

OCTOBER 23, 2020

# SPECIAL ALERT

*Official newsletter of Khoury Johnson Leavitt*



Khoury  
Johnson  
Leavitt

## **KJL SPECIAL ALERT**

The Khoury Johnson and Leavitt team remain informed and engaged during these times of uncertainty. We are in communication with leadership in the executive, legislative and judiciary branches of state government, in addition to locals on a regular basis. Updates will continue every Friday as a mechanism to recap relevant activity from the past week.

## **Governor Whitmer Signs Bipartisan Bills Extending Unemployment Benefits to 26 Weeks**

Governor Gretchen Whitmer signed Senate Bills 886 and 991 codifying part of her executive orders expanding unemployment benefits to Michiganders. The bills the governor signed will extend unemployment benefits for Michiganders who have lost work as a result of the COVID-19 pandemic from 20 to 26 weeks until the end of the year. Senate Bills 886 and 991 were both sponsored by Senator Ken Horn (R-Frankenmuth).

## **Governor Whitmer Announces \$1 Million Investment to Contact 1 Million Michiganders and Help Those Who May Have Lost Health Insurance in 2020 Get Covered**

Governor Gretchen Whitmer announced today that the state is investing more than \$1 million and will contact more than 1 million Michiganders to help those who may have lost health insurance during the COVID-19 pandemic get covered. There are a number of ways for people to get no- or low-cost health insurance, and this investment will help raise awareness and increase access to those programs.

The \$1 million investment, through the U.S. Coronavirus Aid, Relief, and Economic Security (CARES) Act, will support community-based organizations that help people enroll in coverage, virtual health insurance educational programs, and an advertising campaign that will target communities impacted by COVID-19-related job losses. [A report from the National Center for Coverage Innovation](#) found that Michigan experienced a 46% increase in the number of uninsured adults from February to May 2020.

There are a number of ways for people to get covered, and depending on income and their situation, consumers may qualify for no- or low-cost coverage through cost sharing reductions, premium tax credits, coverage programs for children, the Healthy Michigan Plan, or Medicaid. MiBridges and the Marketplace will direct consumers to the programs they are eligible for, so there is no wrong door to begin the process to get covered. To get started:

- Open enrollment for the Marketplace runs Nov. 1 to Dec. 15, 2020, with coverage beginning Jan. 1, 2021. Assistance is available to help people at no-cost by visiting [localhelp.healthcare.gov](https://localhelp.healthcare.gov).
- Special enrollment periods may also be available to people who experienced a qualifying life event in 2020, including job loss or reduction in income, but who have not yet enrolled in a new plan. Also, American Indians and Alaska Natives can enroll in a Marketplace plan at any time and can change plans once a month. For more information about special enrollment periods, visit [healthcare.gov/screener](https://healthcare.gov/screener).

- Depending on income and other factors, coverage is also available through Medicaid and the Healthy Michigan Plan. Those eligible can apply for coverage at any time through [Michigan.gov/MIBridges](https://Michigan.gov/MIBridges) or by calling the Michigan 211 COVID-19 Resource Navigation line at 844-587-2485.
- Seniors who have lost employer-provided health insurance during the pandemic may also be able to sign up for Medicare during a special enrollment period. For more information about signing up for Medicare or eligibility for [a special enrollment period](#) seniors may visit [Medicare.gov](https://Medicare.gov) or call the [Michigan Medicare Medicaid Assistance Program](#) at 1-800-803-7174.

## Governor Whitmer signs bills setting standards for COVID-19 exposure liability

Gov. Gretchen Whitmer on Thursday signed a slew of bills that replace her recently rescinded COVID-19 executive orders, including a package defining liability in lawsuits.

The package [outlines liability for businesses, employees and consumers](#) when an individual is exposed to COVID-19. The Republican-sponsored bills provide protections for businesses except in cases of gross negligence in maintaining health standards. They also protect employees from adverse firings for refusing to violate health orders by guaranteeing damages for wrongful termination. Whitmer signed House bills 6030-6032, as well as 6159. These bills would replace many of the provisions in [Executive Orders 2020-36](#) and [2020-175](#), which were rescinded when the Michigan Supreme Court stripped Whitmer of her emergency powers earlier in October. Rep. Graham Filler, R-DeWitt, is one of the package's co-sponsors, and credited bipartisan negotiations with providing comprehensive liability protections during the COVID-19 pandemic.

[House Bill 6030](#), sponsored by Rep. Thomas Albert, R-Lowell, creates the COVID-19 Response and Reopening Liability Assurance Act. It establishes hospitalization as a minimum threshold for suing a business when a worker is exposed to the virus. The minimum threshold, defined as the minimum medical condition in the bill, refers to:

- Hospitalization after a positive test of COVID-19 for at least 24 hours
- A coronavirus-related condition that restricts someone from working for at least 14 days (not including a 14-day quarantine after a positive test)
- Death

The bill also protects businesses developing off-brand PPE and other medical equipment, devices or treatment to combat the virus. Liability would kick in if there were "substantial evidence" the business knew its product was "defective" and contributed to health damage.

The bill does not open any specific civil action by itself, affect rights outlined in the Worker's Disability Compensation Act nor affect civil immunity or liability of any other kind outside COVID-19 exposure.

House Bill [6031](#), sponsored by Rep. Tommy Brann, R-Wyoming, does not hold businesses following public health guidelines liable if an employee contracted COVID-19, unless the employer “willfully exposed” the person to the virus. It was previously combined with House Bill 6101, sponsored by Rep. Wendell Byrd, D-Detroit, which has yet to be signed by Whitmer. “Willful” means intentional dismissal or indifference to standards set by the Michigan Operational Health and Safety Administration, Center of Disease Control and Prevention, the Michigan Department of Health and Human Services or local health departments, according to the bill.

[House Bill 6032](#), sponsored by Rep. Graham Filler, R-DeWitt, does hold employees liable for showing up to work with symptoms or a positive case of COVID-19 or after close contact with a COVID-positive patient. It also bans businesses from firing an employee for complaining about violating public health protocols and guarantees damages for an adverse firing. An employee would need to be without a fever for 24 hours before being sent to work. They also would not be allowed to show up for work until 10 days after testing positive.

Should the employee be in close contact with someone who tested positive for COVID-19, they need to isolate for 14 days or test negative to return to work, under the bill. This prohibition doesn’t apply to health care workers, first responders, adult or child-care employees or correctional facility staff.

An employee protesting an adverse firing could file in circuit court and could be awarded at least \$5,000 in damages. If a collective bargaining agreement does not comply with these standards, the liability standards would apply once a union renegotiates or ends its existing agreement.

[House Bill 6159](#), sponsored by Rep. Roger Hauck, R-Union Twp., does not hold workers liable for injuries to patients under their care, except in instances of gross negligence. Whitmer signed two more bills that replace her executive orders. [House Bill 6192](#), sponsored by Rep. Jack O’Malley, R-Lake Ann, extends the validity of driver’s licenses, state identification cards and certain vehicle registrations to Dec. 11, 2020. It replaces [Executive Order 2020-78](#), which extended them to Sep. 30.

She also approved [Senate Bill 1094](#), sponsored by Sen. Peter Lucido, R-Shelby Twp, which bans most transfers of patients with a positive case of COVID-19 into nursing homes. This addresses a specific provision in [Executive Order 2020-169](#), which allowed for COVID-19 patients to enter nursing homes capable of housing them in dedicated and isolated containment wings.



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# KJL Virtual Event Management

A convenient, cost and time effective way to bring your virtual event to life.

Looking to move your in-person event to a VIRTUAL platform? Not sure where to start? **KJL IS NOW OFFERING PROFESSIONAL VIRTUAL EVENT PRODUCTION.** We are well versed in virtual event planning, production, and presentation. Our services are currently being used by groups of up to 400. No matter the size, we are here to help!

## Services Provided Include:

- Detailed meeting agendas and content development
- Facilitate practice sessions prior to event
- Deliver technical assistance during event
- Manage post event wrap up
- Encourage attendee engagement with polls, surveys, and more
- Assist with sponsorship highlights
- Detailed guides for effective and professional virtual presentations
- Techniques to perfect presentation

## Virtual Event Production Service Includes:



### Event Management:

Invitations  
Registration  
Event Reminders  
Post Event Communication  
Social Media Promotion

### Event Data Collection:

Attendee List  
Question/Answer Data  
Polling/Survey Data  
Attendee Engagement Report

## Seminars Conventions Educational Events Town Halls

Contact us today for a consultation & quote for your event. **517.485.4044** | [marcy@kjlteam.com](mailto:marcy@kjlteam.com)  
Pricing will be based on complexity of meeting. Initial meeting plan and proposal will be provided upon request.

## KJL SOCIAL MEDIA



*LINKEDIN: KHOURY JOHNSON LEAVITT*

*INSTAGRAM: @KJLFIRM*

*FACEBOOK: @KJLPAGE*

*TWITTER: @FIRMKJL*

## ADDITIONAL RESOURCES

[www.michigan.gov/coronavirus.com](http://www.michigan.gov/coronavirus.com)

[www.michigan.gov/ag](http://www.michigan.gov/ag)

[www.cdc.gov/coronavirus.com](http://www.cdc.gov/coronavirus.com)

[www.congress.gov.com](http://www.congress.gov.com)

[www.michiganbusiness.org](http://www.michiganbusiness.org)

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