

Executive Order Mandates Workplace Preparedness and Response Plans

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On April 9, 2020, Governor Whitmer issued Executive Order 2020-42, which, most prominently, extended the temporary requirement to suspend all activities that are not necessary to sustain or protect life through April 30, 2020.

The Order also mandated that businesses continuing in-person work develop a "COVID-19 preparedness and response plan," consistent with the Occupational Health and Safety Administration's "Guidance on Preparing Workplaces for COVID-19."

Such a plan should be maintained at worksites and address the following:

- Implementation of prevention efforts and workplace controls, including cleanliness and social distancing techniques;
- Establishment of procedures to identify and isolate sick and/or exposed employees, including self-monitoring recommendations, daily employee screenings, and return-to-work processes; and
- Summary of workplace flexibilities and potential benefits available to employees affected by COVID-19.

The OSHA Guidance requires that employers classify their workforce based upon the potential for exposure to COVID-19. This classification may necessitate additional protective and/or preventative measures. Employees will fall into one of four categories: Low Risk, Medium Risk, High Risk, or Very High Risk. In general,

- Low Risk workers are those who do not frequently and/or closely interact with the general public and maintain social distancing among coworkers (e.g., critical infrastructure workers performing manufacturing tasks at least six feet apart);
- Medium Risk workers are those who frequently and/or closely interact with the general public (e.g., grocery store workers);
- High Risk workers are those who have a high potential for exposure to known or suspected sources of COVID-19 (e.g., healthcare workers exposed to known or suspected COVID-19 patients); and
- Very High Risk workers are those who have a high potential for exposure to known or suspected sources of COVID-19 during specific medical, postmortem, or laboratory procedures (e.g., healthcare workers performing aerosol-generating procedures on known or suspected COVID-19 patients).

Contact any member of **Bodman's Workplace Law Group** to discuss your workforce's risk classification and draft a compliant preparedness and response plan. Bodman cannot respond to your questions or receive information from you without first clearing potential conflicts with other clients. Thank you for your patience and understanding.

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