Starting May 11, 2020 the manufacturing industry may resume in-person operations in Michigan pursuant to Gov. Whitmer's Executive Order 2020-77, issued today (the Order). The Order rescinds the former Stay Home, Stay Safe Order while updating certain provisions of the Order relating to resumed activities. Notably, the bulk of the stay-at-home restrictions put in place under prior orders remain in place until May 28. An overview of the most notable changes found in the Order are as follows:

- The definition of "workers who perform resumed activities" has been amended to include the following categories of workers:
  - Workers necessary to perform startup activities at manufacturing facilities, including activities necessary to prepare the facilities to follow the workplace safeguards defined below;
  - Effective May 11, 2020, workers necessary to perform manufacturing activities, subject to the safeguards described below. Manufacturing may not commence until the facility at which the work will be performed has been prepared to follow the workplace safeguards; and,
  - Workers at suppliers, distribution centers or service providers whose in-person presence is necessary to enable, support or facilitate another
business's or operation's resumed activities.

- As noted in our prior advisories, this corrects a gap that was present in the prior orders with respect to the supply chains of resumed businesses.

- In-person workers are now required to wear masks when they are unable to maintain six feet of separation from other individuals in the workplace, and face shields should be considered when workers cannot maintain three feet of separation.

- Notably, for identification purposes an individual may be required to temporarily remove a face covering upon entering an enclosed public space.

- **Manufacturing facilities must adopt the following workplace safeguards:**
  1. Conduct a daily entry screening protocol for workers, contractors, suppliers and other individuals entering the facility (including a questionnaire and temperature screening as soon as no-touch thermometers can be obtained);
  2. Create dedicated entry points at every facility for daily screening and ensure physical barriers are in place to prevent anyone from bypassing the screening;
  3. Suspend all non-essential in-person visits, including tours;
  4. Train workers on the following:
     1. routes by which the virus is transmitted from person to person;
     2. distance the virus can travel in the air, as well as the time it remains viable in the air and on surfaces;
     3. symptoms of COVID-19;
     4. steps workers must take to notify the business of any symptoms of COVID-19 or a suspected or confirmed diagnosis of COVID-19;
     5. measures the facility is taking to prevent worker exposure to the virus, pursuant to the business's COVID-19 preparedness and response plan;
     6. rules workers must follow to prevent exposure and spread of the virus;
     7. the use of personal protection equipment.
  5. Reduce congestion in common spaces wherever practicable (e.g., closing salad bars/buffets, placing markings six feet apart on floors for standing in line, reducing cash payments, etc.);
  6. Implement rotational shift schedules where possible (e.g., increase the number of shifts, alternative days/weeks) to reduce the number of workers in the facility at the same time;
  7. Stagger start times and meal times;
  8. Install temporary physical barriers, where practicable, between work stations and lunch tables;
  9. Create protocols for minimizing personal contact upon delivery of materials to the facility;
  10. Adopt protocols to limit the sharing of tools/equipment to the maximum extent possible;
  11. Frequently and thoroughly clean and disinfect high-touch surfaces with special attention to parts, products and shared equipment;
  12. Ensure there are sufficient hand-washing or hand-sanitizing stations at the worksite and discontinue use of hand dryers;
  13. Notify plant leaders and potentially exposed individuals upon
identification of a positive case of COVID-19 in the facility, as well as maintain a central log for symptomatic workers or workers who test positive for COVID-19;

14. Send potentially exposed individuals home upon identification of a positive case of COVID-19 in the facility;

15. Encourage workers to self report to plant leaders as soon as possible after developing symptoms of COVID-19; and

16. Shut areas of the manufacturing facility for cleaning and disinfection, as necessary, if a worker goes home because he/she is displaying symptoms of COVID-19.

Importantly, the Order does not distinguish between those manufacturing operations that are operating as a critical infrastructure business and those that will be reopening as permitted resumed activities. As such, it appears all manufacturing operations conducting in-person work will need to adhere to the workplace safeguard requirements listed above. Finally, with respect to auto manufacturing, Gov. Whitmer announced an agreement has been made among the governor's office, OEMs and the UAW that the OEMs will not open for operations until May 18, 2020 and on such date they will only open at 25 percent capacity.

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