manage and control social/physical distancing (at least 6 ft spacing) for workers alongside one another and customers waiting in lines within or outside the business.

- 3) Limit capacity inside facilities to provide for social distancing of customers and between customers and workers including but not limited to visual markings and signage, entrance limits, and specialized hours.
- 4) Post this Emergency Order and maintain the posting of this Emergency Order at each entrance to the facility and additionally document distribution of this Emergency Order to all critical infrastructure workers.
- 5) This Emergency Order shall be enforced as provided by law and violations of this Emergency Order shall be subject to any penalty as provided by law, including, but not limited to misdemeanor penalties as provided in MCL 333.2443.

This Emergency Order shall become effective on **April 6 at 12:00 pm (noon)** and shall be effective until **April 13, 2020 at 11:59 pm.**



Lisa Peacock, Local Health Officer
Health Department of Northwest Michigan
Antrim, Charlevoix, Emmet & Otsego Counties, Michigan

04/05/2020

Date



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GARLIN GILCHRIST II
LT. GOVERNOR

EXECUTIVE ORDER

No. 2020-21

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

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. Older adults and those with chronic health conditions are at particular risk, and there is an increased risk of rapid spread of COVID-19 among persons in close proximity to one another. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401-.421, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31-.33.

The Emergency Management Act vests the governor with broad powers and duties to “cop[e] with dangers to this state or the people of this state presented by a disaster or emergency,” which the governor may implement through “executive orders, proclamations, and directives having the force and effect of law.” MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945, provides that, after declaring a state of emergency, “the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control.” MCL 10.31(1).

To suppress the spread of COVID-19, to prevent the state’s health care system from being overwhelmed, to allow time for the production of critical test kits, ventilators, and personal protective equipment, and to avoid needless deaths, it is reasonable and necessary to direct residents to remain at home or in their place of residence to the maximum extent feasible.

This order takes effect on March 24, 2020 at 12:01 am, and continues through April 13, 2020 at 11:59 pm.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. This order must be construed broadly to prohibit in-person work that is not necessary to sustain or protect life.
2. Subject to the exceptions in section 7, all individuals currently living within the State of Michigan are ordered to stay at home or at their place of residence. Subject to the same exceptions, all public and private gatherings of any number of people occurring among persons not part of a single household are prohibited.
3. All individuals who leave their home or place of residence must adhere to social distancing measures recommended by the Centers for Disease Control and Prevention, including remaining at least six feet from people from outside the individual's household to the extent feasible under the circumstances.
4. No person or entity shall operate a business or conduct operations that require workers to leave their homes or places of residence except to the extent that those workers are necessary to sustain or protect life or to conduct minimum basic operations.
 - (a) For purposes of this order, workers who are necessary to sustain or protect life are defined as "critical infrastructure workers," as described in sections 8 and 9.
 - (b) For purposes of this order, workers who are necessary to conduct minimum basic operations are those whose in-person presence is strictly necessary to allow the business or operation to maintain the value of inventory and equipment, care for animals, ensure security, process transactions (including payroll and employee benefits), or facilitate the ability of other workers to work remotely.

Businesses and operations must determine which of their workers are necessary to conduct minimum basic operations and inform such workers of that designation. Businesses and operations must make such designations in writing, whether by electronic message, public website, or other appropriate means. Such designations, however, may be made orally until March 31, 2020 at 11:59 pm.
5. Businesses and operations that employ critical infrastructure workers may continue in-person operations, subject to the following conditions:
 - (a) Consistent with sections 8 and 9, businesses and operations must determine which of their workers are critical infrastructure workers and inform such workers of that designation. Businesses and operations must make such designations in writing, whether by electronic message, public website, or other appropriate means. Such designations, however, may be made orally until March 31, 2020 at 11:59 pm. Businesses and operations need not designate:

- (1) Workers in health care and public health.
 - (2) Workers who perform necessary government activities, as described in section 6.
 - (3) Workers and volunteers described in section 9(d).
- (b) In-person activities that are not necessary to sustain or protect life must be suspended until normal operations resume.
- (c) Businesses and operations maintaining in-person activities must adopt social distancing practices and other mitigation measures to protect workers and patrons. Those practices and measures include, but are not limited to:
- (1) Restricting the number of workers present on premises to no more than is strictly necessary to perform the business's or operation's critical infrastructure functions.
 - (2) Promoting remote work to the fullest extent possible.
 - (3) Keeping workers and patrons who are on premises at least six feet from one another to the maximum extent possible, including for customers who are standing in line.
 - (4) Increasing standards of facility cleaning and disinfection to limit worker and patron exposure to COVID-19, as well as adopting protocols to clean and disinfect in the event of a positive COVID-19 case in the workplace.
 - (5) Adopting policies to prevent workers from entering the premises if they display respiratory symptoms or have had contact with a person who is known or suspected to have COVID-19.
 - (6) Any other social distancing practices and mitigation measures recommended by the Centers for Disease Control.
6. All in-person government activities at whatever level (state, county, or local) that are not necessary to sustain or protect life, or to supporting those businesses and operations that are necessary to sustain or protect life, are suspended.
- (a) For purposes of this order, necessary government activities include activities performed by critical infrastructure workers, including workers in law enforcement, public safety, and first responders.
 - (b) Such activities also include, but are not limited to, public transit, trash pick-up and disposal, activities necessary to manage and oversee elections, operations necessary to enable transactions that support the work of a business's or operation's critical infrastructure workers, and the maintenance of safe and sanitary public parks so as to allow for outdoor recreation.

- (c) For purposes of this order, necessary government activities include minimum basic operations, as described in section 4(b). Workers performing such activities need not be designated.
- (d) Any in-person government activities must be performed consistently with the social distancing practices and other mitigation measures to protect workers and patrons described in section 5(c).

7. Exceptions.

- (a) Individuals may leave their home or place of residence, and travel as necessary:
 - (1) To engage in outdoor activity, including walking, hiking, running, cycling, or any other recreational activity consistent with remaining at least six feet from people from outside the individual's household.
 - (2) To perform their jobs as critical infrastructure workers after being so designated by their employers. (Critical infrastructure workers who need not be designated under section 5(a) may leave their home for work without a designation.)
 - (3) To conduct minimum basic operations, as described in section 4(b), after being designated to perform such work by their employers.
 - (4) To perform necessary government activities, as described in section 6.
 - (5) To perform tasks that are necessary to their health and safety, or to the health and safety of their family or household members (including pets). Individuals may, for example, leave the home or place of residence to secure medication or to seek medical or dental care that is necessary to address a medical emergency or to preserve the health and safety of a household or family member (including procedures that, in accordance with a duly implemented nonessential procedures postponement plan, have not been postponed).
 - (6) To obtain necessary services or supplies for themselves, their family or household members, and their vehicles. *Individuals must secure such services or supplies via delivery to the maximum extent possible.* As needed, however, individuals may leave the home or place of residence to purchase groceries, take-out food, gasoline, needed medical supplies, and any other products necessary to maintain the safety, sanitation, and basic operation of their residences.
 - (7) To care for a family member or a family member's pet in another household.

- (8) To care for minors, dependents, the elderly, persons with disabilities, or other vulnerable persons.
 - (9) To visit an individual under the care of a health care facility, residential care facility, or congregate care facility, to the extent otherwise permitted.
 - (10) To attend legal proceedings or hearings for essential or emergency purposes as ordered by a court.
 - (11) To work or volunteer for 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.
- (b) Individuals may also travel:
- (1) To return to a home or place of residence from outside this state.
 - (2) To leave this state for a home or residence elsewhere.
 - (3) To travel between two residences in this state.
 - (4) As required by law enforcement or a court order, including the transportation of children pursuant to a custody agreement.
8. For purposes of this order, critical infrastructure workers are those workers described by the Director of the U.S. Cybersecurity and Infrastructure Security Agency in his guidance of March 19, 2020 on the COVID-19 response (available [here](#)). Such workers include some workers in each of the following sectors:
- (a) Health care and public health.
 - (b) Law enforcement, public safety, and first responders.
 - (c) Food and agriculture.
 - (d) Energy.
 - (e) Water and wastewater.
 - (f) Transportation and logistics.
 - (g) Public works.
 - (h) Communications and information technology, including news media.
 - (i) Other community-based government operations and essential functions.

- (j) Critical manufacturing.
- (k) Hazardous materials.
- (l) Financial services.
- (m) Chemical supply chains and safety.
- (n) Defense industrial base.

9. For purposes of this order, critical infrastructure workers also include:

- (a) Child care workers (including workers at disaster relief child care centers), but only to the extent necessary to serve the children or dependents of critical infrastructure workers as defined in this order. This category includes individuals (whether licensed or not) who have arranged to care for the children or dependents of critical infrastructure workers.
- (b) Workers at designated suppliers and distribution centers, as described below.
 - (1) A business or operation that employs critical infrastructure workers may designate suppliers, distribution centers, or service providers whose continued operation is necessary to enable, support, or facilitate the work of its critical infrastructure workers.
 - (2) Such suppliers, distribution centers, or service providers may designate workers as critical infrastructure workers *only* to the extent those workers are necessary to enable, support, or facilitate the work of the original operation's or business's critical infrastructure workers.
 - (3) Designated suppliers, distribution centers, and service providers may in turn designate additional suppliers, distribution centers, and service providers whose continued operation is necessary to enable, support, or facilitate the work of their critical infrastructure workers.
 - (4) Such additional suppliers, distribution centers, and service providers may designate workers as critical infrastructure workers *only* to the extent that those workers are necessary to enable, support, or facilitate the work of the critical infrastructure workers at the supplier, distribution center, or service provider that has designated them.
 - (5) Businesses, operations, suppliers, distribution centers, and service providers must make all designations in writing to the entities they are designating, whether by electronic message, public website, or other appropriate means. Such designations may be made orally until March 31, 2020 at 11:59 pm.

- (6) Businesses, operations, suppliers, distribution centers, and service providers that abuse their designation authority shall be subject to sanctions to the fullest extent of the law.
 - (c) Workers in the insurance industry, but only to the extent that their work cannot be done by telephone or remotely.
 - (d) Workers and volunteers for 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.
 - (e) Workers who perform critical labor union functions, including those who administer health and welfare funds and those who monitor the well-being and safety of union members who are critical infrastructure workers, provided that any administration or monitoring should be done by telephone or remotely where possible.
10. Nothing in this order should be taken to supersede another executive order or directive that is in effect, except to the extent this order imposes more stringent limitations on in-person work, activities, and interactions. Consistent with prior guidance, a place of religious worship, when used for religious worship, is not subject to penalty under section 14.
 11. Nothing in this order should be taken to interfere with or infringe on the powers of the legislative and judicial branches to perform their constitutional duties or exercise their authority.
 12. This order takes effect on March 24, 2020 at 12:01 am, and continues through April 13, 2020 at 11:59 pm.
 13. The governor will evaluate the continuing need for this order prior to its expiration. In determining whether to maintain, intensify, or relax its restrictions, she will consider, among other things, (1) data on COVID-19 infections and the disease's rate of spread; (2) whether sufficient medical personnel, hospital beds, and ventilators exist to meet anticipated medical need; (3) the availability of personal protective equipment for the health-care workforce; (4) the state's capacity to test for COVID-19 cases and isolate infected people; and (5) economic conditions in the state.
 14. Consistent with MCL 10.33 and MCL 30.405(3), a willful violation of this order is a misdemeanor.

Given under my hand and the Great Seal of the State of Michigan.



Date: March 23, 2020

Time: 10:39 am

GRETCHEN WHITMER
GOVERNOR

By the Governor:

SECRETARY OF STATE



STATE OF MICHIGAN

DEPARTMENT OF HEALTH AND HUMAN SERVICES

LANSING

GRETCHEN WHITMER
GOVERNOR

ROBERT GORDON
DIRECTOR

MEMORANDUM

Date: March 20, 2020

To: Health Care Providers

From: Joneigh Khaldun, MD, MPH, FACEP
Chief Medical Executive and Chief Deputy for Health
Michigan Department of Health and Human Services

Thank you for your continued service in responding to the COVID-19 pandemic. This letter introduces guidance for all providers and staff involved in patient care and public health staffing with critical roles in the COVID-19 response (local or state).

The Michigan Department of Health and Human Services is currently reporting sustained widespread community transmission of COVID-19 in multiple areas of the State. This guidance is intended to help with the development of occupational health programs, policies, and priorities for groups that are critical to the healthcare system in the State of Michigan and is applicable to the following groups: hospitals, healthcare facilities, EMS, other organizations that employ healthcare workers in the inpatient or outpatient setting, all providers and support staff involved in patient care, and public health staffing actively involved in the COVID-19 response (local or state).

This interim guidance should be considered alongside applicable state and federal regulations and provided to all healthcare workers as appropriate. The primary recommendations in this guidance include:

- 1) If you are sick, please stay home.**
- 2) Healthcare workers currently prohibited from working because of previous guidance may return to work if asymptomatic if they are able to be closely monitored by their facility's occupational health program and adhere to all requirements for self-monitoring.**
- 3) In the context of sustained community transmission of COVID-19, all healthcare workers are at risk for unrecognized exposures. Therefore, ALL healthcare workers should self-monitor for fever with twice-daily temperature measurements and for symptoms consistent with COVID-19.**
- 4) If you are a healthcare worker who has had a known high-risk exposure to a patient(s) with confirmed COVID-19, you should take extra care to monitor your health but can keep working. There is no requirement for 14-day quarantine of healthcare workers with high-risk exposures in the setting of sustained community transmission as we have in multiple areas of the State of Michigan.**
- 5) MDHHS advises against testing of any asymptomatic individuals with or without an exposure to COVID-19, including healthcare workers.**