

FAQ on Governor's Recent Health Emergency Executive Actions:

General Questions about the Governor's Executive Actions:

- **Under what authority can the Governor take these actions?**

Once a state of emergency is declared, both the Emergency Management Act and the Emergency Powers of the Governor Act provide the governor with the authority to promulgate reasonable orders, directives, rules and regulations as she feels necessary to bring the emergency situation within the affected area under control.

- **Can the Legislature overturn these actions?**

The Emergency Management Act and the Emergency Powers of the Governor Act, the two laws invoked by the Governor in the issuance of her emergency orders and directives, do not provide any authority to the Legislature to overturn the Governor's actions.

SBA Declaration:

- **Is there a limit on the amount of money a business can receive from an Economic Injury Disaster Loan?**

Yes, currently the limit is \$2 million.

- **What requirements have to be met to apply? Is it any small business affected financially by COVID-19?**

Economic Injury Disaster Loans (EIDL) are available to small businesses, small agricultural cooperatives, and most private nonprofit organizations. Any small business can apply for this type of loan if the COVID-19 virus made their company unable to meet certain financial obligations (i.e. ordinary or necessary operating expenses).

- **Are there state-level funds that can help Michigan's small businesses affected financially by COVID-19?**

The Michigan Small Business Relief Program, authorized by the Michigan Strategic Fund, will provide more than \$20 million to small businesses that have been affected by COVID-19. Information pertaining to the Michigan Small Business Relief Program can be viewed [here](#).

DNR Actions Questions:

- Q: Does this pertain to state parks? If so, how are they restricted?**

A: Although the public contact areas (restroom buildings, shooting ranges, visitor centers) at many DNR-managed facilities are temporarily closed, people are still welcome to enjoy the public outdoor areas at state parks and recreation areas, state game and wildlife areas, state forests, state trails and, of course, our lakes, rivers and streams. For the duration of the COVID-19 situation, the department is waiving the need for the Recreation Passport for entry at state parks and other destinations.

https://www.michigan.gov/dnr/0,4570,7-350-79137_79770_98458---,00.html

- Q: Are all hunting and fishing license available on-line?**

A: Yes, start here: <https://www.mdnr-elicence.com/> Charter boat licenses may be applied for online, however statute requires an inspection by a peace officer of the watercraft for required safety equipment, and must provide a copy of required liability insurance. Contact the DNR at (517) 284-6057.

- Q: Are charter and fishing guide operations able to operate?**

A: Charter and fishing guide operations that involve boats, canoes and other marine vessels are not currently permitted. However, under provisions detailed in Executive Order 2020-70, these businesses may resume activities on May 7, 2020, provided they:

- Prohibit gatherings of any size in which people cannot maintain six feet of distance from one another.
- Limit in-person interaction with clients and patrons to the maximum extent possible, and barring any such interaction in which people cannot maintain six feet of distance from one another.
- Provide personal protective equipment such as gloves, goggles, face shields, and face masks as appropriate for the activity being performed.
- Adopt protocols to limit the sharing of tools and equipment to the maximum extent possible and to ensure frequent and thorough cleaning of tools, equipment, and frequently touched surfaces.

In addition to the DNR Law Enforcement Division, Michigan State Police and local law enforcement agencies have full authority to enforce the provisions of this order.

Executive Order 2020-14 - Property Tax Foreclosure:

Q: If foreclosures resulting from failure to make mortgage payments are still at the discretion of the lending company, what types of foreclosures fall under the extended redemption period?

A: The foreclosed properties in question are those that are abandoned properties or those that are considered delinquent for taxes, interest, penalties, or fees.

Q: Although the deadline by which property forfeited to a county treasurer must be redeemed is extended from March 31, 2020 until May 29th or 30 days after the termination of the state of emergency, am I required to show proof that I attempted to contact the county in order to be eligible?

A: No, the executive order simply extends the deadline to comply.

Executive Order 2020-44 - Enhanced Support for Deliveries

Q: Who is exempt from the seasonal weight restrictions under Executive Order 2020-44?

A: Only trucks carrying deliveries covering immediate needs for COVID-19 relief efforts. Those deliveries include, but are not limited to, medical, food supplies and equipment as well as supplies necessary for community safety, sanitation, and the prevention of community transmission of COVID-19.

Q: Do trucks with COVID-19 deliveries still need to have an approved permit for overweight trucks?

A: Yes. Even though the seasonal weight restrictions have been lifted, companies still need to have a permit issued by local or state authorities before making their trip.

Q: Where does the overweight permit allow drivers to go?

A: MDOT only approves oversize or overweight permits on state trunklines and does not approve movement on county or city roads. Only local jurisdictions can allow overweight movement on seasonal roads within their municipality. Consequently, multiple permits may be required for a truck to travel with an oversize load.

Executive Order 2020-49 Temporary enhancements to operational capacity and efficiency of health care facilities

Q: Do the emergency certificate-of-need applications only pertain to certificates meeting the COVID-19 concerns?

A: Certificate-of-need applications, under this EO, can apply to any need from hospitals. However, the department approves/denies applications. As to whether or not the department approves applications unrelated to COVID-19 relief efforts, that is unlikely.

Q: How exactly does the EO provision allow LARA to apply hours worked responding to the COVID-19?

A: Hours worked in response to the COVID-19 pandemic are applicable to towards continuing education requirements (CE). Consequently, if a worker has not yet fulfilled their CE requirements, their time spent toward the COVID-19 crisis would count toward the missing CE requirements.

Executive Order 2020-50 Enhanced protections for residents and staff of long-term care facilities during the COVID-19 pandemic

Q: Is a long-term care facility required to transfer a resident who experiences a medical status change to the hospital, if the resident has a do not resuscitate order as part of their advance directive?

A: No. Nothing in Executive Order 2020-50 requires anyone to disregard the instructions of an advance directive, including a do not resuscitate order.

EO 2020-65 K-12 Education for the remainder of the 2019-2020 school year

Homeschooling

Q: Does the order's suspension of in-person instruction prohibit homeschooling?

A: No

Suspending In-Person Instruction

Q: Can school districts resume in-person instruction if the State of Emergency ceases before the end of the scheduled 2019-2020 school year?

A: Yes.

Q: Under the order, are districts allowed an additional five professional development days despite having used them through the 2019-2020 school year?

A: Yes.

Q: Does Executive Order 2020-35 impact "virtual", cyber, or otherwise 100% online schools?

A: No. These schools should continue to educate students in the manner the schools had been operating before the public health emergency.

Q: Does Executive Order 2020-35 address programs like GSRP, Early On, Early Childhood Special Education, or Home Visiting Programs that may be operated by school districts?

A: No. The order does not explicitly address programs like GSRP, Early On, Early Childhood Special Education, or Home Visiting Programs that may be operated by school districts. These programs should comply with previous and forthcoming applicable state and federal guidance in terms of continuing programming for young children.

Continuity of Learning & COVID-19 Response Plan

Q: May a school district retain a student who has the capability of participating in the continuity of learning plan but does not participate?

A: Under the order students must not be penalized for an inability to participate in the Continuity of Learning and COVID-19 Response Plan. The manner in which grades are assigned or credits are awarded is a local decision.

Q: Are districts required to continue to pay third-party contracted employees and vendors?

A: In general, no. However, districts should review their contractual obligations in making this assessment. Districts should consider paying contractors/vendors if they are able to meaningfully contribute to the Continuity of Learning and COVID-19 Response Plan.

Q: Are GSRP or other early childhood educators impacted by this Order?

A: No. However, districts may consider including these programs in their Continuity of Learning and COVID-19 Response Plans.

Q: Are districts required to pay stipends to teachers/staff for work not performed?

A: It depends. Districts should review collective bargaining agreements in making this determination.

Q: Are districts required to pay staff funded by revenue other than state or federal funds?

A: In general, no. However, districts should review their contracts and collective bargaining agreements in making this assessment. Districts should consider paying these staff if they are able to meaningfully contribute to the Continuity of Learning and COVID-19 Response Plan.

Q: What does “collaborate” mean for the purposes of Executive Order 2020-35?

A: Continuity of Learning and Covid-19 Response Plans should not be considered “pilot programs.” District administrators shall collaborate with school board members, teachers and staff, and any representatives of staff in a meaningful and substantive manner to develop the Continuity of Learning and COVID-19 Response Plan. Continuity of Learning and COVID-19 Response Plans should be consistent with collective bargaining agreements.

District employees permitted in district buildings

Q: Can districts require in-person work?

A: It depends. Districts should promote remote work to the fullest extent possible and may only require employees and contractors to work on-site if in-person work is absolutely necessary to conduct minimum basic school operations or facilitate Continuity of Learning and COVID-19 Response Plan. All in-person work should be consistent with the guidelines set out section 3 of the order.

Q: Do the limitations on in-person instruction prohibit a teacher from visiting a pupil so long as they maintain social distancing requirements?

A: In-person instruction, including visits with social distancing, should be avoided whenever possible.

Q: Can districts begin or continue school construction projects?

A: In general, no. While some limited forms of construction are permissible under Executive Order 2020-59, “Stay Home Stay Safe” or any order that may follow, school construction projects do not generally qualify under these limited circumstances. However, emergency maintenance and repairs are permitted to restore functionality of district buildings.

For constructions projects that have already begun, workers are only permitted to preserve the current condition of the project, such as putting in place temporary security and weatherization measures. All other in-person work on school construction projects must cease until the restrictions of the order are lifted and normal operations resume.

Implementation

Q: Can a district extend this school year (2019-20) and/or start next school year earlier than anticipated (2020-21)?

A: Yes. Under Executive Order 2020-35, districts may choose to adopt a balanced calendar (or year-round) instructional program for the remainder of the 2019-20 school year and/or for the 2020-21 school year, including

starting the 2020-21 school year before Labor Day without requesting an additional waiver. Districts that do not exercise this option should not “end” their Continuity of Learning and COVID-19 Response Plan before their previously adopted school year end date. These decisions are subject to collective bargaining.

Q: May school districts donate materials and supplies to community organizations, even if those supplies were purchased with state funds?

A: Yes, districts may donate PPE (gowns, gloves, masks), supplies (cleaning/disinfectant supplies, hand sanitizers, and other materials) to organizations in their community that need.

EO 2020-69 Temporary restrictions on the use of places of public accommodation

Q: Whether Executive Order 2020-69 applies to cigar bars and hookah lounges such that they cannot permit on-site consumption of tobacco products by patrons

A: The Executive Order specifically prohibits on-site consumption at hookah bars, cigar bars, and vaping lounges per section 1(c).

Q: Does this Executive Order prohibit drive-in movie theatres from being open?

A: The Executive Order prohibits all theatres from being open, including drive-in movie theatres.

Q: Are all libraries closed?

A: All libraries are closed including college and university libraries.

Q: Can gyms that offer service by private appointment remain open?

A: All gyms are included in the definition of public accommodation under this Executive Order and are closed to ingress, egress, use, and occupancy by members of the public, including for private appointments.

Q: Are transit employees, truck drivers, first responders, mail carriers, and sanitation workers considered members of the public under Executive Order 2020-69?

A: For purposes of Executive Order 2020-69, transit employees, truck drivers transporting for critical infrastructure purposes, police officers, fire fighters, emergency medical technicians, mail carriers, and sanitation workers entering an open place of public accommodation are not “members of the public” if they are on duty and entering solely for the purpose of using restroom facilities.

EO 2020-70 Stay at Home Extension

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: 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 2020-70?

A: No.

Q: Are funerals allowed under Executive Order 2020-70?

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: Does Executive Order 2020-70 restrict the exercise of tribal treaty rights?

A: No. Executive Order 2020-70 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: Are stores prohibited from advertising under Executive Order 2020-70?

A: No.

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: 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: Does Executive Order 2020-70 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: 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: 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: 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 2020-70?

A: Under Executive Order 2020-70, 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 the Stay Home, Stay Safe Executive Order, can school districts continue to provide food service for students?

A: Gov. Whitmer is committed to ensuring that Michigan students have access to the food they need during the COVID-19 pandemic. Under the governor's executive 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 2020-70 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 EO 2020-70?

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.

EO 2020-72 Temporary restrictions on entry into health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities

Q: Are physician-owned medical practices subject to Executive Order 2020-72?

A: Any place that offers healthcare services is considered a healthcare facility and is subject to Executive Order 2020-07.

Q: Are home health workers subject to Executive Order 2020-72?

A: If a home health worker is necessary for “the provision of medical care or the support of activities of daily living,” and is seeking entry into a health care facility, residential care facility, congregate facility, or a juvenile justice facility, then they may enter the facility as long as they have a health evaluation completed.

Otherwise, if a home health care worker is seeking entry into a home for the purposes of medical treatment, they would not be subject to this executive order.

Q: What does “in contact with” mean for health care workers who are treating COVID-19+ patients?

A: Contact for the purposes of healthcare exposures is defined as follows: a) being within approximately 6 feet (2 meters), of a person with COVID-19 for a prolonged period of time (such as caring for or visiting the patient; or sitting within 6 feet of the patient in a healthcare waiting area or room); or b) having unprotected direct contact with infectious secretions or excretions of the patient (e.g., being coughed on, touching used tissues with a bare hand).

Q: Can the partner and or doula of a laboring mother be allowed to accompany her during admission for labor and for a period after birth, so long as that individual successfully passes the health evaluation?

A: Yes, labor qualifies as an exigent circumstance under this order. Therefore, a partner and doula may accompany a laboring mother, if they pass the health evaluation required by section 2.

Q: Does this executive order apply to medical and nursing students?

A: They are not prohibited from entry under section (1) of this order but are subject to the requirements of section (2).

EO 2020-73 Temporary relief from certain credentialing requirements for motor carriers transporting essential supplies, equipment, and persons

Q: Does the order waive credentialing requirements for Michigan-based motor carriers operating in other states or IFTA jurisdictions?

A: No. The motor carrier credentialing requirements imposed by other IFTA jurisdictions are not affected by this order. Therefore, Michigan-based interstate motor carriers traveling outside of Michigan must follow the laws, regulations, and administrative requirements of the IFTA jurisdictions in which they travel. Michigan-based interstate motor carriers seeking information on similar waivers granted by other IFTA jurisdictions are encouraged to visit the following website: <https://www.iftach.org/bulletins/Covid-19.php>.

Q: Does this order allow a motor carrier to operate unsafe vehicles on Michigan roads?

A: No. This order does not suspend any section of the Michigan vehicle code, Motor Carrier Act, or any other laws or rules regarding motor vehicles including registration, weight limitations, or insurance.

Q: Does this order allow a motor carrier to ignore laws and rules requiring safe working conditions for commercial truck drivers?

A: No. This order does not suspend any section of the Michigan occupational safety and health act or any other laws or rules that govern worker safety and working conditions.

Q: Does this order allow a motor carrier to employ unlicensed drivers to operate motor vehicles on Michigan roads?

A: No. This order does not suspend any section of the Michigan vehicle code or any other laws or rules governing commercial driver licenses.

Q: Does this order allow a motor carrier to operate in Michigan without paying tax on motor fuel or other road taxes applicable to motor carriers?

A: No. Paragraph 6 of the order explicitly provides that this order does not suspend any laws relating to the reporting or payment of taxes, imposed under the MCTFA or IFTA, or any other state laws or regulations applicable to motor carriers. The licensing, decal, and trip permit requirements that this order suspends are only tools that Treasury uses to aid in collecting taxes owed by motor carriers. The tax obligations of motor carriers that are administered by Treasury are unaffected and remain in place.

Executive Order 2020-75 Open Meetings Act (OMA)

Q: What public bodies does the Executive Order affect?

A: E.O. 2020-48 states that it applies to the definition of “public body” under MCL 15.262, which essentially states that: "Public body" means any state or local legislative or governing body, including a board, commission, committee, subcommittee, authority, or council.

However, the EO specifically states that it does not apply to state legislative bodies, meaning the House and Senate are not impacted by these changes.

Q: Under the Executive Order, would public bodies have the ability to vote remotely?

A: Yes. According to E.O. 2020-48, public bodies can meet electronically, including by telephone conferencing or video conferencing as long as they also provide a way for the general public to participate.

Q: If I don't have ready access to the internet, can I access a public meeting held on Zoom, Skype, or another electronic meeting service?

A: Yes. In general, commercial video conferencing software offers a telephone dial-in option. Pursuant to section 1(e)(iv) of EO 2020-48, public bodies must provide detailed procedures by which the public may participate in the meeting remotely, including a telephone number, if available.