

ENDNOTES

1. *In re Cert Questions from United States District Court, Western District of Michigan*, 506 Mich 332; 958 NW2d 1 (2020).
2. MCL 408.1011(a) and 29 USC 654(a)(1).
3. *Pandemic Preparedness in the Workplace and the Americans with Disabilities Act*, EEOC (March 19, 2020), available at <<https://www.eeoc.gov/laws/guidance/pandemic-preparedness-workplace-and-americans-disabilities-act#18>> [<https://perma.cc/W9JK-XHV9>] and *What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws* (June 28, 2021), available at <<https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws>> [<https://perma.cc/23PD-RTKE>]. All websites cited in this article were accessed July 9, 2021.
4. *Id.*
5. 42 USC 12112(d)(4)(A), 29 CFR 1630.2(r); and *Enforcement Guidance on Disability-Related Inquiries and Medical Examinations of Employees under the ADA*, EEOC (July 27, 2000), available at <https://www.eeoc.gov/laws/guidance/enforcement-guidance-disability-related-inquiries-and-medical-examinations-employees#N_39_>.
6. 29 CFR 1630.2(r).
7. 29 CFR 1630.2(r)(1)–(4).
8. 42 USC 12111(9).
9. 42 USC 12111(10) and 29 CFR 1630.2(p).
10. *Employers and the ADA: Myths and Facts*, Ofc of Disability Employment Policy, US Dep't of Labor, available at <<https://www.dol.gov/agencies/odep/publications/fact-sheets/americans-with-disabilities-act#:~:text=The%20termination%20is%20unrelated%20to,or%20safety%20in%20the%20workplace>> [<https://perma.cc/2YWE-5SND>].
11. 42 USC 2000e.
12. *United States v Seeger*, 380 US 163; 85 S Ct 850; 13 L Ed 2d 733 (1965) and *Welsh v United States*, 398 US 333; 90 S Ct 1792; 26 L Ed 2d 308 (1970); 29 CFR 1605.1.
13. *Trans World Airlines, Inc v Hardison*, 432 US 63; 97 S Ct 2264; 53 L Ed 2d 113 (1977).
14. 45 CFR 160.103.
15. Employees can always self-disclose their vaccination status, or they can request a HIPAA authorization from the vaccine provider and have the provider disclose vaccination status to the employer.

Interest Rates for Money Judgments

Under MCL 600.6013 (Revised July 1, 2021*)

I. [MCL 600.6013(8)] FOR ALL COMPLAINTS FILED ON OR AFTER JANUARY 1, 1987 UNLESS SECTION II, III, or IV APPLIES:

Interest on a money judgment recovered in a civil action is calculated at 6-month intervals from the date of filing the complaint at a rate of interest equal to 1% plus the average interest rate paid at auctions of 5-year United States treasury notes during the 6 months immediately preceding July 1 and January 1, as certified by the state treasurer, and compounded annually, according to this section. Interest under this subsection is calculated on the entire amount of the money judgment, including attorney fees and other costs. See interest rate chart below.

II. [MCL 600.6013(7)] FOR COMPLAINTS FILED ON OR AFTER JULY 1, 2002 THAT ARE BASED ON A WRITTEN INSTRUMENT WITH A SPECIFIED INTEREST RATE:

Interest is calculated from the date of filing the complaint to the date of satisfaction of the judgment at the rate specified in the instrument if the rate was legal at the time the instrument was executed. If the rate in the written instrument is a variable rate, interest shall be fixed at the rate in effect under the instrument at the time the complaint is filed. The rate under this subsection shall not exceed 13% per year compounded annually.

III. [MCL 600.6013(5 and 6)] FOR COMPLAINTS FILED ON OR AFTER JANUARY 1, 1987, BUT BEFORE JULY 1, 2002 THAT ARE BASED ON A WRITTEN INSTRUMENT:

Interest is calculated from the date of filing the complaint to the date of satisfaction of the judgment at the rate of 12% per year compounded annually, unless the instrument has a higher rate of interest. In that case, interest shall be calculated at the rate specified in the instrument if the rate was legal at the time the instrument was executed. The rate shall not exceed 13% per year compounded annually after the date judgment is entered.

Notwithstanding the prior paragraph, if the civil action has not resulted in a final, non-appealable judgment as of July 1, 2002, and if a judgment is or has been rendered on a written instrument that does not evidence indebtedness with a specified interest rate, interest is calculated as provided in Section I above.

IV. ADDITIONAL CONSIDERATIONS:

If the complaint was filed before January 1, 1987, refer to MCL 600.6013(2)–(4).

Interest is not allowed on future damages from the date of filing the complaint to the date of entry of the judgment. [MCL 600.6013(1)]

The amount of allowable interest may be different in certain settlement and medical malpractice case scenarios. [MCL 600.6013(9-13)]

Effective Date	Average Certified by State Treasurer	Statutory %	Interest Rate	Effective Date	Average Certified by State Treasurer	Statutory %	Interest Rate
Jan. 1, 2000	5.7563%	1%	6.7563%	Jan. 1, 2011	1.553%	1%	2.553%
July 1, 2000	6.473%	1%	7.473%	July 1, 2011	2.007%	1%	3.007%
Jan. 1, 2001	5.965%	1%	6.965%	Jan. 1, 2012	1.083%	1%	2.083%
July 1, 2001	4.782%	1%	5.782%	July 1, 2012	0.871%	1%	1.871%
Jan. 1, 2002	4.14%	1%	5.14%	Jan. 1, 2013	0.687%	1%	1.687%
July 1, 2002	4.36%	1%	5.36%	July 1, 2013	0.944%	1%	1.944%
Jan. 1, 2003	3.189%	1%	4.189%	Jan. 1, 2014	1.452%	1%	2.452%
July 1, 2003	2.603%	1%	3.603%	July 1, 2014	1.622%	1%	2.622%
Jan. 1, 2004	3.295%	1%	4.295%	Jan. 1, 2015	1.678%	1%	2.678%
July 1, 2004	3.357%	1%	4.357%	July 1, 2015	1.468%	1%	2.468%
Jan. 1, 2005	3.529%	1%	4.529%	Jan. 1, 2016	1.571%	1%	2.571%
July 1, 2005	3.845%	1%	4.845%	July 1, 2016	1.337%	1%	2.337%
Jan. 1, 2006	4.221%	1%	5.221%	Jan. 1, 2017	1.426%	1%	2.426%
July 1, 2006	4.815%	1%	5.815%	July 1, 2017	1.902%	1%	2.902%
Jan. 1, 2007	4.701%	1%	5.701%	Jan. 1, 2018	1.984%	1%	2.984%
July 1, 2007	4.741%	1%	5.741%	July 1, 2018	2.687%	1%	3.687%
Jan. 1, 2008	4.033%	1%	5.033%	Jan. 1, 2019	2.848%	1%	3.848%
July 1, 2008	3.063%	1%	4.063%	July 1, 2019	2.235%	1%	3.235%
Jan. 1, 2009	2.695%	1%	3.695%	Jan. 1, 2020	1.617%	1%	2.617%
July 1, 2009	2.101%	1%	3.101%	July 1, 2020	0.699%	1%	1.699%
Jan. 1, 2010	2.480%	1%	3.480%	Jan. 1, 2021	0.330%	1%	1.330%
July 1, 2010	2.339%	1%	3.339%	July 1, 2021	0.739%	1%	1.739%

*For the most up-to-date information, visit <http://courts.michigan.gov/Administration/SCAO/Resources/Documents/other/interest.pdf>.