



Coronavirus (COVID-19) Resource Center

ALL BUSINESSES ORDERED TO DEVELOP COVID-19 PREPAREDNESS AND RESPONSE PLAN – WHAT YOUR BUSINESS NEEDS TO DO

Friday, April 10, 2020

Yesterday, April 9, 2020, Michigan Governor Gretchen Whitmer issued Executive Order 2020-42, extending her "Stay Home, Stay Safe" Order through April 30. Butzel Long alerted you as to what was new in that Order here. One of the new requirements in the Order is that every Michigan business that continues in-person work must develop a COVID-19 Preparedness and Response Plan. Here is what businesses need to know.

The mandate applies to all Michigan "[b]usinesses, operations, and government agencies that continue in-person work." That description applies not only to companies operating as critical infrastructure or critical infrastructure suppliers, but also those with staff on-site to perform minimum basic operations. They must "adhere to sound social distancing practices and measures." These include:

- Restricting the number of workers on-premises to no more than is strictly necessary.
- Promoting remote work to the fullest extent possible.
- Keeping people at least six feet from one another to the maximum extent possible.
- Increasing standards of cleaning and disinfection.
- Adopting policies to prevent workers from entering the premises if they display symptoms of COVID-19.
- Other social distancing practices and mitigation measures recommended by the CDC.

These entities must also develop "a COVID-19 preparedness and response plan, consistent with recommendations in Guidance on Preparing Workplaces for COVID-19, developed by the Occupational Safety and Health Administration," better known as "OSHA." Preparedness and Response Plans must be available at company headquarters or the worksite. For businesses with multiple locations (or perhaps working out of their headquarters and also at a worksite or multiple worksites), we recommend keeping the Plan at each location.

What does your company's plan need? As with much of the Order, the details are vague. The plan must be "consistent with" OSHA recommendations, but it's not clear whether that means adopting all or only some of them. Also unclear is whether there is any penalty for a business that fails to follow its plan.

Some steps recommended by OSHA to be considered for your company's plan are:

- Develop an Infectious Disease Preparedness and Response Plan
- Describe Basic Infection Prevention Measures.
- Develop Policies and Procedures for Prompt Identification and Isolation of Sick People, if Appropriate
- Develop, Implement, and Communicate about Workplace Flexibilities and Protections
- Implement Workplace Controls
- Consider Use and Provision of Personal Protective Equipment
- Follow All Other CDC Guidelines and Those Set Forth in EO 2020-42

Not all steps will be necessary for every company, and some may not be possible for your business. These are general plan categories, with more complex and detailed policies to be fleshed out. Your company should develop and implement a plan that is suitable for it, that protects your employees, and that reasonably can be followed.

Butzel Long has already begun assisting its clients to develop, draft, and implement Preparedness and Response Plans. If you need assistance drafting an appropriate plan, contact any of the authors listed below. We will be happy to assist your company to be prepared, to plan ahead, and to comply with the Governor's latest Executive Order.

Paul Mersino
313.225.7015
mersino@butzel.com

Justin G. Klimko
313.225.7037
klimkojg@butzel.com

Bernie Fuhs
313.225.7044
fuhs@butzel.com

Brett Miller
313.225.5316
millerbr@butzel.com

Jennifer Dukarski

734.213.3427

dukarski@butzel.com

Mitch Zajac

313.225.7059

zajac@butzel.com

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TEAM CONTACTS

- Jennifer Dukarski
- Bernard Fuhs
- Justin Klimko
- Paul Mersino
- Brett Miller
- Mitchell Zajac

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