

COHL, STOKER & TOSKEY, P.C.  
ATTORNEYS AND COUNSELORS  
601 NORTH CAPITOL AVENUE  
LANSING, MICHIGAN 48933  
(517) 372-9000

SHAREHOLDERS  
PETER A. COHL  
DAVID G. STOKER  
BONNIE G. TOSKEY  
ROBERT D. TOWNSEND  
TIMOTHY M. PERRONE  
MATTIS D. NORDFJORD  
GORDON J. LOVE

ASSOCIATES  
COURTNEY A. GABBARA  
SARAH K. OSBURN  
CHRISTIAN K. MULLETT

OF COUNSEL  
RICHARD D. McNULTY

## **IMPORTANT CLIENT UPDATE**

### **REQUIREMENTS REGARDING THE USE OF FACE MASKS AND SHIELDS AS PERSONAL PROTECTION MEASURES IN THE PUBLIC WORKPLACE**

Governor Whitmer's Executive Order 2020-77 continues the directive that all people in Michigan stay home and stay safe, with various exceptions and restrictions, through May 28, 2020, subject to further extension or modification prior to its expiration.

This memorandum addresses face masks and shields as personal protection measures in the public workplace, as part of the mandatory COVID-19 Preparedness and Response Plan required for businesses and governmental agencies that are open for in-person work.

**EO 2020-77 requires that governmental agencies and their employees adhere to sound social distancing practices and measures, including:**

- Requiring masks to be worn when workers cannot consistently maintain six feet of separation from other individuals in the workplace.
- Consider face shields when workers cannot consistently maintain three feet of separation from other individuals in the workplace.
- Provide personal protective equipment to employees such as **gloves, goggles, face shields**, and **face masks** as appropriate for the activity being performed.
- **The employer must provide a non-medical grade face covering, or the employee can provide their own.**
- N95 and surgical masks should be reserved for health care professionals and first responders.

**EO 2020-77 continues the general restrictions on members of the public, including:**

- Wearing a cover over the nose and mouth when in any enclosed public space, by any individual able to medically tolerate a face covering.

- The face covering may be a homemade mask, scarf, bandana, or handkerchief.
- A face covering may be temporarily removed for identification purposes.
- A governmental agency is not required to provide masks to the public.

From the general guidance provided in EO 2020-77, we recommend that:

- Masks must be worn by governmental employees who work in an enclosed space who are consistently within six feet of other individuals.
- Masks are required in “public spaces” (regardless of spacing) such as common bathrooms, elevators, lobbies, waiting rooms, etc.
- A face shield should be considered for those employees who are consistently within three feet of others.
- An employee who works alone in his or her own enclosed office space may temporarily remove a mask while in their office space. The mask should be donned prior to leaving the employee’s office if the employee will then be within six feet of other individuals or in a public space.
- Masks must be provided to governmental employees, but not to the public.
- A member of the public who appears in the workplace should be encouraged to wear a face covering.
- Services should not be refused to members of the public who do not wear a mask because they cannot medically tolerate a mask.

The use of face coverings is one simple tool that may help reduce the spread of the virus – especially from people who are infected and may not know it.

**Should you have questions concerning this memorandum, please do not hesitate to contact our Office.**

Link to EO 2020-77:

[https://www.michigan.gov/whitmer/0,9309,7-387-90499\\_90705-528460--,00.html](https://www.michigan.gov/whitmer/0,9309,7-387-90499_90705-528460--,00.html)

Cohl, Stoker & Toskey, P.C.  
601 N. Capitol Ave.  
Lansing, MI 48933  
(517) 372-9000

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