

Executive Order Relaxes Employer's Ability to Qualify for Work Share Program and Clarifies Expansions of Unemployment Benefits

April 24, 2020

On Thursday, April 23, 2020, Governor Whitmer issued **Executive Order 2020-57**. This Executive Order continues the temporary expansion of unemployment benefits during the COVID-19 crisis and further relaxes an employer's ability to qualify for the Work Share program.

Unemployment for COVID-19 Reasons

Individuals can qualify for Michigan unemployment benefits if they leave work, are laid-off, or are placed on a temporary unpaid leave for reasons related to COVID-19. Those reasons continue to be that the individual:

- Is self-isolating or self-quarantining as a result of:
 - an elevated risk from COVID-19 due to being immunocompromised,
 - personally displaying COVID-19 symptoms,
 - having had contact in the last 14 days with someone confirmed to have COVID-19,
- Needs to care for someone with a confirmed diagnosis of COVID-19, or
- Has a family care responsibility resulting from a government directive.

The new Executive Order provides some additional clarification for individuals who are seeking unemployment for the above-stated reasons.

- "Displaying symptoms of COVID-19" is now more detailed, stating that the individual must display "at least one of the principal symptoms of COVID-19, which are fever, atypical cough, and atypical shortness of breath."
- "Having contact in the last 14 days with someone with a confirmed diagnosis" now further defines "contact" as: "a) being within approximately 6 feet (2 meters) of a person with COVID-19 for a prolonged period of time, without appropriate personal protective equipment consistent with Department of Health and Human Services recommendations; or b) having unprotected direct contact with infectious secretions or excretions of the patient (e.g., being coughed on, touching used tissues with a bare hand)."

Expansion of Work Share Program

The Executive Order also relaxes the certification requirements so that more employers can qualify for the Work Share Program. Employers who are seeking to have Work Share plans approved by the Unemployment Insurance Agency:

- Temporarily do not have to certify that they will not transfer or hire employees into the affected work unit;
- Temporarily have to certify that the implementation of a work share plan is in lieu of a layoff of 10% of the workforce – instead of 15%; and
- Can ask for plans that reduce hours to between 10% and 60% for the affected work unit, instead of the statutory limitation of between 15% and 45%.

Continued

These temporary changes to the Work Share program are effective through the end of the declared states of emergency and disaster.

This is part of our series of **COVID-19 alerts** providing clients with practical advice on measures they can take to navigate through these troubled times. If you have any questions, please contact your Miller Canfield attorney.

This information is based on the facts and guidance available at the time of publication, and may be subject to change.