

## **Michigan Department of Labor and Economic Opportunity**

Sec. 220, PA 166 of 2020 - Each department and agency shall report no later than April 1 on each specific policy change made to implement a public act affecting the department that took effect during the prior calendar year.

### **Public Acts 68, 69, & 84 of 2020** (HB 5576, 5580, and SB 268)

House Bill 5576 and Senate Bill 268 created new acts to introduce a Michigan Reconnect Grant Program and a Reconnect Private Training Learning Initiative, respectively. The program and initiative are created in the Department of Labor and Economic Opportunity (LEO) for the purpose of providing grants and scholarships to eligible recipients. Generally, eligible recipients are Michigan residents over 25 years old who are high school graduates or have received their GED. Grant recipients also must be pursuing an associate degree or industry-recognized certificate or credential. House Bill 5580 amended the general requirement in the School Aid Act that an institution must ensure that all known available restricted grants for tuition and fees were used prior to billing the Tuition Incentive Program for tuition or fees. The bill created an exception from this general rule for certain cases described in HB 5576. LEO implemented the Public Acts accordingly.

### **Public Act 143 of 2020** (HB 4391)

House Bill 4391 amended the Michigan Occupational Safety and Health Act to specify that a section of the Act that governs conflicts between Federal and State occupational safety and health standards would not apply to rules promulgated to regulate a firefighters use of firefighting foam concentrate, and to require the Director of the Department of Licensing and Regulatory Affairs (LARA) to promulgate rules regarding a firefighter's use of firefighting foam concentrate, and prescribe certain subject matter that would have to be addressed in those rules. MIOSHA implemented the Public Act accordingly.

### **Public Acts 236, 237, 238, and 239 of 2020** (HB 6030, 6031, 6032, and 6101)

House Bill 6030 enacted the "COVID-19 Response and Reopening Liability Assurance Act" to specify that a person who complies with all Federal, State, and local statutes, rules, regulations, executive orders, and agency orders related to COVID-19 that had not been denied legal effect at the time of the conduct or risk that allegedly caused harm is immune from liability for a COVID-19 claim. It also specified that an isolated, de minimis deviation from strict compliance with the statutes, rules, regulations, executive orders, and agency orders unrelated to the plaintiff's injuries does not deny a person immunity as described above, and specified that the bill applies retroactively to any claim or cause of action that accrued after March 1, 2020. House Bill 6031 amended the Michigan Occupational Safety and Health Act to specify that an employer is not liable under the Act for an employee's exposure to COVID-19 if the employer was operating in compliance with all Federal, State, and local statutes, rules, and regulations, executive orders, and agency orders related to COVID-19 that had not been denied legal effect at the time of the exposure. It also specified that an isolated, de minimis deviation from strict compliance with the statutes, rules, regulations, executive orders, and agency orders unrelated to the employee's exposure to COVID-19 does not deny an employer the immunity described above, and specified that the bill applies retroactively to an exposure to COVID-19 that occurs after March 1, 2020. House Bill 6101 amended the Michigan Occupational Safety and Health Act to define "COVID-19". House Bill 6032 created a new act to prohibit an employee who tests positive for COVID-19 or displays the

principal symptoms of COVID-19 from reporting to work until certain conditions are met, to prohibit an employee who has close contact with an individual who tests positive for COVID-19 or with an individual who displays the principal symptoms of COVID-19 from reporting to work until certain conditions are met, to prohibit an employer from discharging, disciplining, or otherwise retaliating against an employee who complies with the return to work conditions prescribed under the bill, opposes a violation of the bill, or reports health violations related to COVID-19, and to allow an employee aggrieved by a violation of the bill to bring a civil action for appropriate injunctive relief or damages and to award to a plaintiff who prevails in an action brought under the bill damages of at least \$5,000. Each bill took effect October 22, 2020. LEO and MIOSHA implemented the Public Acts accordingly.

**Public Act 323 of 2020 (SB 910)**

SB 910 amended the Youth Employment Standards Act to delete a requirement that a youth work permit application be made only in-person, and to require that a youth work permit issued to a minor child under 16 years old indicate clearly on the permit that the minor was under 16 years old. LEO's Wage and Hour Division implemented the Public Act accordingly.

**Public Act 339 of 2020 (SB 1258)**

Senate Bill 1258 amended 2020 PA 2381 to revise requirements for employees who are diagnosed with COVID-19, who display the principal symptoms of the disease, or who have had close contact with someone else who tests positive. The bill eliminated current requirements for employees who have had close contact with someone who is symptomatic. The bill provides for an affirmative defense in certain civil actions. LEO implemented the Public Act accordingly.

**Public Act 83 of 2020 (SB 812)**

The bill amended the Michigan Employment Security Act to specify what an individual would have to do to be "actively engaged in seeking work" for the purpose of receiving benefits under the Act. The Act specifies that an unemployed individual is eligible to receive benefits with respect to any week only if the Unemployment Insurance Agency (UIA) finds, among other things, that the individual has registered for work and is actively engaged in seeking work. Under the bill, to be actively engaged in seeking work, an individual would have to conduct a systematic and sustained search for work in each week the individual was claiming benefits and would have to report to the UIA the details of the work search at least once every two weeks or, if the UIA prescribed a shorter reporting period, the reporting period prescribed by the UIA. An individual could conduct a systematic and sustained search for work by doing any of the activities listed in the bill. The UIA implemented the Public Act accordingly.

**Public Acts 229 and 230 of 2020 (SB 886 and 911)**

Senate Bill 886 amended the Michigan Employment Security Act to do the following:

- Until December 31, 2020, prohibit any benefit paid to a claimant that is laid off or placed on a leave of absence from being charged to the account of any employer who otherwise would have been charged and instead require the benefit to be charged to the nonchargeable benefits account.
- For weeks beginning before January 1, 2021, specify that for each eligible individual who files a claim for benefits and establishes a benefit year, not more than 26 weeks of benefits or less than 14 weeks of benefits may be payable to an individual in a benefit year.

- Modify certain requirements for an individual to receive a waiver from the Unemployment Insurance Agency (UIA) for weeks of unemployment for which the claimant is claiming extended benefits.
- Until December 31, 2020, allow the UIA to approve a shared-work plan submitted by an employer even if the employer does not meet certain requirements prescribed by the Act.
- For claims for weeks beginning before January 1, 2021, specify that an individual is considered to have left work involuntarily for medical reasons if he or she leaves work to self-isolate or self-quarantine in response to elevated risk from COVID-19 because he or she is immunocompromised, among other circumstances related to COVID-19.
- For claims for weeks beginning before January 1, 2021, allow the UIA to consider an individual laid off if the individual became unemployed for reasons described above.
- For claims for weeks of benefits beginning before January 1, 2021, allow an individual on leave of absence because of reasons described above to be considered to be unemployed unless the individual is already on sick leave or receives a disability benefit.
- Beginning May 1, 2020, and until October 20, 2020, in determining a claimant's nonmonetary eligibility to qualify for benefits, prohibit the UIA from issuing a determination with respect to the claimant's separation from a base period or benefit year employer other than the separating employer, and require the UIA to consider the claimant to have satisfied requalification requirements for benefits.
- For benefits charged after March 15, 2020, but before January 1, 2021, allow an employer one year after the date a benefit payment is charged against the employer's account to protest that charge.
- For a claim filed after March 15, 2020, but before October 20, 2020, prohibit the UIA from reconsidering a claim based solely on whether an applicable executive order issued by the Governor that was in effect at the time the claim was initially examined did or did not have the force of law.

Senate Bill 911 amended the State Employees' Retirement Act to allow retirees hired after March 15, 2020, by the UIA or the Michigan Occupational Safety and Health Administration (MIOSHA) to retain their pension allowance during the time of reemployment until December 31, 2020, and October 20, 2020, respectively. The UIA implemented the Public Acts accordingly.

#### **Public Act 258 of 2020 (SB 604)**

The bill would amend the Michigan Employment Security Act to do the following:

- Extend, from December 31, 2020, to March 31, 2021, a sunset on a provision that prohibits a benefit paid to a claimant who is laid off or placed on a leave of absence from being charged to the employer's account.
- Specify that, with respect to benefit years beginning before April 1, 2021, instead of January 1, 2021, for each individual who files a claim for unemployment benefits and establishes a benefit year, not more than 26 weeks or less than 14 weeks of benefits would be payable and specify that this provision would be subject to available Federal money or a State appropriation.
- Extend, from December 31, 2020, to March 31, 2020, various sunsets pertaining to an employer's ability to apply to the Unemployment Insurance Agency (UIA) for approval of a shared-work program and the UIA's ability to approve a shared-work program.
- Specify that an individual's leaving his or her job would not disqualify the individual from receiving unemployment benefits if he or she were a victim of domestic violence who met the bill's requirements.

- Prohibit, until after March 31, 2021, benefits paid after a leaving described above from being charged to that individual's employer's experience account and, instead, require the benefits to be charged to the nonchargeable benefits account.
- Specify that an otherwise eligible individual would not be disqualified from receiving benefits if he or she demonstrated to the UIA that he or she left work because of domestic violence.
- Allow an individual to demonstrate to the UIA the existence of domestic violence by providing one or more documents, such as a restraining order, a police record of the domestic violence, or medical documentation of domestic violence.
- Prohibit the UIA from disclosing evidence of domestic violence experienced by an individual, including the individual's statement or corroborating evidence.

The UIA implemented the Public Act accordingly.