Friday, March 13, 2020

On March 12, 2020 Michigan joined Ohio, Maryland, Oregon, New Mexico and West Virginia in closing all K-12 schools as part of a sweeping attempt to contain the spread of the novel coronavirus (COVID-19). Many large urban school districts such as Los Angeles, Seattle, Atlanta, San Francisco and Washington D.C. have also been closed, with more expected to follow.

Michigan schools are scheduled to reopen on Monday, April 6. In the meantime, many employers are questioning how to handle their employees' unexpected need for childcare.

Michigan employers should be aware that under the state's Paid Medical Leave Act (PMLA), eligible employees may use their accrued paid medical leave if they need to care for a child whose "school or place of care has been closed" due to a public health emergency. See MCL § 408.964(d). Employees may also use PMLA accrued leave if health authorities or health care providers have directed the employee or employee's family member to enter voluntary quarantine, even if the employee or family member has not actually contracted communicable disease. Such leave may also be used following the closure of an eligible employee's primary workplace in the event of a public health emergency.

As employers look for creative ways to adapt, some may be considering requests for onsite childcare, job sharing or flexible schedule arrangements. Each of these
scenarios are accompanied by unique liabilities and legal considerations.

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