Further Update on Employer Requirements When Workers are Affected by COVID-19

On August 27, 2020, Governor Whitmer issued Executive Order 2020-172, which amends and replaces Executive Order 2020-166 (see our prior notice about E.O. 166), regarding when an employee is permitted to miss work and return to work if the employee tests positive or is diagnosed with COVID-19, has COVID-19-related symptoms or has come into close contact with someone with COVID-19. The Order went into effect immediately.

In this Order, the definition of "**principal symptoms of COVID-19**" has been limited to mean:

"(i) **any one** of the following not explained by a known medical or physical condition: fever, an uncontrolled cough, shortness of breath; **or** (ii) **at least two** of the following not explained by a known medical or physical condition: loss of taste or smell, muscle aches (“myalgia”), sore throat, severe headache, diarrhea, vomiting, abdominal pain." (emphasis added)

This is a change from E.O. 166 which applied to any individual who displays "**one or more** of the principal symptoms of COVID-19". The same quarantine time periods and worker protections remain in effect.

Click here for a link to Executive Order 2020-172.

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.