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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 3532

02/19/2020 Authored by Quam
The bill was read for the first time and referred to the Committee on Health and Human Services Policy

1.1 A bill for an act
1.2 relating to health; modifying isolation and quarantine provisions; amending
1.3 Minnesota Statutes 2018, section 144.4196.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2018, section 144.4196, is amended to read:

1.6 144.4196 EMPLOYEE PROTECTION.

1.7 Subdivision 1. Definitions. For purposes of this section:

1.8 (1) "qualifying employee" means a person who performs services for hire in Minnesota
1.9 and who has been subject to isolation or quarantine, or has responsibility for the care of a
1.10 person under subdivision 2 who is subject to isolation or quarantine, for a communicable
1.11 disease as defined in section 144.419, subdivision 1, clause (2). The term applies to persons
1.12 who comply with isolation or quarantine restrictions because of:

1.13 (2) "person isolated or quarantined" means a person who has been subject to isolation
1.14 or quarantine for a communicable disease pursuant to section 144.419 or 144.4195, and
1.15 whose conditions of isolation or quarantine prohibit or prevent their employment or other
1.16 sources of income, or prevent their appearance at public gatherings; and

1.17 (3) the terms in clauses (1) and (2) apply to persons who comply with isolation or
1.18 quarantine restrictions because of:

- 1.19 (i) a commissioner's directive;
1.20 (ii) an order of a federal quarantine officer;
1.21 (iii) a state or federal court order; or

2.1 (iv) a written recommendation of the commissioner or designee that the person enter
2.2 isolation or quarantine; and

2.3 ~~(2)~~ (4) "employer" means any person having one or more employees in Minnesota and
2.4 includes the state and any political subdivision of the state.

2.5 Subd. 2. **Protections.** (a) ~~An employer shall not discharge, discipline, threaten, or penalize~~
2.6 ~~a qualifying employee, or otherwise discriminate in the work terms, conditions, location,~~
2.7 ~~or privileges of the employee, because the employee~~ In order to mitigate the impacts and
2.8 hardships encountered by a person quarantined or isolated in this state, any person isolated
2.9 or quarantined under subdivision 1, clause (3), shall have the following protections:

2.10 ~~(1) has been in isolation or quarantine; or~~

2.11 ~~(2)(i) is not in isolation or quarantine, but has responsibility for the care of a person in~~
2.12 ~~isolation or quarantine who is a minor or an adult family member who is a disabled or~~
2.13 ~~vulnerable adult; and~~

2.14 ~~(ii) has assumed responsibility for all or a portion of the care voluntarily, by contract,~~
2.15 ~~or by agreement.~~

2.16 (1) a qualified employee shall be allowed to work at home during the period of isolation
2.17 or quarantine if, following an interactive process between the employer and qualified
2.18 employee, such arrangements are reasonable for the employer, in light of the employee's
2.19 essential job duties, and do not impose an undue hardship on the employer;

2.20 (2) all civil court actions shall be stayed during the person's isolation or quarantine, but
2.21 only if the isolation or quarantine materially affects the person's ability to appear;

2.22 (3) the commissioner of commerce shall negotiate with credit reporting bureaus to waive
2.23 any negative reports to the person's credit rating during a person's period of isolation or
2.24 quarantine; and

2.25 (4) the commissioner of commerce shall negotiate a federal waiver for federally
2.26 guaranteed student loan obligations for persons under isolation or quarantine.

2.27 (b) A qualifying employee claiming a violation of paragraph (a) may bring a civil action
2.28 for recovery of lost wages or benefits, for reinstatement, or for other relief within 180 days
2.29 of the claimed violation or 180 days of the end of the isolation or quarantine, whichever is
2.30 later. A qualifying employee who prevails shall be allowed reasonable attorney fees fixed
2.31 by the court.

3.1 (c) Nothing in this subdivision is intended to alter sick leave or sick pay terms of the
3.2 employment relationship. The period of any isolation or quarantine, as defined in section
3.3 144.419, shall run concurrently with any period of protected leave under federal, state, and
3.4 local law. Either the qualified employee or the employer may elect to have the employee
3.5 use paid leave benefits for which the employee is eligible under any paid time off, vacation,
3.6 paid sick leave, or other paid leave benefit made available by the employer during the period
3.7 of isolation or quarantine as defined in section 144.419.

3.8 Subd. 3. **Limitations.** The protections of subdivision 2 do not apply to work absences
3.9 due to isolation or quarantine for periods longer than 21 consecutive workdays. However,
3.10 absences due to isolation or quarantine for periods longer than 21 consecutive workdays
3.11 resulting in loss of employment shall be treated for purposes of unemployment compensation
3.12 in the same manner as loss of employment due to a serious illness.

3.13 Subd. 4. **Implementation of protections.** A person quarantined under subdivision 1,
3.14 clause (3), may ask the commissioners of health and commerce for documentation setting
3.15 forth the person's conditions of isolation or quarantine to assist the person in their efforts
3.16 to obtain the protections specified in subdivision 2. The request may be made by telephone,
3.17 in writing, or through a third party.