

RETURNING TO WORK

What Workers Need to Know about Going Back to Work

As workplaces begin to reopen in Michigan, many workers may be asked by their employers to return to work. The following describes your rights if you are unable or unwilling to return to work when asked.

WORKING AND TAKING TIME OFF

WHEN CAN I/MUST I STAY HOME?

If you have shown symptoms of COVID-19, you should remain home until you've tested negative for COVID-19 or:

- Three days have passed since your symptoms have gone away, and
- Seven days have passed since your symptoms first appeared or since you tested positive for COVID-19

If you had close contact (less than six feet) with someone who has COVID-19 symptoms or tested positive for COVID-19, you should stay home until:

- 14 days have passed since your contact with them, or
- They receive a negative COVID-19 test.

CAN I BE FIRED IF I TAKE TIME OFF BECAUSE OF A COVID-19-RELATED MEDICAL REASON?

The State of Michigan has ordered that you cannot be fired or discriminated against for taking time off if you are following the guidelines above.

However, if you are allowed to return to work based on these guidelines but have chosen not to, you are no longer protected from being fired or laid off by your employer. If you are sick or showing symptoms and return to work too early, according to the guidelines above, you are also not protected from being fired or laid off for working while sick.

CAN MY EMPLOYER TELL ME NOT TO WORK IF THEY THINK I AM SICK OR SOMEONE IN MY HOUSEHOLD IS SICK?

Yes, your employer may tell you to stay home if they think you are putting other employees or customers at risk. If this happens, you may be eligible for unemployment benefits.

WHAT ARE MY OPTIONS IF I WAS LAID OFF AND MY EMPLOYER HAS ASKED ME TO COME BACK TO WORK?

If you are healthy, feel comfortable returning to work and are able to do so, you can return to work. If your hours have been reduced, you may still be eligible for some unemployment benefits.

If you do not feel comfortable returning to work due to health and safety concerns, or if you can't return to work because you need to care for a family member or child, you may choose to quit your job or take a leave from work. Note that this may impact your eligibility for unemployment benefits. For more information on eligibility for unemployment benefits during the COVID-19 outbreak, refer to the unemployment FAQs document at <https://globaldetroitmi.org/covid19/>.

If you can't return to work yet because you have COVID-19, are caring for someone who has it, or are caring for a child whose school or childcare has closed, you may be eligible for paid leave under the Families First Coronavirus Relief Act (FFCRA). Refer to the next page for more information.

CAN MY EMPLOYER MAKE ME USE MY PAID SICK TIME IF I TAKE TIME OFF?

Yes.

Continue to next page for more information.

The information in this document has been verified to the best of our abilities but should not be considered as tax or legal advice. We strongly recommend consulting with an accountant and/or lawyer before taking action. Global Detroit cannot guarantee that there are no mistakes or errors despite our best efforts and, given the rapidly changing nature in current circumstances, changes may occur after time of publication that impact the accuracy of the information in this document. This document was last updated on June 18, 2020.



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UNEMPLOYMENT

IF I'M ON A LEAVE OF ABSENCE FROM WORK, CAN I FILE FOR UNEMPLOYMENT BENEFITS?

In general, yes. You will likely be eligible to receive unemployment benefits if you are on a new leave of absence because you have COVID-19 or were exposed to COVID-19, because you're in isolation due to immune system risk, because you are caring for someone diagnosed to COVID-19, or because the Stay at Home order or a similar government directive related to COVID-19 has created a new family care responsibility.

CAN I FILE FOR UNEMPLOYMENT BENEFITS IF MY EMPLOYER REDUCED MY HOURS DUE TO COVID-19?

You may be eligible for some unemployment benefits.

WHEN & HOW DO I STOP MY CLAIM FOR UNEMPLOYMENT IF I GO BACK TO WORK?

Stop reporting through MiWam or by phone through MARVIN **the week you return to full-time work**. Later, if you become unemployed or underemployed, you can file a claim via telephone at (866) 500-0017 or through MiWAM.

CAN I GET UNEMPLOYMENT BENEFITS IF I HAVE COVID-19 OR NEED TO CARE FOR SOMEONE ELSE WHO DOES?

If you have to leave your job because you are caring for a sick or quarantined family member, are caring for someone with a confirmed diagnosis of COVID-19 or have a family care responsibility as a result of a government directive, you may be eligible for unemployment benefits. Workers who are sick, quarantined or immunocompromised, and who do not have access to paid family and medical leave or are laid off may also be eligible for unemployment benefits.

HEALTH AND SAFETY

I HAVE COVID-19, AND I THINK I CONTRACTED IT AT WORK. IS IT COVERED UNDER WORKERS' COMPENSATION?

It might be. You may need to document the relationship between your illness and your job in order to receive workers' compensation. For information about how to file a workers' compensation claim, visit: https://www.michigan.gov/leo/0,5863,7-336-78421_95508_60870---,00.html

WHAT SHOULD I DO IF I THINK MY EMPLOYER ISN'T ENSURING A SAFE WORK ENVIRONMENT FOR EMPLOYEES AND CUSTOMERS?

The Michigan Occupational Safety and Health Administration (MIOSHA) enforces workplace safety and health rules in Michigan. You can call the MIOSHA hotline if you have questions about staying safe at work: (855) 723-3219.

If you think your employer isn't providing a safe work environment, you should discuss your concerns with your employer if possible. If they are unwilling or unable to address your concerns, you can consider filing a complaint with MIOSHA. For more information about filing a MIOSHA complaint, visit: https://www.michigan.gov/leo/0,5863,7-336-78421_11407_30453-93835--,00.html.

If you have talked with your employer and filed a MIOSHA complaint, but you don't think there's time to wait for MIOSHA to address the issue without putting yourself at risk, then you can refuse to work while the safety issues are being addressed. Michigan law states you can't be fired or discriminated against for doing so.

WILL MIOSHA ASK FOR MY IMMIGRATION STATUS WHEN I FILE A COMPLAINT?

The MIOSHA investigator should not ask. If the investigator does ask about immigration status, you are under no obligation to answer questions about immigration status.

DO YOU NEED ADDITIONAL SUPPORT OR LEGAL HELP?

If you would like to speak to a lawyer about these issues, contact Sugar Law at mail@sugarlaw.org or (313) 993-4505.

Sugar Law has more information about these topics at

<https://www.sugarlaw.org/resources-for-workers-during-coronavirus-pandemic>

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