



Michigan Employers Permitted to Resume In-Person Work May 24

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Michigan will resume allowing all in-person work on May 24 after hitting the threshold of 55 percent of residents age 16 or older with at least one dose of a COVID-19 vaccine, the governor's office said Monday.

The threshold of reopening in-person work two weeks after the 55 percent milestone was set in Gov. Gretchen Whitmer's "MI Vacc to Normal" plan. That will clear the way for office work that has been ordered to be done remotely to resume in person.

Other milestones yet to be reached include capacity increases at sports stadiums, banquet halls, restaurants and other public-facing businesses at 60 percent, 65 percent and 70 percent of adults vaccinated.

All COVID-related restrictions, including mask orders, would be lifted at 70 percent under the governor's plan.

"I am excited that 55% of Michiganders have gotten their first dose of the COVID-19 vaccine because it puts us one step closer to getting Vacc to Normal," Whitmer said in a statement. "Everyone is eligible to get their safe, effective shots, and it's on all of us to get vaccinated as soon as possible to protect ourselves, our families, and our communities."

Under workplace safety rules from the Michigan Occupational Safety and Health Administration (MIOSHA), businesses have had to make an economic or technical case in a written policy that certain work can only be performed in-person inside office settings.

MIOSHA's emergency rules, which include guidelines on social-distancing and mask-wearing in workplaces, were extended by six months on April 13. The other workplace COVID-related rules will remain in place after May 24, said Sean Egan, COVID-19 workplace safety director at MIOSHA.

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On May 24, "MIOSHA anticipates removing the requirement that employers create a 'policy prohibiting in-person work for employees to the extent that their work activities can feasibly be completed remotely,'" Egan said in a statement.

MIOSHA has proposed making certain COVID-related rules permanent under the state's administrative laws that empower the agency to set standards for workplace safety. MIOSHA's rulemaking is flexible in that the agency has the ability to modify or rescind all or parts of each rule set to best protect Michigan workers as the pandemic moves closer to ending.

About 4.46 million residents age 16 or older in Michigan have received at least one dose of a vaccine, according to the Michigan Department of Health and Human Services. Another 402,755 residents will have to receive at least one vaccine shot for the state to surpass the 60 percent vaccinated level.

Under Whitmer's reopening plan, conference centers and banquet halls would be able to increase indoor capacity to 25 percent of their fire code capacity two weeks after Michigan surpasses the 60 percent vaccinated mark; those facilities are currently limited to 25 people for indoor events and conferences under a MDHHS public health order.

Sports stadiums also could increase to 25 percent capacity. Comerica Park is restricted to 8,000 fans for a Tigers game. At 25 percent capacity, the stadium could accommodate 2,270 more for a total of 10,270 fans.

The 60 percent vaccination threshold also would let gyms increase their capacity from 30 percent to 50 percent and end the 11 p.m. curfew that forces restaurants and bars to close early.

At the 65 percent threshold, all indoor capacity limits would be lifted and the 15-person, three-family limit on indoor residential gatherings would be eliminated, according to the governor's reopening plan.

To get to 65 percent, 809,692 more residents will have to get vaccinated.

An additional 1.2 million vaccinations are needed to reach the 70 percent mark, or 5.67 million adults total, to surpass the 70 percent mark, which medical experts say is necessary to achieve herd immunity.

If you have further questions about getting back to in-person work, contact a Foster Swift employment law attorney.

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