

As Schools Reopen, DOL Issues New Guidance on FFCRA Leave for Employees; Michigan Governor Revises Executive Order Protecting Workers During COVID-19

August 28, 2020

The Department of Labor has updated its Family First Coronavirus Response Act: Questions and Answers with new guidance to address the availability of FFCRA leave for employees when children are about to return to school. The updated guidance issued by the DOL on August 27, 2020, makes clear:

- If in-person learning is not available, the school is "closed" as understood by the FFCRA. In other words, eligible employees may take FFCRA leave on days when their children are not permitted to attend school in person and must participate in remote learning.
- If in-person learning is offered, the school is not "closed" and the employees who sign their children up for the remote learning option are not eligible to take leave under the FFCRA.

On the same day, the Michigan Governor issued EO 2020-172, rescinding EO 2020-166 and updating the directive protecting workers who need to take time off for self-quarantine. Specifically, EO 2020-172 revises the definition of "the principal symptoms of COVID-19" to mean:

The remaining provisions of EO 2020-166 remain the same in EO 2020-172, including the provisions:

- requiring individuals, who test positive for COVID-19, display the principal symptoms of COVID-19, or (with limited exceptions) come in close contact with someone confirmed or suspected of COVID-19, to stay home and self-quarantine until certain criteria are met; and
- prohibiting employers from taking adverse actions against employees who are required to self-quarantine, as well as requiring employers to treat the time off as leave taken under the Michigan Paid Medical Leave Act.

Please contact the authors or your Miller Canfield attorney with additional questions.