

Governor FAQ 05-11-2020 AM

Executive Order 2020-77 FAQs

The most up-to-date guidance on these and other mitigation strategies is available at [Michigan.gov/Coronavirus](https://www.michigan.gov/Coronavirus). This matter is rapidly evolving and MDHHS may provide updated guidance.

Executive Order, 2020-77

Temporary requirement to suspend certain activities that are not necessary to sustain or protect life - Rescission of Executive Order 2020-70

Q: Does Executive Order 2020-77 prohibit persons from engaging in outdoor activities that are protected by the First Amendment to the United States Constitution?

A: No. Persons may engage in expressive activities protected by the First Amendment within the State of Michigan, but 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 person's household.

Q: Does traveling to and attending a religious service in a parking lot of a place of religious worship with congregants remaining in their own vehicles constitute an activity subject to penalty under section 20 of the order?

A: No.

Q: How does this order impact custody agreements / how does this order impact parents' visits with their children placed in foster care?

A: Under section 7(b)(4) of the order, individuals may travel as required by law enforcement or a court order, including the transportation of children pursuant to a Friend of the Court custody agreement. Court-ordered parent-child visits related to a child custody arrangement continue, but these visits need not always be in person. Alternatives including telephone and videoconference are acceptable.

Visits between a child and parent while a child resides in foster care should be conducted by telephone and videoconference or other such technology, whenever possible. Under section 7(a)(12) of the order, travel is permissible to visit a child in out-of-home care, or to facilitate a visit between a parent and a child in out-of-home care, when there is agreement between the child placing agency, the parent, and the caregiver about a safe visitation plan. When agreement cannot be reached by all three parties, exception requests must be approved by the Executive Director of the Children's Services Agency. In-person visits at a child caring institution need not occur unless a court order requires in-person contact to occur and it can be safely facilitated.

Q: May campgrounds remain open for public use under Executive Order 2020-77?

A: In general, no. Recreational camping at campgrounds who rent to individuals who otherwise have a primary residence and are traveling to the campground for non-COVID-19-related purposes are not permitted under this order. However, in some limited cases, workers at campgrounds may be critical infrastructure workers to the extent they "provide temporary or

permanent housing for... shelter ... for ... otherwise needy individuals.” For purposes of the order, the term “otherwise needy individuals” includes anyone residing in a campground at the time the order was issued or anyone seeking shelter during the current pandemic. They may also remain open to the extent they are used for COVID-19 mitigation and containment efforts and to serve critical infrastructure workers.

If a licensed campground serves in the above capacity, it may only engage in activities to provide shelter and basic needs. In engaging in those activities, it must limit guest-to-guest, guest-to-staff, and staff-to-staff interactions as much as possible and must adopt all other mitigation measures required by section 11 of the order. It may not provide additional on-site amenities such as gyms, pools, spas, entertainment facilities, meetings rooms, or like facilities, or provide in-house dining.

Q: Does Executive Order 2020-77 restrict the exercise of tribal treaty rights?

A: No. Executive Order 2020-77 does not restrict activities by tribal members to exercise their federal treaty rights within the boundaries of their treaty territory (also known as “ceded territory”). These activities may be subject to restrictions imposed by tribal authorities.

Q: Can pet grooming services be provided?

A: No. Grooming supplies may be sold by any store remotely for curbside pickup or delivery, and may also be sold in-store by stores that also sell necessary supplies (such as grocery stores). Grooming services, however, remain prohibited because they require in-person work not permitted by the order.

Q: Are in-person collection activities such as repossession included in the definition of financial services for the purposes of Executive Order 2020-77?

A: No.

Q: Are funerals allowed under Executive Order 2020-77?

A: Yes. Under the order people may leave their home to attend a funeral, provided that no more than 10 people are in attendance. This applies to all funeral-related activities.

Q: Are stores prohibited from advertising under Executive Order 2020-77?

A: No.

Q: Can law firms, attorney offices and legal aid clinics continue in-person activities?

A: Generally, no. Attorneys do not constitute “critical infrastructure workers” and thus may not leave their homes for work unless, under section 9(d) of the order, they are “provid[ing] 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.” This is a tightly circumscribed category that captures only work that must be carried out in person and is absolutely necessary to assist those with a genuine and emergent need. All work under the order must be performed remotely to the greatest extent possible, and any in-person work must be done in accordance with the mitigation measures required under section 11 of the order.

Q: Can vehicles under an existing contract be delivered to police departments?

A: Yes. Workers at auto dealerships are allowed to leave the home for work as necessary to facilitate remote transactions and to deliver cars to customers. Under the order, all work must be carried out remotely to the greatest extent possible, and any in-person work that is permitted must be done in accordance with the mitigation measures required under section 11 of the order.

Q: May a company that performs oil changes and other routine automotive maintenance services provide those services in person to the public?

A: Yes. Workers that provide auto repair and maintenance services constitute critical infrastructure workers and may perform that work in person as needed. All work under the order must be performed remotely to the greatest extent possible, and any in-person work must be done in accordance with the mitigation measures required under section 11 of the order.

Q: Can security companies and security guards continue to operate?

A: Under the order, workers are permitted to leave their home for work if their in-person presence is strictly necessary to conduct the minimum basic operations of a business under section 4(b) of the order, which includes ensuring security. Some security workers may also constitute critical infrastructure workers under section 8 or section 9(b) of the order. Security workers who have been properly designated for in-person work under any of these criteria may leave their home to perform that work as needed. All work under the order must be performed remotely to the greatest extent possible, and any in-person work must be done in accordance with the mitigation measures required under section 11 of the order.

Q: Is bottle return an essential service?

A: Although bottle return services are often located within grocery and convenience stores, they are not considered critical infrastructure. There will be no change in the deposit collected at the time of purchase during this temporary suspension of bottle return services.

Q: Does in-person work that is essential to sustain or protect human life also include in-person work to prevent severe psychological harm?

A: Yes.

Q: Are automotive dealership workers considered critical infrastructure under Executive Order 2020-77?

A: Under Executive Order 2020-77, showrooms of automotive dealerships are closed, but the automotive repair and maintenance components of a dealership can remain open for in-person work. Additionally, workers at auto dealerships who are necessary to facilitate remote and electronic sales or leases, or to deliver automobiles to customers are permitted. All work under the order must be performed remotely to the greatest extent possible, and any in-person work must be done in accordance with the mitigation measures required under section 11 of the order.

Q: Are childcare workers considered critical infrastructure employees?

A: Childcare workers are considered critical infrastructure workers but only to the extent necessary to serve the children or dependents of critical infrastructure workers, workers who conduct minimum basic operations, workers who perform necessary government activities, or workers who perform resumed activities, as defined under the order.

Q: Under Executive Order 2020-77, can school districts continue to provide food service for students?

A: Governor Whitmer is committed to ensuring that Michigan students have access to the food they need during the COVID-19 pandemic. Under the order, K-12 school food services are considered critical infrastructure and should continue.

Q: Do I need to carry credentials or any paperwork that indicates I've been designated a critical infrastructure employee or to travel to and from my home or residence?

A: No, there is not a requirement under Executive Order 2020-77 to carry credentials or paperwork with you under any circumstance.

Q: Can hardware stores remain open?

A: Yes. Workers at hardware stores are considered part of the critical infrastructure workforce. Under the order, all work must be carried out remotely to the greatest extent possible, and any in-person work that is permitted must be done in accordance with the mitigation measures required under section 11 of the order. Stores must also adhere to the additional requirements imposed by section 12 of the order.

Q: Are tobacco shops, cigar bars, vape shops, and hookah lounges able to stay open to the public under Executive Order 2020-77?

A: No, employees at these businesses are not critical infrastructure workers, and they may not be designated to leave their homes to provide goods or services to the public. As needed, however, a business may designate workers to leave their homes for work if their in-person presence is strictly necessary to conduct the minimum basic operations listed in section 4(b) of the order. Minimum basic operations do not include serving members of the public. Under the order, all work must be carried out remotely to the greatest extent possible, and any in-person work that is permitted must be done in accordance with the mitigation measures required under section 11 of the order.

Q: May members of the media continue to have access to the station to relay news?

A: Yes. Employees responsible for disseminating news are "critical infrastructure workers," as indicated in section 8(h) of the order, and they may be designated to leave their homes for that work as needed. Under the order, all work must be carried out remotely to the greatest extent possible, and any in-person work that is permitted must be done in accordance with the mitigation measures required under section 11 of the order.

Q: Are massage spas allowed to be open to provide services to members of the public under the Executive Order?

A: No, employees at these businesses are not critical infrastructure workers, and they may not be designated to leave their homes to provide services to the public. As needed, a business may designate workers to leave their homes for work if their in-person presence is strictly necessary to conduct the minimum basic operations listed in section 4(b) of the order. Minimum basic operations do not include serving members of the public. A business may also designate workers whose in-person presence is necessary to process and fulfill remote orders for any goods (but not services) that the business may offer, via delivery or curbside pickup. Under the order, all work must be carried out remotely to the greatest extent possible, and any in-person work that is

permitted must be done in accordance with the mitigation measures required under section 11 of the order.

Q: Do businesses or operations who employ critical infrastructure workers still need to designate suppliers, distribution centers, or service providers in order to keep them in operation?

A: No. Suppliers, distribution centers, and service providers that are necessary to critical infrastructure work can now designate their own workers as critical infrastructure workers. They may do so, however, only to the extent necessary to support critical infrastructure work up the supply chain. They may also designate workers whose in-person presence is necessary to conduct minimum basic operations or to process and fulfill remote orders for curbside pick-up or delivery. If a worker is not needed in person to support such work, he or she may not be designated.

Q: Does the order prohibit a recreational ride on a motorcycle?

A: No. Like all outdoor recreational activity, however, it must be done in a manner consistent with remaining at least six feet from people outside the individual's household, and riders are strongly encouraged to follow all other mitigation measures recommended by the CDC to suppress the spread of COVID-19.