

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL



P.O. Box 30212
LANSING, MICHIGAN 48909

DANA NESSEL
ATTORNEY GENERAL

April 9, 2020

Five CAP
Mary Trucks, Executive Director
302 N. Main Street, PO Box 37
Scottville, MI 49454

Hand Delivered

Re: Cease & Desist Notice (Executive Order of the Governor 2020-21)

To Whom It May Concern,

On March 10, 2020, Governor Gretchen Whitmer issued Executive Order 2020-4 declaring a state of emergency across the State of Michigan under sec. 1, art. 5 of the Michigan Constitution of 1963, the Emergency Management Act, MC 30.401, *et seq.*, and the Emergency Powers of the Governor Act of 1945, MCL 10.31, *et seq.*

Pursuant to those authorities, she subsequently issued Executive Order 2020-21 which prohibits any person or entity from operating a business or conducting operations that require workers to leave their homes or places of residence, except to the extent those workers are necessary to sustain or protect life or to conduct basic minimum operations. The Order is to be “construed broadly to prohibit in-person work that is not necessary to sustain or protect life.” See EO 2020-21, ¶1.

The Governor has posted “Guidance for Business” on the State’s website (www.michigan.gov/coronavirus) to help assist businesses in determining if their on-site operations are “necessary to sustain or protect life.” This page also has a Frequently Asked Questions (FAQ) section to address specific questions of interpretation related to the Executive Orders issued by the Governor. These FAQs can be viewed by clicking “Executive Orders, Directives & FAQs” on the black panel on the left side of the page. (https://www.michigan.gov/coronavirus/0,9753,7-406-98178_98455-522631--,00.html)

The Governor has posted the following guidance relevant to: **Q: If a business employs critical infrastructure workers, can the business conduct both its critical infrastructure and non-critical infrastructure operations?**

A: Under the order, a business cannot require workers to leave their homes unless the workers are “necessary to sustain or protect life or to conduct minimum basic operations.” Workers considered necessary to sustain or protect life are those who meet the definition of “critical infrastructure workers” provided in sections 8 and 9 of the order. Only workers properly designated for these purposes can be on-site. All other in-person business operations must be suspended. In determining whether certain in-person operations are permitted under the order, businesses that offer goods and services must bear in mind that, under the order, individuals are **only allowed to leave their homes to secure necessary services or supplies, such as food, medication, and products necessary to maintain the safety, sanitation, and basic operation of their residences. Businesses must tailor their in-person provision of goods and services accordingly.**

The order does not prohibit or suspend work that can be performed remotely. All work under the order must be performed remotely to the greatest extent possible, and any in-person work must be done in accordance with the mitigation measures required under section 5 of the order.

Despite this clear guidance, there have been complaints that you are requiring non-critical infrastructure employees to come into work. For example, employees required to file documents, draft letters and other operations that are not critical to securing the safety or welfare of the people your organization services. Please take immediate action to comply with social distancing and only maintain necessary on-site operations in compliance with the Governor’s Executive Order 2020-21.

In cooperation with the Mason County Prosecutor, we request that you take immediate action to ensure that your organization is only open to service critical infrastructure needs and no employees are on site to service non-critical infrastructure needs such as filing, answering phones, or other clerical duties. Any employees that are working on-site must maintain social distancing in compliance with the Governor’s Order. Failure to voluntarily comply with this request will result in these complaints being forwarded to local law enforcement agencies for enforcement action. We appreciate your prompt attention to this matter.

/s/ Paul R. Spaniola
Paul R. Spaniola
Prosecuting Attorney
Mason County

Sincerely,
/s/ Christina Grossi
Christina M. Grossi
Chief of Operations
Department of Attorney General