

COVID-19 EMPLOYMENT RIGHTS (EXCERPT)
Act 238 of 2020

***** 419.405 This section is effective and applies retroactively beginning March 1, 2020: See 419.410

***** 419.405 THIS SECTION IS REPEALED BY ACT 138 OF 2022 EFFECTIVE JULY 1, 2023 *****

419.405 Employees that are COVID-19 positive, symptomatic, or exposed; duty not to report; conditions.

Sec. 5. (1) An employee who tests positive for COVID-19 must not report to work until they are advised by a health care provider or public health professional that they have completed their isolation period, or all of the following conditions are met:

(a) If the employee has a fever, 24 hours have passed since the fever has stopped without the use of fever-reducing medications.

(b) The isolation period has passed.

(c) The employee's principal symptoms of COVID-19 have improved.

(d) If the employee has been advised by a health care provider or public health professional to remain isolated, the employee is no longer subject to such advisement.

(2) An employee who displays the principal symptoms of COVID-19 but has not yet tested positive shall not report to work until 1 of the following conditions are met:

(a) A negative diagnostic test result has been received.

(b) All of the following apply:

(i) The isolation period has passed since the principal symptoms of COVID-19 started.

(ii) The employee's principal symptoms of COVID-19 have improved.

(iii) If the employee had a fever, 24 hours have passed since the fever subsided without the use of fever reducing medication.

(3) Except as provided in subsection (4), an employee who has close contact with an individual who tests positive for COVID-19 shall not report to work until 1 of the following conditions is met:

(a) The quarantine period has passed since the employee last had close contact with the individual.

(b) The employee is advised by a health care provider or public health professional that they have completed their period of quarantine.

(4) An employee who is any of the following, is otherwise subject to quarantine, is not experiencing any symptoms, and has not tested positive for COVID-19 may be allowed to participate in onsite operations when strictly necessary to preserve the function of a facility where cessation of operation of the facility would cause serious harm or danger to public health or safety:

(a) A health care professional.

(b) A worker at a health care facility.

(c) A first responder.

(d) A child protective service employee.

(e) A worker at a child caring institution, as that term is defined in section 1 of 1973 PA 116, MCL 722.111.

(f) A worker at an adult foster care facility, as that term is defined in section 3 of the adult foster care facility licensing act, 1979 PA 218, MCL 400.703.

(g) A worker at a correctional facility.

(h) A worker in the energy industry who performs essential energy services as described in the United States Cybersecurity and Infrastructure Security Agency's Guidance on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience in COVID-19 Response, Version 2.0, March 28, 2020.

(i) A worker identified by the director of the department of health and human services as necessary to ensure continuation of essential public health services and enforcement of health laws, or to avoid serious harm or danger to public health or public safety. The director of the department of health and human services shall designate categories of critical employees at facilities where cessation of operations would cause serious harm or danger to public health or safety.

History: 2020, Act 238, Imd. Eff. Oct. 22, 2020;—Am. 2020, Act 339, Imd. Eff. Dec. 29, 2020.