

KNOW YOUR RIGHTS: Michigan Paid Sick Time

1) What does the Michigan Paid Sick Time law do?

Michigan’s permanent paid sick time law gives workers up to 40 hours of sick time a year, which can be used to recover from physical/mental illness or injury; to seek medical diagnosis, treatment, or preventative care; to care for a family member who is ill or needs medical diagnosis, treatment, or preventative care; when the worker’s place of business is closed by order of a public official due to a public health emergency or to care for a child whose school or childcare provider has been closed by order of a public official due to a public health emergency; to care for themselves or a family member when a public health authority or health care provider determines that the worker or family member’s presence in the community presents a public health risk because of exposure to a communicable disease (regardless of whether the individual has contracted the disease); or to address needs that may arise if the worker or a family member is a victim of domestic violence or a sexual offense. Please note that many of these purposes can apply to health needs related to COVID-19, in addition to the new rights described below.

On April 3, 2020, Governor Whitmer signed Executive Order No. 2020-36, which gives workers sick time rights that are specific to COVID-19 and discussed in this fact sheet. The order protects workers from being fired, disciplined, or retaliated against for staying home from work if: 1) they have tested positive for COVID-19 or have one or more of the following “principal symptoms” of COVID-19: a fever, atypical cough, or atypical shortness of breath; or 2) they have had close contact with someone who has either tested positive for COVID-19 or who has one or more of the principal symptoms described above. These rights went into effect immediately and are available to covered workers until the end of Michigan’s declared COVID-19 states of emergency and disaster.

2) Am I covered?

Under Michigan’s permanent paid sick time law: if you work as an employee in Michigan for an employer with **50 or more employees**, you may be covered, whether you are a **full-time, part-time, or temporary** worker. However, the law does not cover government employees, workers whose primary work location is not in Michigan, workers exempt from overtime requirements under the Fair Labor Standards Act (certain workers employed in a genuine executive, administrative, or professional capacity), workers employed by an employer for 25 weeks or fewer in a calendar year for a job scheduled for 25 weeks or fewer, workers who worked on average less than 25 hours per week during the immediately preceding calendar year, and a few other narrow groups.

Under the COVID-19 Executive Order: except as described below, if you are taking leave because you have COVID-19 or have one of the symptoms described above—or have had close contact with someone who has COVID-19 or the symptoms described above—you are covered even if you work for an employer with **fewer than 50 employees**; unlike Michigan’s permanent paid sick time law, the Executive Order covers employers regardless of business size, unless you are a federal employee. However, to the extent that you have no paid leave, leave under the COVID-19 Executive Order can be unpaid.

Under the Executive Order, health care professionals, certain workers at health care facilities, first responders (such as police officers, fire fighters, paramedics), child protective service employees, workers at certain types of child caring institutions, and workers at correctional facilities cannot take leave from work if they have had close contact **with a person** who tests positive for COVID-19 or who has the symptoms described above, as long as their employer's occupational health rules permit them to work. However, these workers are still eligible for leave when **they themselves** test positive for COVID-19 or have a fever, atypical cough, or atypical shortness of breath.

3) How much paid sick time can I earn under Michigan's permanent paid sick time law and receive under the COVID-19 Executive Order?

For Michigan's permanent paid sick time law, you earn **1 hour** of sick time for **every 35 hours worked**, up to a maximum of **40 hours** per year.

Under the COVID-19 Executive Order, however, you do not have to accrue your leave in order to stay home from work. You can take the following amount of time under the COVID-19 Executive Order:

- If you are taking leave because you tested positive for COVID-19 or have a fever, atypical cough, or atypical shortness of breath, you should stay home until **3 days** have passed since you are symptom-free **and 7 days** have passed since your symptoms first appeared or since you were swabbed for your positive COVID-19 test. The right to leave for these purposes no longer applies when a worker who shows symptoms receives a negative COVID-19 test.
- If you are taking leave because you have had close contact with someone who has tested positive for COVID-19 or who has a fever, atypical cough, or atypical shortness of breath, you should stay home until **either 14 days** have passed since your last close contact with the sick or symptomatic person **or** the symptomatic person receives a negative COVID-19 test.

4) What if my work or my child's school or daycare is closed for a health emergency?

You can use your sick time under Michigan's permanent paid sick time law if your primary workplace is closed by order of a public official due to a public health emergency or to care for a child whose school or childcare provider has been closed by order of a public official due to a public health emergency.

5) Which of my family members are covered by the law?

Under Michigan's permanent paid sick time law, you can take sick time to care for yourself or a child, spouse, parent, parent of a spouse, grandparent, grandchild, or sibling.

Under the COVID-19 Executive Order, however, you are eligible for leave when you have had close contact with any individual who has COVID-19 or the symptoms described above.

6) What if I already have paid leave or paid time off?

Under Michigan’s permanent paid sick time law: if you already get any paid leave (vacation, paid time off, etc.) that you can use as sick time **and** it’s **at least** the same amount you would earn under this law, the law does **not** give you any additional paid time off.

Under the COVID-19 Executive Order: if you are taking leave because you have COVID-19 or the symptoms described above—or have had close contact with someone who has COVID-19 or the symptoms described above—your employer may deduct your leave taken from your accrued leave.

7) When can I begin using my sick time?

Under Michigan’s permanent paid sick time law, you start earning sick time immediately but cannot use it until 90 days after the start of your employment.

Under the COVID-19 Executive Order, however, if you are taking leave because you have COVID-19 or the symptoms described above—or have had close contact with someone who has COVID-19 or the symptoms described above—you may take leave immediately.

8) Do I need a doctor’s note?

Under Michigan’s permanent paid sick time law: yes, if your employer’s policy or usual practice requires it.

Under the COVID-19 Executive Order: an employer cannot discharge, discipline, or retaliate against you for failing to comply with a requirement to document that you or the individual with whom the you have had close contact has one or more of the symptoms of COVID-19.

The Michigan Department of Licensing and Regulatory Affairs is in charge of enforcing this law.

If you have a problem—or want more information—call A Better Balance’s **free** legal clinic at **1-833-NEED-ABB**.

Please note that this fact sheet does not represent an exhaustive overview of the paid sick time law and Executive Order described, and it does not constitute legal advice. It is possible that additional provisions not described in this fact sheet may apply to a worker’s specific circumstances or category of employment.