



MPA/MACS FACTS

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STATE OF EMERGENCY EXTENDED TO SEPT. 4

With Executive Order 2020-165, Governor Whitmer extended the state of emergency related to COVID-19 until September 4. Gov. Whitmer, in extending the emergency, said every region in the state has seen an uptick in new cases during the last several weeks. A statement also said the statewide positivity rate has increased from 2 percent in mid-June to 3.5 percent in late July.

Legislative Republicans continue to oppose the use of executive authority Gov. Whitmer is citing for her orders. Last week, the Court of Appeals heard oral arguments in the case challenging the laws she is citing. That court is required by order of the Michigan Supreme Court to release a ruling before August 21. The Michigan Supreme Court is expected to take up the question after that ruling, regardless of which way the lower court rules.

To view the full EO 2020-165:

https://content.govdelivery.com/attachments/MIEOG/2020/08/07/file_attachments/1513940/EO%202020-165.pdf

UPDATED ORDER WITH NEW REQUIREMENTS RELATED TO EMPLOYEES

Governor Gretchen Whitmer issued Executive Order (EO) 2020-166, which prohibits employers from discharging, disciplining or retaliating against employees who make the decision to stay home because of reasons related to COVID-19. This order is in direct response to the federal pandemic unemployment assistance lapsing at the end of July, Gov Whitmer said, adding it is creating pressure for workers to return to the job even if they are sick or have other COVID-related concerns.

Under the order, employers must treat the employees as if he or she were taking medical leave under the Paid Medical Leave Act. If there is no paid leave available for the employee, then the leave may be unpaid. The length of leave is not limited to the amount of leave an employee has accrued overtime, and employers must extend leave, paid or unpaid, as long as the employee remains away from work for time increments outlined in the order.

Under one section, employees who either have a confirmed case of COVID-19 or show symptoms may remain in their homes until 24 hours have passed since the resolution of a fever without medication or 10 days have passed since the initial symptoms or positive test result. Another section asks employees to stay at home for 14 days if they have been in contact with someone who has COVID-19 or might be showing symptoms.

If the employee who tested positive or shows symptoms for COVID-19 returns to work before the allotted time, then the order does not protect them from dismissal.

To view the full EO 2020-166: [https://content.govdelivery.com/attachments/MIEOG/2020/08/07/](https://content.govdelivery.com/attachments/MIEOG/2020/08/07/file_attachments/1513961/EO%202020-166%20Emerg%20order%20-%20worker%20protections%20-%20reissue.pdf)

[file_attachments/1513961/EO%202020-166%20Emerg%20order%20-%20worker%20protections%20-%20reissue.pdf](https://content.govdelivery.com/attachments/MIEOG/2020/08/07/file_attachments/1513961/EO%202020-166%20Emerg%20order%20-%20worker%20protections%20-%20reissue.pdf)

NEW ORDER UPDATES TEMPORARY SAFETY MEASURES FOR FOOD-SELLING ESTABLISHMENTS

Executive Order (EO) 2020-168 continues with strategies to reduce exposure to COVID-19 for both customers and employees. This order is effective until September 7, 2020 and takes the place of EO 2020-149. The order continues to outline some strategies food establishments must take to reduce possible exposure to COVID-19, like keeping closed self-serve prepared food stations. If an employee tests positive for COVID-19, the business must notify other employees and vendors without infringing on private health information.

To view the full EO 2020-168 go to: [https://content.govdelivery.com/attachments/MIEOG/2020/08/10/](https://content.govdelivery.com/attachments/MIEOG/2020/08/10/file_attachments/1515488/EO%202020-168%20Emerg%20order%20-%20Food-sellers%20-%20re-issue.pdf)

[file_attachments/1515488/EO%202020-168%20Emerg%20order%20-%20Food-sellers%20-%20re-issue.pdf](https://content.govdelivery.com/attachments/MIEOG/2020/08/10/file_attachments/1515488/EO%202020-168%20Emerg%20order%20-%20Food-sellers%20-%20re-issue.pdf)