

Executive Order Updates – Q&A 6/8/20

Can you please repeat what the number of hours a municipality must post in advance for a normal meeting?

Notice for a special or rescheduled regular meeting must be posted 18 hours in advance. For regular meetings, establish a regular meeting schedule, then that notice must be posted within 10 days. The EO just says “advance notice.”

Mary Robertson: Doesn't EO 2020-115 allow for 50 people inside and 250 outside as long as they are social distancing?

These numbers only apply to Regions 6&8.

Joseph Erickson: Do public meetings in Region 8 have to meet social distancing guidelines?

Yes. Yes, persons not in the same household have to stay 6 ft apart. You might be able to have 50 people inside, but not 6 ft distance between each.

Elisabeth Perry: Are there any discussions about Elections and how the State will be proceeding with election processes? When might City Clerks receive guidance from the State?

Nothing new on elections.

Michigan Municipal League: Link: <https://www.eeoc.gov/coronavirus>

Michigan Municipal League: Link: <https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws>

Michigan Municipal League: FFCRA Link: <https://www.dol.gov/agencies/whd/pandemic/ffcra-employee-paid-leave>

If a Department Head or the Employer/Manager needs to stay home to care for children that do not have school or childcare are they covered under any program? If they can work from home can they continue to do so without any legal recourse?

Closing of school is a specific item that entitles to emergency FMLA. The reason for the closure has to be by the Governor. One of the requirements is that employee has to verify in writing that there is no other individual that can provide that care that would require employee to stay home.

For sick leave; if an employee gets COVID-19, which bank of leave should be drawn from first, the employee's banked time or the 10 days provided for under FFCRA?

FFCRA says paid sick leave must be used first.

Where are Regions 6 and 8?

https://www.michigan.gov/documents/whitmer/MI_SAFE_START_PLAN_689875_7.pdf

Does an employer need both a written Employer Response to COVID-19 plan and a reopening plan?

A preparedness and response plan is mandatory under the EO. A reopening plan is not mandatory but helpful.

But Paragraph 7, Items 1,2,3 do not reference Regions 6 & 8 at all...does that mean anything? I'm sorry, #7 "Rules on Gatherings, Performance, and Events"

If you look up towards the top of the EO, you'll see this: As of 12:01 am on June 10, 2020, individuals and businesses in Regions 6 and 8 are no longer subject to Executive Order 2020-110 and are instead subject to the rules described in this order. It is really hard to tell that it only relates to regions 6 & 8.

It's #3. I think the whole order except for the personal services refers to regions 6 & 8. This was very confusing to me, too, but it is all about 6 & 8.

Most of the provisions of EO 2020-115 do not specifically refer to Regions 6 & 8, but Paragraph 3 makes clear that the remainder of the order (including 7) applies to 6 & 8. Everyone else is still under 2020-110.

How do you recommend we discipline employees who repeatedly do not wear their masks at City Hall? We do have our plan in place, and it does call for the wearing of masks when outside of a workstation.

Depends on how muni writes the rules. If it's mandatory, then discipline would be appropriate (normal disciplinary process). Caution – if a mask can't be tolerated medically, then muni would have to make accommodations for that person.