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To: The Honorable Members of the House Government Operations Committee
Date: May 5, 2022
From: Amanda Fisher, NFIB Michigan State Director
Re: Support for HB 5244 - Repeal Covid Employee Regulations

On behalf of the 10,000 NFIB members in Michigan, I am writing to ask for your support of HB 5244, which would repeal Public Act 238 of 2020.

Since the pandemic began, there has been a continuous struggle to balance safety protocols with the need to live and work. In late 2020, that balance was struck through bipartisan legislation that protected both employees (PA 238 of 2020), as well as providing liability protection to employers who complied with these safety regulations (PA 236-237 of 2020).

Fast forward to 2022. With the advent of vaccines, less deadly variants, and more treatment options, the solutions crafted in late 2020 have become obsolete, containing requirements that are not in line with current recommendations made by health professionals. Because of this, PA 238, which was meant to help protect employees, could actually end up causing them harm.

For example, PA 238 states that anyone who has come in close contact with someone with COVID must isolate for 14 days. Current CDC guidelines recommend only 5 days for those unvaccinated and only require masking for those who have been vaccinated. Under the current law, an employee could lose up to two weeks of pay when it is no longer deemed necessary. In addition, the employer could face a \$5000 fine if they do not require the employee to do so. This would have a negative effect on both small business owners AND their employees.

In addition, the contradictions between PA 238 and current CDC guidelines add another layer of confusion to small business owners struggling to keep up with the various guidelines and rules handed down by federal and state government in regard to COVID.

NFIB and its members absolutely support keeping employees safe. However, as we work toward COVID being a part of every day lives, we must get rid of outdated legislation that does not reflect the current and ever evolving understanding of this virus and its effects.

As mentioned at the beginning of this letter, this legislation was originally tie-barred to employer liability protections found in PAs 236 and 237. We are open to discussions that would either repeal or make substantial changes to all three PAs (236-28) that would recognize and follow current CDC guidelines.

Again, we ask for your support HB 5244. Thank you for your support of small business in Michigan!