

Executive Order 2020-70 Summary: Returning to Work Requirements for Construction in Michigan

5/4/2020

Governor Whitmer issued Executive Order (EO) 2020-70 is allowing for a full return of residential construction in Michigan, beginning at 12:01am on Thursday, May 7, 2020. Individuals must be responsible and make the effort to minimize social interaction to stop the spread of COVID-19, with an emphasis on social distancing.

Some of the specific “resumed activities” in this EO include the construction industry, real-estate industry, and outdoor work. The EO does not provide a comprehensive definition for “Construction” under the resumed activities. The broad interpretation we are operating under includes New home construction, Remodeling, Home improvement and maintenance.

When possible, work performed by your employees – particularly office personnel – should be done remotely.

[Read the full EO here](#), and see the summary below for the parts most relevant to the residential construction industry.

Requirements as stated in the EO include:

SECTION 10 – CONSTRUCTION INDUSTRY

Workers who perform resumed activities are defined as follows:

(g) Effective at 12:01 am on May 7, 2020, workers in the construction industry, including workers in the building trades (plumbers, electricians, HVAC technicians, and similar workers), subject to the enhanced social-distancing rules described in SECTION 11(h. and i.) of this order.”

SECTION 11 – SOCIAL DISTANCING RULES:

h. “Businesses or operations whose in-person work is permitted under sections 10(c) through 10(f) of this order must also:

- (1) Prohibit gatherings of any size in which people cannot maintain six feet of distance from one another.*
- (2) 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.*
- (3) Provide personal protective equipment (PPE) such as gloves, goggles, face shields, and face masks as appropriate for the activity being performed.*
- (4) 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.*

(i) Businesses or operations in the construction industry must also:

(1) Adhere to all of the provisions in subsection (h) of this section.

(2) Designate a site-specific supervisor to monitor and oversee the implementation of COVID-19 control strategies... The supervisor must remain on-site at all times during activities. An on-site worker may be designated to perform the supervisory role.

(3) Conduct a daily entry screening protocol for workers and visitors entering the worksite, including a questionnaire covering symptoms and exposure to people with possible COVID-19, together with, if possible, a temperature screening.

(4) Create dedicated entry point(s) at every worksite, if possible, for daily screening as provided in subprovision (3) of this subsection, or in the alternative issue stickers or other indicators to workers to show that they received a screening before entering the worksite that day.

(5) Require face shields or masks to be worn when workers cannot consistently maintain six feet of separation from other workers.

(6) Provide instructions for the distribution of personal protective equipment and designate on-site locations for soiled masks.

(7) Encourage or require the use of work gloves, as appropriate, to prevent skin contact with contaminated surfaces.

(8) Identify choke points and high-risk areas where workers must stand near one another (such as hallways, hoists and elevators, break areas, water stations, and buses) and control their access and use (including through physical barriers) so that social distancing is maintained.

(9) Ensure there are sufficient hand-washing or hand-sanitizing stations at the worksite to enable easy access by workers.

(10) Notify contractors (if a subcontractor) or owners (if a contractor) of any confirmed COVID-19 cases among workers at the worksite.

(11) Restrict unnecessary movement between project sites.

(12) Create protocols for minimizing personal contact upon delivery of materials to the worksite.”

SECTION 10 – REAL ESTATE INDUSTRY

(h) Effective at 12:01 am on May 7, 2020, workers in the real-estate industry, including agents, appraisers, brokers, inspectors, surveyors, and registers of deeds, provided that:

(1) Any showings, inspections, appraisals, photography or videography, or final walk-throughs must be performed by appointment and must be limited to no more than four people on the premises at any one time. No in-person open houses are permitted.

(2) Private showings may only be arranged for owner-occupied homes, vacant homes, vacant land, commercial property, and industrial property.

Additional Construction Industry Workers Allowed to Resume Activity

The EO intends for residential construction to resume all stages of activity. Without specific instruction for each segment of the industry and process, we interpret this as allowing business that supports construction (new, remodeling or home improvement). These activities should be done remotely, whenever possible. **In-person activities, such as handling orders with suppliers or showroom personnel may serve construction clients but should remain closed to the public (Section 5.d below). Workers must follow the safety provisions in the applicable subsections of Section 11.**

EO Excerpts about Designating Workers to resume activity

(Section 5):

Consistent with sections 8, 9, and 10 of this order, **businesses and operations must determine which of their workers are critical infrastructure workers or workers who perform resumed activities and inform such workers of that designation. Businesses and operations must make such designations in writing**, whether by electronic message, public website, or other appropriate means. Workers need not carry copies of their designations when they leave the home or place of residence for work.

(Section 5.a)

Businesses and operations maintaining in-person activities must adopt social distancing practices and other mitigation measures to protect workers and patrons, as described in section 11 of this order. Stores that are open for in-person sales must also adhere to the rules described in section 12 of this order (Section 5.c)

“Any business or operation that employs workers who perform resumed activities under section 10(a) of this order, but that does not sell necessary supplies, may sell any goods through remote sales via delivery or at the curbside. Such a business or operation, however, must otherwise remain closed to the public.” (Section 5.d)

Individuals may leave their home or place of residence, and travel as necessary...To perform resumed activities, as described in section 10 of this order, after being designated to perform such work by their employers (Section 7.a.4)

For purposes of this order, **workers who perform resumed activities** are defined as follows: (Section 10)

Workers who process or fulfill remote orders for goods for delivery or curbside pick-up

(Section 10.a)

Workers for moving or storage operations, subject to the enhanced social-distancing rules described in section 11(h) of this order (Section 10.e)

Effective at 12:01 am on May 7, 2020, and subject to the enhanced social-distancing rules described in section 11(h) of this order, **workers who perform work that is traditionally and primarily performed outdoors**, including but not limited to forestry workers, outdoor power equipment technicians, parking enforcement workers, and similar workers (Section 10.f)

Effective at 12:01 am on May 7, 2020, **workers in the construction industry**, including workers in the building trades (plumbers, electricians, HVAC technicians, and similar workers), subject to the enhanced social-distancing rules described in section 11(i) of this order (Section 10.g)

Effective at 12:01 am on May 7, 2020, **workers in the real-estate industry**, including agents, appraisers, brokers, inspectors, surveyors, and registers of deeds, provided that: (Section 10.h)

Any showings, inspections, appraisals, photography or videography, or final walk-throughs **must be performed by appointment and must be limited to no more than four people** on the premises at any one time. **No in-person open houses are permitted** (Section 10.h.1)

Private showings may only be arranged for owner-occupied homes, vacant homes, vacant land, commercial property, and industrial property (Section 10.h.2)”

Regarding Suppliers, Vendors, and Jobsite Delivery

To best prepare suppliers and vendors for various jobsite conditions and limitations, businesses involved in deliveries should follow Section 11 and create your company’s COVID-19 preparedness and response plan based on [this OSHA COVID-19 Manual’s Guidance](#).

NEXT STEP

Adapt and distribute a [COVID Compliance Safety Handbook to your workers, like this one from the Construction Industry Safety Coalition \(CISC\)](#).

IMPORTANT NOTE

Resuming work is only possible under compliance with these requirements. Failure to do may result in another “stop-work” order for construction from the Governor.

Feel free to Contact BRAG Ann Arbor with any requests or questions.

We wish you all a safe and productive return to work!



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