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REBOOTING YOUR BUSINESS IN SAFE  
MODE VOL. 5 – JUNE 9, 2020



- ▶ Four Risk Categories
- ▶ Preparedness Response Plan
- ▶ Cautious Objector
- ▶ Close vs. Incidental Contact
- ▶ Operational Controls
- ▶ Enhanced Enforcement
- ▶ New Openings
- ▶ Common Misconceptions

TOPICS REVIEWED MAY 12 – JUNE 2, 2020

- ▶ Updates – Almost everyone open
  - ▶ Details and sectors
- ▶ Contact Tracing
- ▶ New Restrictions
- ▶ Court Decisions
- ▶ Legal Challenges to Come



TOPICS FOR WEEK 5 – JUNE 9, 2020

## ▶ Governor's Executive Orders

- ▶ EO 36 – Work Policies
- ▶ EO 76 – Unemployment
- ▶ EO 114 – Health and Safety Measures
- ▶ EO 115– Open/Close Order
- ▶ OSHA Guidance 3990-03 2020

## ▶ Legal Authorities

- ▶ Family Medical Leave Act
- ▶ Families First Coronavirus Relief Act
- ▶ Michigan Paid Medical Leave Act

RELEVANT AUTHORITIES

- ▶ Salons, Personal Care Open 6.15
- ▶ Only closed facilities Statewide
  - ▶ Residential, Travel and Troop Camps
- ▶ Sectors Closed other than MI Sections 6 & 8
  - ▶ Gyms and Fitness Centers
  - ▶ Casinos, Theatres, Entertainment
- ▶ No General Travel Restrictions
- ▶ Social Gatherings
  - ▶ 50 people indoors
  - ▶ 250 people outdoors
  - ▶ 500 in stadiums and arenas



# REOPENING REVISIONS – EO 115





- ▶ New item for Three Economic Sectors
- ▶ In-Home Services
  - ▶ Appointment Record
  - ▶ Bad fit
- ▶ Salons and Personal Care
- ▶ Gyms and Fitness Centers
- ▶ Serious Rights implications
  - ▶ Tracking at Government insistence
  - ▶ Tracking people who are not sick
- ▶ Could have broader implications

# CONTACT TRACING



- ▶ In-Home Services (EO 114 ¶110)
  - ▶ Job site screening
  - ▶ Ask about COVID-19 in home; gloves
- ▶ Salons and Personal Services
  - ▶ Customer face mask requirements
  - ▶ No self-service refreshments
  - ▶ Discard magazines
- ▶ Gyms and Fitness Centers
  - ▶ Workout stations – 10 feet or barriers
  - ▶ Reduce class sizes
  - ▶ Open windows and circulation
- ▶ Enforcement Nightmare – need “inside” help

## OTHER NOTABLE RESTRICTIONS



- ▶ Owosso Barber Case – Manke

- ▶ Court of Appeals Ordered Shop Closed
- ▶ Supreme Court Reversed
- ▶ Mostly procedural; not the Final Word

- ▶ Legislature's Case

- ▶ Still at Court of Appeals
- ▶ Supreme Court Denied Fast Track Bypass
- ▶ Refusal is puzzling, inexplicable
- ▶ Attempts at explaining it are weak

- ▶ Executive Orders will become OSHA, etc. Regulations

- ▶ The OSHA restrictions apparently apply to Regions 6 and 8

# PENDING LEGAL DEVELOPMENTS





- ▶ Employee and Customer Legal Claims
- ▶ Regulatory Overload/Concerns
- ▶ Inevitable Legal Conflicts
  - ▶ Orders will conflict with reality
  - ▶ Orders will conflict with other laws
- ▶ Customer Variances – New Divisions
  - ▶ To Mask or Not to Mask
  - ▶ Cleaning Protocols

# HIDDEN LEGAL PERILS

- ▶ Updates and New Developments
- ▶ The Fate of Masks and Face Coverings
- ▶ Standards and prospects for full reopening
- ▶ Resources and planning
- ▶ Telecommuting and Expense Reimbursements



- ▶ Employment Law
- ▶ Real Estate
- ▶ Business and Commercial
- ▶ Personal Injury (Dan)
- ▶ Estate Planning and Probate
- ▶ Intellectual property
- ▶ Litigation in these disciplines



LAMBERT LAW LEGAL SERVICES

- ▶ Governor Whitmer Executive Order Page
  - ▶ [https://www.michigan.gov/whitmer/0,9309,7-387-90499\\_90705---,00.html](https://www.michigan.gov/whitmer/0,9309,7-387-90499_90705---,00.html)
- ▶ OSHA Guidance <https://www.osha.gov/Publications/OSHA3990.pdf>
- ▶ HIPAA <https://www.cdc.gov/phlp/publications/topic/hipaa.html>
- ▶ MI OSHA [https://www.michigan.gov/leo/0,5863,7-336-78421\\_11407---,00.html](https://www.michigan.gov/leo/0,5863,7-336-78421_11407---,00.html)
- ▶ Family and Medical Leave Act

<https://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/family-and-medical-leave/>

## CITED AUTHORITIES