

**DESIGNATION OF ARA HEATING AND COOLING AS NECESSARY
TO SUPPORT MINIMUM BASIC OPERATIONS**

On March 23, 2020 Indiana Governor Eric Holcomb entered Executive Order 20-28 (the “Executive Order”) in response to the Covid-19 pandemic. The Executive Order identifies “building, construction, and other trades ... “as “Essential Businesses and Operations.”

ALLEN EDWIN HOME BUILDERS, LLC (“AEH”) OFFERS NO INTERPRETATIVE GUIDANCE OF THE INDIANA EXECUTIVE ORDER OR ANY GUIDANCES THAT MAY BE ISSUED IN CONNECTION WITH THAT EXECUTIVE ORDER, AND STRONGLY RECOMMENDS THAT ANY QUESTIONS YOU MAY HAVE BE DIRECTED TO LEGAL COUNSEL OF YOUR OWN CHOOSING.

Executive Order 2020-21, issued by Michigan Governor Gretchen Whitmer on March 23, 2020 (“EO 21”) authorizes a business to designate those workers necessary to conduct “minimum business operations.” Section 4(b) of EO 21 describes those workers as those “whose in-person presence is strictly necessary to allow the business or operation to maintain the value of inventory and equipment, care for animals, ensure security, process transactions (including payroll and employee benefits), or facilitate the ability of others to work remotely.”

ALLEN EDWIN HOME BUILDERS, LLC (“AEH”) has designated ARA Heating and Cooling as an entity whose in-person presence is necessary for AEH to conduct “minimum business operations” to allow AEH to maintain the value of its inventory and equipment and/or preserve the current condition of certain projects that are underway.

SAFETY AND HYGIENE REQUIREMENTS

Section 3 of EO 21 requires that “all individuals who leave their home or place of residence must adhere to social distancing measures recommended by the Centers for Disease Control and Prevention, including remaining at least six feet from people from outside the individual’s household to the extent feasible under the circumstances.”

Section 5(c) of EO 21 imposes the following obligations:

- c. Businesses and operations maintaining in-person activities must adopt social distancing practices and other mitigation measures to protect workers and patrons. Those practices and measures include, but are not limited to:
 - 1. Restricting the number of workers present on premises to no more than is strictly necessary to perform the business’s or operation’s critical infrastructure functions.
 - 2. Promoting remote work to the fullest extent possible.
 - 3. Keeping workers and patrons who are on premises at least six feet from one another to the maximum extent possible, including for customers who are standing in line.
 - 4. Increasing standards of facility cleaning and disinfection to limit worker and patron exposure to COVID-19, as well as adopting protocols to clean and disinfect in the event of a positive COVID-19 case in the workplace.
 - 5. Adopting policies to prevent workers from entering the premises if they display respiratory symptoms or have had contact with a person who is known or suspected to have COVID-19.
 - 6. Any other social distancing practices and mitigation measures recommended by the Centers for Disease Control.

LIMITED SCOPE OF WORK DIRECTIVES AND PROTOCOL

Your designation as a worker necessary to conduct "minimum basic operations" is **NOT** authorization to perform general construction activities. AEH has carefully evaluated each house in its inventory to determine whether it requires any critical construction services to maintain the value of the house and/or preserve the current condition of the project. For each item of inventory which requires construction activity, AEH will issue a written "Directive" authorizing only that work critical to maintain the value of the house and/or preserve the current condition of the project identified in that Directive. Performing any work beyond the scope of any Directive issued pursuant to this Designation document is strictly forbidden.

In a March 26, 2020 press conference Governor Whitmer specifically mentioned "home construction" as among those businesses where "there are opportunities for each of them to manage their inventory so that they don't lose their inventory." On March 27, 2020, Governor Whitmer stated in a letter to the Honorable Mike Shirkey that "minimum basic operations" work includes ""in-person tasks that are strictly necessary to preserve the current condition of the project ...". The Directives provided for herein will be issued consistent with that Guidance and AEH will promptly revise its current practices if there is further guidance from the State Government. You are required to provide a telephone number for someone who is immediately available in the event AEH needs to withdraw or modify an existing Directive based on further guidance.

ALLEN EDWIN HOME BUILDERS, LLC has taken the position that a worker will be designated as necessary to conduct "minimum basic operations" only with that worker's written consent and agreement to comply with the safety and hygiene requirements identified above, as well as additional requirements which may be imposed. Agreeing to be designated as a worker necessary to conduct "minimum basic operations" is not a condition of maintaining your status as a trade partner of AEH.

By signing below I acknowledge and agree that:

1. I am willing to be designated as a worker who is necessary to conduct "minimum basic operations."
2. No employee of ARA Heating and Cooling will report to a worksite if he or she does not feel well, or if any such employee suspects that he or she may have been exposed to the COVID-19 virus, without regard to whether that employee has any symptoms.
3. Each employee of ARA Heating and Cooling will comply with all social distancing and other mitigation measures to protect other workers.

ARA HEATING AND COOLING


Richard Wotring (Apr 7, 2020)

BY: Richard Wotring
ITS: Authorized Representative
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Dated: Apr 7, 2020

Designation of ARA Heating and Cooling as Necessary to Conduct Minimum Basic Operations

Final Audit Report

2020-04-07

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