

Return of the 14-Day Quarantine Period

By: Rebecca Seguin-Skrabucha (Senior Associate), Workplace Law Practice Group

We reported earlier this year that Michigan employers were permitted to reduce the requisite quarantine period from 14 days to 10 days for employees who experienced close contact with confirmed cases of COVID-19 based upon the passage of Enrolled Senate Bill 1258 and updates to the guidance issued by the Michigan Department of Health and Human Services (“MDHHS”) and the Centers for Disease Control and Prevention (“CDC”).

However, MDHHS communicated its resumption of the 14-day quarantine period in the publication, “COVID-19 Public Health Frequently Asked Questions”: “Due to increasing case rates and variant spread in Michigan, MDHHS has reinstated a standard 14-day quarantine for close contacts of COVID-19 cases effective April 5, 2021.” Several local health departments have followed suit with similar announcements.

In determining whether this shift in MDHHS guidance affects Michigan employers, we must evaluate Michigan law and the Emergency Rules promulgated by the Michigan Occupational Safety and Health Administration (“MIOSHA”).

Enrolled Senate Bill 1258 defines the quarantine period as “the recommended number of days that an individual be in quarantine after the individual is in close contact as prescribed in the United States Centers for Disease Control and Prevention’s guidelines regarding COVID-19.” Similarly, Rule 6(5) of the MIOSHA Emergency Rules states that employees who have experienced close contact with a confirmed case of COVID-19 may return to in-person work “after they are no longer infectious according to the latest guidelines from the CDC and they are released from any quarantine or isolation order by the local public health department.”

Both standards rely on the CDC. Though the CDC acknowledges options to reduce the duration of the quarantine period, it empowers local health departments to determine local policy: “Local public health authorities determine and establish the quarantine options for their jurisdictions. CDC currently recommends a quarantine period of 14 days. However, based on local circumstances and resources,” the 10-day quarantine with symptom monitoring is an “acceptable” alternative.

In short, unless MDHHS and local health departments explicitly permit the 10-day quarantine period, Michigan employers must enforce the 14-day quarantine period if and when their employees experience close contact with confirmed cases of COVID-19.

Employers could argue that the CDC guidance is ambiguous in its endorsement of “acceptable alternatives,” and try to rely on MIOSHA guidance that has yet to be updated and still permits the 10-day quarantine period. But, anything less than a 14-day quarantine period creates some risk for the employer, both with regard to MIOSHA complaints and claims for workers’ compensation benefits.

Employers should contact any member of Bodman’s Workplace Law Group to discuss the effectiveness and compliance of their COVID-19 policies and procedures.

WORKPLACE LAW PRACTICE GROUP	AARON D. GRAVES Chair 313.392.1075 agraves@bodmanlaw.com	JOHN T. BELOW 248-743-6035 jbelow@bodmanlaw.com	JOHN C. CASHEN 248.743.6077 icashen@bodmanlaw.com
	GARY S. FEALK 248-743-6060 gfealk@bodmanlaw.com	JOHN DAVID GARDINER 616.205.3123 jgardiner@bodmanlaw.com	MELISSA M. TETREAU 248.743.6078 mtetreau@bodmanlaw.com
	REBECCA C. SEGUIN-SKRABUCHA 313.393.7594 rseguin-skrabucha@bodmanlaw.com	MICHELLE L. KOLKMEYER 248.743.6031 mkolkmeier@bodmanlaw.com	ALEXANDER J. BURRIDGE 313.393.7560 aburridge@bodmanlaw.com
	DAVID B. WALTERS 248.743.6052 dwalters@bodmanlaw.com	KAREN L. PIPER Of Counsel 248.743.6025 kpiper@bodmanlaw.com	