

Critical Update for Employers: Amended COVID Employee Quarantine Rules

As a result of [Public Act 339 of 2020](#), Michigan has recently amended its quarantine rules, indicating when an employee affected by COVID-19 can return to work, to better harmonize with current CDC guidance.



- A. **An employee who tests positive for COVID-19** may not return to the workplace until one of the following conditions has been met:
1. They are advised by a health care professional that they have completed their isolation period; **or**
 2. **All** of the following apply:
 - a. If experiencing a fever, at least 24 hours have passed since the fever stopped, without the use of medication;
 - b. The "Isolation Period" (defined below) has passed;
 - c. The employee's principal symptoms of COVID-19 have improved; **and**
 - d. If the employee had been advised by a health care professional to remain isolated, the employee is no longer subject to such advisement.
- B. **An employee who displays the principal symptoms of COVID-19 but has not yet tested positive** may not return to the workplace until **one** of the following conditions has been met:
1. A negative diagnostic test result has been received; **or**
 2. All of the following apply:
 - a. The "Isolation Period" based on when symptoms started has passed;
 - b. The employee's principal symptoms of COVID-19 have improved; and
 - c. If experiencing a fever, at least 24 hours have passed since the fever stopped, without the use of medication.

An employee who has had "Close Contact" (defined below) with a COVID-19 positive individual may not return to the workplace until **one** of the following conditions has been met:

1. The "Quarantine Period" (defined below) has passed since the employee last had close contact with the infected individual; **or**
2. The employee is advised by a health care professional that they have completed their period of quarantine.

There are exceptions to these requirements for health care workers, first responders, workers at certain care institutions, critical workers in the energy field, and workers identified by the MDHHS as necessary for public health and safety.

Some key definitions have been updated as well:

"Close Contact" now has the definition contained in the current CDC guidelines.

- As of 12/10/20, the CDC's definition of "close contact" is any of the following:



- You were within 6 feet of someone who has COVID-19 for a total of 15 minutes or more
- You provided care at home to someone who is sick with COVID-19
- You had direct physical contact with the person (hugged or kissed them)
- You shared eating or drinking utensils
- They sneezed, coughed, or somehow got respiratory droplets on you

"Isolation Period" means the recommended number of days that an individual should remain in isolation after displaying symptoms, in accordance with current CDC guidelines.

- As of 1/7/21, the isolation period is 10 days since symptoms first appeared (or if the individual had no symptoms, then 10 days from the positive test date), no fever and other symptoms are improving.

"Quarantine Period" means the recommended number of days that an individual should remain quarantined after coming in close contact with an infected individual, in accordance with current CDC guidelines.

- As of 12/10/20, the quarantine period is **14 days** from last contact with the infected person. However, **local health departments** have the option of shortening the quarantine period to **10 days** if the individual is not tested, and **7 days** if the individual receives a negative test result on day 5 or later. Please check with your local county health department to see if they have issued shortened quarantine periods. For example, [Oakland County](#) permits a shortened quarantine period from 14 to 10 days if the individual develops symptoms or shows clinical evidence of a COVID-19 infection, and such individual continues to monitor symptoms.

Lastly, employers may demonstrate, as an affirmative defense to a claim for liability arising after February 29, 2020 and before October 22, 2020, that it was operating in compliance with all of the following related to quarantine and isolation of employees: (1) CDC guidance; (2) all federal, state, and local statutes, rules and regulations that had not been denied legal effect at the time of the conduct that allegedly violated this law; and (3) all executive orders and agency orders that had not been denied legal effect at the time of the conduct that allegedly violated this law.

As a reminder, while paid leave under the **FFCRA is no longer required**, employees eligible under the **Michigan Paid Medical Leave Act** must be provided with up to 40 hours of paid time off each benefit year. Absences due to COVID-19 (whether because of the employee's illness, illness of immediate family member, school closure, etc.) are eligible paid medical leave events.

This memo is intended only as a summary and general overview. If you have any questions or would like legal advice regarding the above or any other employment issue, please contact [David Lawrence](#) or [Stacey DiDomenico](#).