




COVID-19

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**Coronavirus / COVID-19
Response Team**


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**When Can My Employee Return
from Isolation/Quarantine?**
*The MDHHS Order, MIOSHA Emergency
Rule, PA 238 and CDC Guidance*

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Today's Topic

- How long does an employee have to isolate or quarantine?
 - **Isolate:** Employee tested positive for COVID-19 or has primary symptoms of COVID-19
 - **Quarantine:** Employee had close contact with a person who tested positive for COVID-19 or has primary symptoms of COVID-19
- Is my employee entitled to pay or job protection?
 - PA 238
 - EPSL/FFCRA
 - MPMLA
 - FMLA

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Scenarios

1. Employee tested positive for COVID-19 but is asymptomatic
2. Employee has primary symptoms of COVID-19 but has not been tested - or has tested negative
3. Employee tested positive for COVID-19 AND has symptoms
4. Employee had close contact with a person with COVID-19 or primary symptoms of COVID-19

Scenario 1: Employee Tests Positive for COVID-19 but is Asymptomatic

Scenario 1

Sarah took a COVID-19 test for her upcoming trip to Hawaii. She just got the results, and it is **POSITIVE**. She feels fine and has no idea when she might have been exposed. She wants to come back to work and promises to wear a mask at all times and not get within six feet of anyone. She says she can get a note from her doctor saying that she is fine.

Scenario 1: Isolation Requirements

- **CDC/local health department:** Sarah should isolate for 10 days after the date of her positive test.
- **Public Act 238:** Sarah shall not work for 10 days after the date of her test.
- **MDHHS:** Sarah must not be present in a gathering at work until she is advised by a HCP that she can return OR 10 days have passed since the test was administered.
- **MIOSHA:** Until no longer infectious according to CDC guidelines OR released by local health dept.

Scenario 1: Job Protection / Pay

- PA 238: Yes
- EPSL/FFCRA:
 - Yes, assuming PA 238 is an “isolation order”
 - Even if not, yes if Sarah was advised by HCP to stay home.
- MPMLA:
 - Yes, because it was determined by the health authorities that her presence in the community would jeopardize the health of others because of her exposure to a communicable disease.
- FMLA:
 - No, because Sarah is not incapacitated

Scenario 2: Employee Has Primary Symptoms of COVID-19 But Has Not Been Tested – Or Has Tested Negative

Scenario 2

When Sarah arrives at work today, she has a fever of 101 degrees and is sent home. Sarah does not get tested at first but then finally does a few days later. A few days after that, her test comes back negative.



Scenario 2: Isolation Requirements

- **CDC/local health department:** Sarah should isolate until all of the following are true: (1) 10 days after symptom onset, (2) 24 hours fever-free without medication and (3) improvement of other symptoms. Negative test has NO impact.
- **Public Act 238:** Sarah shall not work until (1) 10 days after symptom onset, (2) 24 hours fever-free without medication and (3) improvement of other symptoms. Negative test has NO impact.

Scenario 2: Isolation Requirements (Cont.)

- **MDHHS:** Sarah must not be present in a gathering at work until she is advised by a HCP that she can return OR follow CDC guidance.
- **MIOSHA:** Sarah must not work until no longer infectious according to CDC guidelines OR released by local health dept.

Scenario 2: Job Protection / Pay

- **PA 238:** Yes
- **EPSL/FFCRA:**
 - Yes, assuming PA 238 is an “isolation order”
 - Even if not, yes if Sarah was seeking a diagnosis or was advised by HCP to stay home.
- **MPMLA:**
 - Yes, she is sick AND it was determined by the health authorities that her presence in the community would jeopardize the health of others because of her exposure to a communicable disease.
- **FMLA:**
 - Possibly, consider providing FMLA paperwork

Scenario 3: Employee Tested Positive For COVID-19 AND Has Symptoms

Scenario 3

- Sarah still was not feeling better and took a second COVID test. This time it was positive.
- (Sarah cancelled the Hawaii trip)



Scenario 3: Isolation Requirements

- **CDC/local health department:** Sarah should isolate until all of the following are true: (1) the later of 10 days after symptom onset or 10 days after positive test, (2) 24 hours fever-free without medication and (3) improvement of other symptoms.
- **Public Act 238:** Sarah shall not work until (1) the later of 10 days after symptoms onset or 10 days after positive test, (2) 24 hours fever-free without medication and (3) improvement of other symptoms.

Scenario 3: Isolation Requirements (Cont.)

- **MDHHS:** Sarah must not be present in a gathering at work until she is advised by a HCP that she can return OR follow CDC guidance.
- **MIOSHA:** Sarah must not work until no longer infectious according to CDC guidelines OR released by local health dept.

Scenario 3: Job Protection / Pay

- PA 238: Yes
- EPSSL/FFCRA:
 - Yes, assuming PA 238 is an “isolation order”
 - Even if not, yes if Sarah was seeking a diagnosis or was advised by HCP to stay home.
- MPMLA:
 - Yes, she is sick AND it was determined by the health authorities that her presence in the community would jeopardize the health of others because of her exposure to a communicable disease.
- FMLA:
 - Possibly, consider providing FMLA paperwork

Scenario 4: Employee Had Close Contact With A Person With COVID-19 or Primary Symptoms of COVID-19

Scenario 4

Sarah's husband, Brian, is also your employee.
When should he quarantine?



Scenario 4: Quarantine Requirements

- **CDC/local health department:** 14 days from last contact with person who has COVID-19. NOTE: If unable to avoid ongoing close contact, this will be Sarah's isolation period + 14 days.
- **Public Act 238:** When Sarah had symptoms and also when Sarah tested positive, Brian shall not work for 14 days after last close contact OR until Sarah receives medical confirmation that she did not have COVID-19.

Scenario 4: Quarantine Requirements (Cont.)

- **MDHHS:** Follow CDC/local health department guidelines.
- **MIOSHA:** Until no longer infectious according to CDC guidelines OR released by local health dept.

Scenario 4: Job Protection / Pay

- **PA 238:** Yes
- **EPSL/FFCRA:**
 - Yes, assuming PA 238 is an “isolation order”
- **MPMLA:**
 - Yes, if/when health authorities determined that his presence in the community would jeopardize the health of others because of his exposure to a communicable disease.
- **FMLA:**
 - Not unless caring for Sarah (which would violate quarantine)

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