



Farmworkers & Coronavirus: Know Your Rights **Free COVID-19 Testing & Isolation Housing**

Last Updated August 7, 2020



On August 3, 2020, the Michigan Department of Health and Human Services (MDHHS) issued a public health order requiring Michigan agricultural employers and migrant camp owners/operators to provide *free* COVID-19 testing to farmworkers and migrant camp residents by August 24, 2020 and provide safe isolation housing. Please read this information carefully as refusing testing may affect your ability to work.

Who is covered by this order?

- ✓ Must be 18 years old or older.
- ✓ Residents of migrant farmworker housing licensed by MDARD.
- ✓ Migrant and seasonal farmworkers, including H-2A workers, workers in greenhouses, meat, poultry, and egg processing plants at jobsites with over 20 workers at a time.

What does the order require of agricultural employers and camp owners/operators?

- ✓ By August 24, 2020 or sooner, employers and camp owners/operators covered by the order must arrange for one-time (baseline) testing of current residents and workers, regardless of symptoms or exposure, AND:
 - Test newly arriving camp residents, regardless of symptoms or exposure, two times:
 - First, within 48 of arrival.
 - Second, 10-14 days after arrival.
 - Test new workers prior to beginning in-person work.
 - Test residents and workers with symptoms or suspected exposure to COVID-19.
- ✓ Migrant camp owner/operators must also:
 - Conduct daily temperature checks of camp residents.
 - House new camp residents in separate living units from current residents for 14 days after arriving.
 - If separate housing is not possible, require new camp residents to use a facemask in units and after work hours, except when eating, drinking, or performing personal hygiene.

Do I have to pay for the testing?

- ✓ No, you should not be charged anything for being tested, regardless of whether you have medical insurance or your immigration status.
- ✓ Employers and camp operators are responsible for the cost of testing and may seek reimbursement from health insurance and may get help from the state of Michigan to conduct the testing.
- ✓ No deductions, indirect charges, or fees for testing are allowed.

Do I have to get tested?

- ✓ You may decline to be tested but there are consequences. Workers who decline can no longer do in-person work for an employer covered by this Order. Camp residents who decline must live in isolation housing.

What information do I have to give to get tested?

- ✓ You will have to give your employer or camp operator your name, phone number, date of birth, sex and race/ethnicity. That information will be shared with the providers conducting the testing.
- ✓ No one should request information about your immigration status.

What happens if I test positive for COVID-19?

- ✓ You must stop working and cannot return to work until you meet the return to work criteria established by the CDC.
- ✓ You should follow the recommendations and requirements by the CDC and local health department, including quarantine or self-isolating.
- ✓ If you live in a migrant camp, your employer or camp owner/operator must also:
 - Arrange for evaluation by a medical provider through the local health department or federally qualified health center.
 - Provide you with isolation housing, dining, and bathroom facilities separate from residents who are not COVID-19-confirmed.
 - Ensure good ventilation (for example, by opening screened windows to let in fresh air) of suspected COVID-19 resident's rooms.
 - Ensure that anyone who delivers food and water to isolated residents has appropriate Personal Protective Equipment (for example, a facemask/shield).
- ✓ You may have the option of self-isolating at a safe state-sponsored housing location, where food, bedding, personal care items and more may be provided. You may bring your family with you.
- ✓ You may be eligible for payments from your employer, the Unemployment Insurance Agency, or the Community Action Agency (see our flyer titled Right to Payments During COVID-19 flyer).

Who finds out if I test positive for COVID-19?

- ✓ Public health officials, DHHS, and your employer will be notified if you test positive.
- ✓ Under federal law, your employer should *not* share your information with anyone else.
- ✓ Your employer or health officials may reach out to people you have been in contact with, like your coworkers, to tell them they may have been exposed to COVID-19 but should not reveal your identity.

Will I be paid while I'm in quarantine or self-isolating?

- ✓ You may be entitled to two weeks paid sick leave at regular rate of pay under federal paid sick leave while in isolation or quarantine due to COVID-19. You may also qualify for Pandemic Unemployment Insurance. See our flyers titled *Michigan Paid Sick Time Leave*, *Expansion of Unemployment Benefits due to Covid-19*, and *Right to Payments During Covid-19*.

When can I return to work after testing positive for Covid-19?

- ✓ An employer should not require you to return to work until you have recovered and are cleared by the most current CDC guidelines to do so.
- ✓ Currently, the CDC recommends continuing isolation until:
 - At least 10 days have passed since Covid-19 symptoms onset; **AND**
 - At least 24 hours have passed since the resolution of fever without using any fever-reducing medication; **AND**
 - All other symptoms have improved.

What if my boss or supervisor is telling me not to get tested?

- ✓ You can file a complaint. You have a right to receive free testing and your employer or camp owner/operator cannot pressure or coerce you to decline testing.

Where can a worker file a complaint about violations of this order?

- ✓ If you would like to file a complaint, call the hotline at **855-SAFE-C19 (855-723-3219)**
- ✓ **OR** file a complaint under the Michigan Occupational Safety and Health Act (MIOSHA) [here](#).

Questions? Call our Farmworker & Immigrant Worker Hotline at: 800-968-4046.
We provide free confidential consultations to low-income farmworkers.