

**From:** [Tracey Pingitore](#)  
**Subject:** COVID-19 - The Executive Orders are no longer in effect, but....  
**Date:** Wednesday, October 7, 2020 5:16:00 PM  
**Attachments:** [R Gordon Emerg Order - 10-5-2020.pdf](#)

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Good afternoon,

On Friday, October 2<sup>nd</sup>, the Michigan Supreme Court ruled on two laws. The first was the Emergency Management Act of 1976, and the court unanimously ruled that Governor Whitmer did not have authority past 4/30/2020 to declare a state of emergency without legislative approval. The second was the Emergency Powers and Governor's Act of 1945 which the court in a 4-3 ruling declared was unconstitutional. The result of these rulings is that Governor Whitmer's Executive Orders lack the basis of law and are no longer in effect. A definitive decision has not been issued on whether the Supreme Court's decision is effective as of 10/2/2020 or if there a window of time to transition and other legislation to be issued.

However, even with that being the case, the Director of the Michigan Department of Health and Human Services, currently Robert Gordon, has legal authority under MCL 333.2253 to issue Emergency Orders. The Michigan Supreme Court ruling has no effect on his authority.

In the early evening of 10/5/2020, **Director Gordon** issued a new **Emergency Order** titled **"Gathering Prohibition and Mask Order."** The Order is attached for reference.

Some of the Order's requirements that may impact daily activities for each of us here **at work** include:

- **Gathering limitations:**
  - Incidental gathering of persons in a shared space, including a workplace, are not restricted by the Order.
  - Indoor gatherings are permitted up to 10 persons (e.g., trainings and meetings), with masks required.
  - Indoor gatherings of more than 10 are limited to 20 persons per 1,000 square feet in each occupied room (e.g., trainings and meetings), with masks required.
  - Outdoor gatherings are permitted up to 100 persons, with masks required.
  - Outdoor gatherings of more than 100 persons are limited to 30 persons per 1000 square feet, including within any distinct area with the event space, with masks required.
  - All gatherings (indoor or outdoor) must ensure that persons not part of the same household maintain six (6) feet of distance from one another.
- **Face covering requirement at gatherings:**
  - Businesses, government offices, schools, and other operations must not allow indoor gatherings unless they require individuals to wear a face covering.
  - It cannot be assumed an individual who enters without a face covering falls into one of the exceptions specified in the order; however, an individual's verbal representation that they are not wearing a face covering because they fall into a specified exception can be accepted.
  - Exceptions to face covering requirements which may affect work (there are many

more in the Order):

- Are younger than five (5) years old.
  - Cannot medically tolerate a face covering.
  - Are communicating with someone who is deaf, deafblind, or hard of hearing and where the ability to see the mouth is essential to communication.
  - Are giving a speech, provided that the audience is at least six (6) feet away from the speaker.
- SCCCMHA is continuing its policy that face coverings are mandatory. If someone is unwilling to wear one or falls into the exceptions, alternate methods of service must be offered.
- **Implementation:**
    - Violations of this order are punishable by a misdemeanor punishable by imprisonment for not more than six months or a fine of not more than \$200, or both. Violations of this order are also punishable by a civil fine of up to \$1,000.
    - The Order is effective immediately and remains in effect through **October 30, 2020**.

In addition to Director Gordon's Emergency Orders, SCCCMHA continues to be mandated to follow the requirements of:

- **MIOSHA/OSHA** – required to provide a workplace free from known hazards. MIOSHA and OSHA require an Infectious Disease Preparedness and Response Plan, including implementing Workplace Controls, PPE and employee training.
- **Local County Health Department** – guidance for employers including when to exclude from work, information on testing, etc.
- **CDC Guidance** – recommendation to social distance, wear masks, stay home if ill, etc.

**Ultimately what this means for SCCCMHA staff is:**

- 1) **NEW** – Face coverings are now required in all gatherings (indoor and outdoor). So even if able to social distance in a gathering (e.g., training or meeting), a mask is still required, with the exception of the speaker/presenter (while speaking) as long as they are more than 6 feet from other participants.
- 2) **NEW** – We are able to now increase numbers of individuals in some meetings/trainings based on the language of the Emergency Order.
- 3) As long as you can social distance at your desk or are alone in an office (not in a gathering in the office), you can continue the practice of removing your mask; but have it ready to put on should someone enter your space. This does not apply to front desk reception who must keep their masks on at all times.
- 4) Until such time as new mandates or Orders are issued, **nothing else is changing** as far as our procedures and requirements relating to COVID-19. This means daily health screenings, social distancing, approved work/rotation schedules, enhanced sanitization, etc. will all continue.
- 5) Employees should continue to follow the COVID-19 Preparedness and Response Plan that is located on the CMH website. It will be updated as we get new information and/or regulations change.

I realize this can all be confusing, so if you have any questions, please contact Human Resources.

Thank you.

Tracey

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