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IMPORTANT CLIENT UPDATE

Procedural Guidance for County and Local Governments to Implement Executive Order 2020-21

STEP 1: NOTIFY DEPARTMENT HEADS AND ELECTED OFFICIALS TO COMPLY WITH THE ORDER AND, TO THE EXTENT NOT ALREADY DONE—NOTIFY EMPLOYEES WHO ARE “AT A MINIMUM” **NOT** “NECESSARY TO SUSTAIN OR PROTECT LIFE”, “CRITICAL INFRASTRUCTURE”, OR “TO SUPPORT THE WORK OF (the COUNTY’S or Third-Party) BUSINESS’S OR OPERATION’S THAT ARE NECESSARY TO SUSTAIN OR PROTECT LIFE”

Outline:

Today, Governor Gretchen Whitmer signed the “Stay Home, Stay Safe” Executive Order (EO 2020-21) (https://www.michigan.gov/whitmer/0,9309,7-387-90499_90705-522626--,00.html), directing that, in relevant part:

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. (NOTE—Section 4(b) provides, in relevant part:

	<p>“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.”</p>
(d)	<p>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).</p> <p>(NOTE-Section 5(c) provides, in relevant part: (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</p>

I know we have all been diligently assessing, considering and working to assess the critical and essential functions which need be performed by the County and staffing necessary for provision of such public services. However, in light of the Governor’s Order, by [redacted]:00 p.m. today Elected Officials and Department Directors, and their respective designees, need specifically assess whether current face-to-face staffing is complying with the Governor’s Order and that employees who are performing functions which do not fall within the broad and somewhat discretionary parameters of:

- i. necessary to sustain or protect life,
- ii. supporting those businesses and operations that are necessary to sustain or protect life,
- iii. are critical infrastructure workers, or
- iv. are necessary to minimum basic operations,

To the extent this has not already occurred, employees or positions which you assess do not fall within the Order’s parameters should be instructed not to report, be permitted to telecommute (where able, in your discretion) or be placed on leave under current County policies. There does appear to be some discretion regarding these classes of services in the Order. As such,

please assure that your face-to-face staffing levels are sufficient to adequately perform those public services and functions which are deemed critical or essential.

For remaining employees, the Order's social distancing protocols should be reviewed and adhered to.

STEP 2: AFTER ELECTED OFFICIALS AND DEPARTMENT HEADS HAVE BEEN GIVEN AN OPPORTUNITY TO ADDRESS AND COMPLY WITH STEP 1, CONSIDER A COMMUNICATION TO EMPLOYEES (WHO MAY BE CONFUSED BY/MISINTERPRET THE ORDER) TO COMMUNICATE THE COUNTY'S EXPECTATIONS AND DISPEL CONFUSION OVER THE ORDER:

Suggested outline:

You may have received information that the Governor has suspended certain in person activities by individuals (https://www.michigan.gov/whitmer/0,9309,7-387-90499_90705-522626--,00.html). However, Executive Order No. 2020-20 makes clear that County employees performing in person necessary government activities are not subject to this Order. As such, unless you have been advised by your Elected Official, Department Director or other supervisory employee to stay home, been authorized to telecommute, or been granted an excused absence or leave, employees are still required to report to work. Please direct any inquiries or other issues to your Elected Official, Department Head or supervisor.

Thank you for your work to keep our critical public services and infrastructure operating. Please remember to take all recommended precautions to protect your health and the health of the public:

- If you think you have symptoms of COVID-19, call your health care or telemedicine provider. If you do not have a health care or telemedicine provider, call the nearest hospital.
- Wash your hands often with soap and warm water for 20 seconds. If soap and water are not available, use hand sanitizer.
- Avoid touching your eyes, nose, or mouth with unwashed hands.
- Cover your mouth and nose with a tissue or upper sleeve when coughing or sneezing.
- Avoid contact with people who are sick.
- If you are sick, stay home, and avoid contact with others.
- Stay at least 6 feet away from others when in a public setting.

The Center for Disease Control's recommendations regarding steps to help protect yourselves and others is below.

<https://www.cdc.gov/coronavirus/2019-ncov/prepare/prevention.html>

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

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