

PREPARING FOR THE CORONAVIRUS: MICHIGAN'S PAID MEDICAL LEAVE ACT IMPLICATIONS

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With the number of reported cases of the Coronavirus increasing each day, and at least one state declaring a public health emergency, employers in Michigan should be mindful of their legal obligations.

In effect for a year now, Michigan's Paid Medical Leave Act ("PMLA") requires covered employers to provide paid medical leave at the rate of at least one hour of leave for every 35 hours worked, for up to 40 hours per benefit year. Employees may use the paid medical leave for, among other things, the illness, injury, or condition of the employee or a member of the employee's family. Less well known is the right for employees to take paid medical leave to care for a child whose school or care facility has been closed by order of a public official due to a public health emergency. Employees also have the right to paid medical leave in the event that health authorities determine that the employee or the employee's family member's presence in the community would jeopardize the health of others, whether or not the eligible employee or family member has actually contracted the communicable disease.

While most exempt workers are not considered to be "eligible employees" under the PMLA, employers should be mindful of their obligations under the federal Fair Labor Standards Act to pay exempt workers for a full day even if the employee only works a partial day.

The Center for Disease Control and Prevention advises that the symptoms of the Coronavirus include fever, cough, and shortness of breath. With these symptoms resembling those of other common seasonal ailments, employers should be mindful of employees' requests for paid medical leave. Indeed, employees should be discouraged from reporting to work if they are sick and should be encouraged to stay home if they experience symptoms consistent with the Coronavirus after being exposed to someone with the disease.

Employers seeking to keep the workplace free of illness should review their staffing needs and telecommuting policies. Employers should evaluate whether staff can effectively work from home to avoid the potential exposure to those who unknowingly have the disease. Replacing face-to-face meetings with video conferences is another way to reduce the risks of spreading the disease. Employers should also remind employees to wash their hands often and provide alcohol-based hand sanitizers and sanitizing wipes. Common areas in the workplace should be routinely cleaned and sanitized.

If you have any questions or concerns about the employment law implications of public health issues, contact a Bodman Workplace law attorney.



ABOUT THE AUTHOR

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Katherine counsels employers on compliance with state and federal labor and employment laws and represents them in resolving a broad range of workplace disputes.

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