Executive Order 2020-10 (COVID-19)

EXECUTIVE ORDER

No. 2020-10

Temporary expansions in unemployment eligibility and cost-sharing

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and is easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4, which declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 to 30.421, and 1945 PA 302, as amended, MCL 10.31 to 10.33.

The Emergency Management Act vests the governor with broad powers and duties to "cop[e] with dangers to this state or the people of this state presented by a disaster or emergency," which the governor may implement through "executive orders, proclamations, and directives having the force and effect of law." MCL 30.403(1) to (2). Similarly, the Public Act 302 of 1945 (emergency powers of governor), provides that, after declaring a state of emergency, "the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control." MCL 10.31(1).

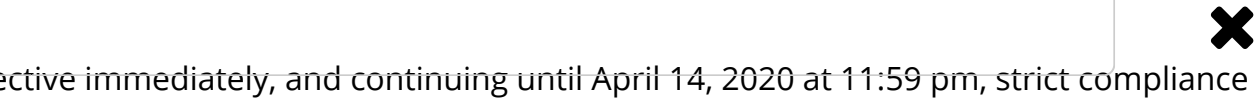
To mitigate the spread of COVID-19, protect the public health, and provide essential protections to vulnerable Michiganders, it is reasonable and necessary to temporarily suspend rules and procedures to expand eligibility for unemployment benefits and cost-sharing with employers.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Effective immediately, and continuing until April 14, 2020 at 11:59 pm, strict compliance with subdivision (a) of subsection (1) of section 29 of the Michigan Employment Security Act, 1936 PA 1, as amended ("Employment Security Act"), MCL 421.29(1)(a), is suspended.

a. Effective immediately, and continuing until April 14, 2020 at 11:59 pm, an individual must be considered to have left work involuntarily for medical reasons if they leave work because of self-isolation or self-quarantine in response to elevated risk from COVID-19 due to being immunocompromised, displaying the symptoms of COVID-19, having contact in the last 14 days with someone with a confirmed diagnosis of COVID-19, the need to care for someone with a confirmed diagnosis of COVID-19, or a family care responsibility as a result of a government directive.

b. Effective immediately, and continuing until April 14, 2020 at 11:59 pm, an individual must be deemed laid off if they became unemployed because of self-isolation or self-quarantine in response to elevated risk from COVID-19 due to being immunocompromised, displaying the symptoms of COVID-19, having contact in the last 14 days with someone with a confirmed diagnosis of COVID-19, the need to care for someone with a confirmed diagnosis of COVID-19, or a family care responsibility as a result of a government directive. The employer of an individual covered by this subsection must seek a registration and work search waiver from the Unemployment Insurance Agency.



2. Effective immediately, and continuing until April 14, 2020 at 11:59 pm, strict compliance with subsection (3) of section 48 of the Employment Security Act, MCL 421.48(3), is suspended. An individual on a leave of absence due to displaying the symptoms of COVID-19, having contact in the last 14 days with someone with a confirmed diagnosis of COVID-19, the need to care for someone with a confirmed diagnosis of COVID-19 must be considered to be unemployed, or a family care responsibility as a result of a government directive, unless the individual is already on sick leave or receives a disability benefit.

3. Effective immediately, and continuing until April 14, 2020 at 11:59 pm, strict compliance with subsections (4) through (7) of Rule 421.210 is suspended. An individual who becomes unemployed because self-isolation or self-quarantine in response to elevated risk from COVID-19 due to being immunocompromised ,displaying the symptoms of COVID-19, having contact in the last 14 days with someone with a confirmed diagnosis of COVID-19, the need to care for someone with a confirmed diagnosis of COVID-19, or a family care responsibility as a result of a government directive, and files a claim for unemployment benefits within 28 days of the last day worked must be considered to have filed on time.

4. Effective immediately, and continuing until April 14, 2020 at 11:59 pm, strict compliance with subdivision (7) of subsection (c) of section 27 of the Employment Security Act, MCL 429.27(c)(7) is suspended. For each eligible individual filing an initial claim until April 14, 2020 at 11:59pm, not more than 26 weeks of benefits are payable to an individual in a benefit year.

5. Effective immediately, and continuing until April 14, 2020 at 11:59 pm, strict compliance with subdivision (b) of subsection (1) of section 28c of the Employment Security Act, MCL 429.28c(1)(b), is suspended. The unemployment insurance agency may approve a shared-work plan, regardless of whether the employer's reserve in the employer's experience account as of the most recent computation date preceding the date of the employer's application is a positive number.

6. Effective immediately, and continuing until April 14, 2020 at 11:59 pm, an employer or employing unit must not be charged for unemployment benefits if their employees become unemployed because of an executive order requiring them to close or limit operations.

Given under my hand and the Great Seal of the State of Michigan.

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