

WAYNE COUNTY LOCAL HEALTH DEPARTMENT

EMERGENCY PUBLIC HEALTH ORDER IN RESPONSE TO THE COVID-19 PANDEMIC

UNDER MCL 333.2453

“WORKING TOGETHER TO FIGHT COVID-19”

UPDATED AS OF OCTOBER 16, 2020

Under Michigan’s Public Health Code, the Wayne County Local Health Department and other local health departments are commanded to prevent and investigate disease, particularly epidemics. Since the pandemic began in March, there have been over 7,000 deaths attributed to COVID-19, with about 75% of those occurring in Metro Detroit. Based on these numbers, COVID-19 is likely the most serious infectious disease outbreak of most people’s lives. It is important enough to compel issuance of this Emergency Epidemic Order to ensure that efforts to control this disease continue uninterrupted within the jurisdiction of the Wayne County Local Health Department.

Various readings of the recent Michigan Supreme Court decision have caused confusion about what citizens must do. To be clear, although the Governor’s Executive Orders have been rescinded, several new state-wide orders and rules closely track the requirements in the now rescinded Executive Orders. The decisions recently issued by the Michigan Supreme Court do not negate in any way a local health department’s authority to issue public health orders like this order. Moreover, the decisions do not negate any orders issued by the Michigan Department of Health and Human Services (“MDHHS”) or any emergency rules issued by MIOSHA. The Wayne County Local Health Department issued this order to clarify what measures are currently in effect within its jurisdiction under Michigan’s Public Health Code.

MDHHS has the power, and, indeed, the duty to issue Emergency Epidemic Orders to protect the public and has already done so numerous times throughout the COVID-19 pandemic, most recently on October 9, 2020. These Emergency Epidemic Orders, the links to which are referenced and attached to this Order, are in effect now, including within the jurisdiction of the Wayne County Local Health Department, and mandate the following:

- Masks must be worn in most public indoor settings
- Social distancing must be maintained
- Limitations in the size of gatherings of people
- Reporting rules for COVID-19 at schools

Current MDHHS orders also include the following guidance:

- Provide details on how to conduct organized sports
- Create rules for safety in congregate care, residential care, and juvenile facilities
- Protect agricultural workers
- Regulate safety in nursing homes, hospitals, and prisons

Michigan Occupational Safety and Health Administration (MIOSHA) also has the power to issue emergency rules through the State of Michigan Department of Labor and Economic Opportunity. On October 14, 2020, MIOSHA issued Emergency Rules requiring workplaces to adhere to the following, the links to which are referenced and attached to this Order and are also in effect within the jurisdiction of the Wayne County Local Health Department:

- Develop and implement a written, detailed COVID-19 preparedness and response plan
- Conduct a daily “self-screening” for all employees which, at minimum, includes a questionnaire with specific health questions
- Not allow employees with known or suspected cases of COVID-19 to report to work, and to send employees with known or suspected cases home, or, to the extent possible, allow them to work at a “remote location” (such as their home) as their health allows
- Allow employees with known or suspected COVID-19 to return to the workplace only after they are no longer infectious, according to CDC guidelines
- Immediately report known cases of COVID-19 to the local health department and within 24 hours notify co-workers “who may have come into contact with the person”
- Provide non-medical grade face coverings to all employees and require their use when social distancing cannot be maintained or in shared spaces
- Provide training for all employees on workplace infection-control practices, the proper use of PPE, the steps to notify the employer of any symptoms or suspected or confirmed cases, and how to report unsafe working conditions
- Maintain records of the training, screening, and required notifications for one year from the date the record is generated
- Mandate that an employer shall create a policy prohibiting in-person work for employees to the extent that their work activities can feasibly be completed remotely

For specific information regarding the requirements of each mandate covered by this Order, click on the links included in the attachment to this Order.

With the onset of colder weather in Wayne County, transmission of airborne viruses increases as more time is spent indoors. Normally, this is known as “flu season.” The significant likelihood of increased indoor activity during this pandemic makes it important that all citizens, businesses, and organizations have clear guidance that these or very similar rules will remain in effect for the immediate future to minimize the risk of further outbreaks and deaths from COVID-19.

On October 16, 2020, I, Carol Austerberry, the Health Officer of the Wayne County Local Health Department, am issuing this Wayne County Local Public Health Emergency Order for the Coronavirus Disease 2019 (COVID-19) pursuant to section 333.2453 of the Public Health Code of the State of Michigan, as it has been determined that it is necessary to protect the public health from further transmission of COVID-19 within the jurisdiction of the Wayne County Local Health Department, which is Wayne County, excluding the City of Detroit.

Such specific measures in this order will be enforced, and any violations are subject to citation and penalties as outlined in the Michigan Public Health Code. This order will remain in effect until it is determined by the Health Officer of the Wayne County Local Health Department that the threat to the public's health and lives is no longer present. This order may be revised as well as supplemented with specific procedures and orders issued by the Michigan Department of Health and Human Services in accordance with the Michigan Public Health Code.

This order revises, updates, and supersedes the order dated October 8, 2020, and is effective as of October 16, 2020.

Carol Austerberry

Carol Austerberry, RS, MS, MPA
Wayne County Department of Health, Human and Veterans Services
Public Health Division Director/Local Health Officer

Attachment

**LINKS TO
MDHHS EPIDEMIC ORDERS
AND
MIOsha EMERGENCY RULES**

**Michigan Department of Health and Human Services (MDHHS) Epidemic Orders
and Fact Sheets**

https://www.michigan.gov/coronavirus/0,9753,7-406-98178_98455-533660--,00.html

**Michigan Department of Labor and Economic Opportunity (MIOsha) Emergency Rules,
Fact Sheets and Industry-Specific Guidance**

<https://www.michigan.gov/leo/0,5863,7-336-100207---,00.html>