



WORKERS' COMPENSATION AND COVID-19

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- New workers' compensation law and Covid-19 presumptions
- Covid-19 cases without the presumption
- Occupational diseases
- Employers' duties
- Federal Families First Coronavirus Response Act (FFCRA) & FMLA
- Q & A

New Covid law

- Changed Minn. Stat. 176.011 subd. 15
- On April 8, 2020, the State legislature passed a new law creating a presumption that persons working on the front lines in the COVID crisis who contract COVID, contracted it from work duties.
- The new law added a paragraph (f) to Minnesota Statutes § 176.011, subdivision 15, of the workers' compensation law, which applies to occupational diseases.
- Slated to end on 5-1-21

Workers' compensation statute is Minn. Stat. 176

- **176.011 Subd. 15. Occupational disease.**
- (a) "Occupational disease" means a mental impairment as defined in paragraph (d) or physical disease arising out of and in the course of employment peculiar to the occupation in which the employee is engaged and due to causes in excess of the hazards ordinary of employment and shall include undulant fever. Physical stimulus resulting in mental injury and mental stimulus resulting in physical injury shall remain compensable. Mental impairment is not considered a disease if it results from a disciplinary action, work evaluation, job transfer, layoff, demotion, promotion, termination, retirement, or similar action taken in good faith by the employer. Ordinary diseases of life to which the general public is equally exposed outside of employment are not compensable, except where the diseases follow as an incident of an occupational disease, or where the exposure peculiar to the occupation makes the disease an occupational disease hazard.

Workers' compensation statute is Minn. Stat. 176 (cont'd)

- (cont'd)
A disease arises out of the employment only if there be a direct causal connection between the conditions under which the work is performed and if the occupational disease follows as a natural incident of the work as a result of the exposure occasioned by the nature of the employment. An employer is not liable for compensation for any occupational disease which cannot be traced to the employment as a direct and proximate cause and is not recognized as a hazard characteristic of and peculiar to the trade, occupation, process, or employment or which results from a hazard to which the worker would have been equally exposed outside of the employment.

Changes to 176.011 subd. 15

- An employee who contracts COVID-19 is presumed to have an occupational disease arising out of and in the course of employment if...

176.011 subd. 15 (cont'd)

- (1) The employee was employed as a licensed peace officer under section 626.84,
- subdivision firefighter paramedic nurse or health care worker, correctional officer, or
- 3.29 security counselor employed by the state or a political subdivision at a corrections, detention,
- or secure treatment facility emergency medical technician a health care provider, nurse,
- 3.31 or assistive employee employed in a health care, home care, or long-term care setting, with
- 3.32 direct COVID-19 patient care or ancillary work in COVID-19 patient units and workers
- 3.33 required to provide child care to first responders and health care workers under Executive
- 3.34 Order 20-02 and Executive Order 20-19.

176.011 subd. 15 (cont'd)

- (2) The employee's contraction of COVID-19 must be confirmed by a positive laboratory
- test or, if a laboratory test was not available for the employee, as diagnosed and documented
- by the employee's licensed physician, licensed physician's assistant, or licensed advanced
- practice registered nurse (APRN), based on the employee's symptoms.
A copy of the positive
- laboratory test or the written documentation of the physician s, physician assistant s, or
- a s diagnosis shall be provided to the employer or insurer.

176.011 subd. 15 (cont'd)

- (3) Once the employee has satisfied the requirements of clauses (1) and (2), the
- 4.8 presumption shall only be rebutted if the employer or insurer shows the employment was
- 4.9 not a direct cause of the disease. A denial of liability under this paragraph must meet the
- 4.10 requirements for a denial under section 176.221, subdivision 1.
- 4.11 (4) The date of injury for an employee who has contracted COVID-19 under this
- 4.12 paragraph shall be the date that the employee was unable to work due to a diagnosis of
- 4.13 COVID-19, or due to symptoms that were later diagnosed as COVID-19, whichever occurred
- 4.14 first.

Presumptions of causation before the change

- For of myocarditis, coronary sclerosis, pneumonia or its sequelae, if you worked as a member of:
- fire or police department of any municipality, as a member of the Minnesota State Patrol, conservation officer service, state crime bureau, as a forest officer by the Department of Natural Resources, state correctional officer, or sheriff or full-time deputy sheriff of any county, and the disease is that of myocarditis, coronary sclerosis, pneumonia or its sequel
- And you successfully underwent a pre-employment physical

Most relevant for educators and administrators and staff

An employee who has contracted COVID-19 but who is not entitled to the 4.16 presumption under this paragraph, can still claim a workers' compensation injury under the occupational disease category or as a personal injury.

Minn. Stat. 176.011 subd. 15 (BEFORE THE LAW CHANGE)

- Ordinary diseases of life to which the general public is equally exposed outside of employment are not compensable, except where the diseases follow as an incident of an occupational disease, or where the exposure peculiar to the occupation makes the disease an occupational disease hazard.

EXAMPLES OF OCCUPATIONAL DISEASES

- end-stage renal disease as a result of exposure to organic solvents: specialty epoxy or urethane coatings to refinery tanks, structural steel, storage tanks, floors in a commercial painter: granted
- Hepatitis regularly exposed to patient blood and bodily fluids in a PT emergency medical technician: denied
- MRSA (Methicillin-resistant staphylococcus aureus) in a home care nurse who performed bathing, cleaning and providing the necessary hygiene for an infected patient was denied because MRSA is present in 30% of the population. Vacated and remanded. *“There is a significant difference between the rate of MRSA colonization in the community assumed by the compensation judge and the actual rate.”*

Examples of occupational Diseases (con't)

- Asthma in an avionics technician who did a lot of painting, grinding, gluing floors, cleaning; he coughs to the point of passing out when the hangar doors at work were closed due to cold weather, from 1986 to 2000: granted.
- Allergies and fatigue, frequent headaches, tinnitus, pain in his facial sinuses, wheezing, and a feeling of confusion in an optician exposed to formaldehyde while bending glasses, but mostly from hair salon next door: denied.
- Influenza B in a travel industry worker who flew to China when influenza B was not yet present in the USA, bilateral staphylococcal pneumonia that led to several episodes of acute respiratory failure for which a tracheostomy and chest tube thoracostomy were required. The pneumonia also resulted in chronic bronchiectasis, a permanent impairment. Granted.

Q: If I get COVID from work, will it be covered under work comp?

A: Most school employees are not covered occupations under the new presumption language. Employees providing child care under the executive orders are covered. Those not covered by the presumption can still claim a workers' compensation injury or occupational disease if you can prove that you contracted Covid-19 from your workplace.

The burden of proof switches to the employer only when the presumption applies. With teachers and other school employees, the employee must prove by a "preponderance of the evidence" that they were injured at work.

DUTIES OF EMPLOYERS

Q: What are an employer's obligations when an employee reports an injury or illness?

A: The employer must file a first report of injury (FROI) with the workers' compensation insurer or claim administrator within 10 days of notice. The insurer or claim administrator must notify the employee in writing within 14 days whether the employee's claim is accepted or denied.

Filing a FROI does NOT mean that the employer agrees that an injury occurred on the job.

DUTIES OF EMPLOYERS

- If the employer does not file a report of injury with its insurer or claim administrator, the employee may call the Department of Labor and Industry for help.
 - ID the employer's workers' compensation carrier
 - Call the employer, call the carrier, report the injury
 - Assist the employee in filing FROI
- Employees are protected by a number of state and federal laws. These protections and employers' legal obligations are discussed in more detail below. Further updates and guidance for Minnesotans about COVID-19 are available at www.mn.gov/covid19.

DUTIES OF EMPLOYERS

- **Use of sick leave**
- If your employer allows you to take time off for your own illness, your employer must also allow you to take time off to care for an ill minor child, adult child, spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent or stepparent. Your employer must allow you to use your sick time in the same manner as the employer would allow you to use the leave for yourself. Under current law, this provision may not apply to all employees and all employers.
- Contact the Minnesota Department of Labor and Industry (DLI) at 284-5075, 800-342-5354 or dli.laborstandards@state.mn.us with questions.

DUTIES OF EMPLOYERS

- **The cities of Duluth, Minneapolis and St. Paul have sick and safe time ordinances that require employers to offer paid time off when employees are sick:**
- St. Paul Sec. 233.01, .04 To allow the employee to obtain care for the employee or provide care for a family member with a mental or physical illness, injury, or health condition;
- The closure of the employee's place of business by order of a public official to limit exposure to an infectious agent, biological toxin or hazardous material or other public health emergency.
- To accommodate the employee's need to care for a family member whose school or place of care has been closed by order of a public official to limit exposure to an infectious agent, biological toxin or hazardous material or other public health emergency.
- To accommodate the employee's need to care for a family member whose school or place of care has been closed due to inclement weather, loss of power, loss of heating, loss of water, or other unexpected closure.

DUTIES OF EMPLOYERS

- **Family Medical Leave Act (FMLA)**
- Under the federal FMLA, covered employers must provide employees job-protected, unpaid leave for specified family and medical reasons, which may include COVID-19 where complications arise. Employees on FMLA leave are entitled to the continuation of group health insurance coverage under the same terms as existed before they took FMLA leave.
- Call the U.S. Department of Labor (DOL), Wage and Hour Division, at 866-487-9243 with questions or see U.S. DOL COVID-19 FMLA guidance.

How to Determine if Covid-19 is work-related?

- COVID-19 illnesses are likely work-related when several cases develop among workers who work closely together and there is no alternative explanation.
- An employee's COVID-19 illness is likely work-related if it is contracted shortly after lengthy, close exposure to a particular customer or coworker who has a confirmed case of COVID-19 and there is no alternative explanation.
- An employee's COVID-19 illness is likely work-related if his job duties include having frequent, close exposure to the general public in a locality with ongoing community transmission and there is no alternative explanation.
- An employee's COVID-19 illness is likely not work-related if she is the only worker to contract COVID-19 in her vicinity and her job duties do not include having frequent contact with the general public, regardless of the rate of community spread.

How to Determine if Covid-19 is work-related? (cont'd)

- An employee's COVID-19 illness is likely not work-related if he, outside the workplace, closely and frequently associates with someone (e.g., a family member, significant other, or close friend) who (1) has COVID-19; (2) is not a coworker, and (3) exposes the employee during the period in which the individual is likely infectious.
- Give due weight to any evidence of causation, pertaining to the employee illness, at issue provided by medical providers, public health authorities, or the employee herself.

Is Covid-19 work-related?

- Create a spreadsheet to collect data including:
 - when infected persons have been in a building;
 - where infected persons have been in a building;
 - who the infected person interacted with or came in contact with; and
 - what equipment or supplies they used.

Federal Families First Coronavirus Response Act (FFCRA)

- The FFCRA requires certain employers to provide employees with expanded family and medical leave for specified reasons related to COVID-19. The expanded family and medical leave provisions of FFCRA apply to certain public employers, including public school districts, and to private employers with fewer than 500 employees.
- Small businesses with fewer than 50 employees may qualify for exemption from the requirement to provide leave due to school closings or child care unavailability if the leave requirements would jeopardize the viability of the business as a going concern. Also, health care providers and emergency responders can be excluded.

Federal Families First Coronavirus Response Act (FFCRA)

- two weeks (up to 80 hours) of paid leave at the employee's regular rate of pay (up to \$511 a day and \$5,110 in the aggregate), where the employee is unable to work because the employee is quarantined (pursuant to federal, state or local government order or advice of a health care provider) and/or experiencing COVID-19 symptoms and seeking a medical diagnosis; or
- two weeks (up to 80 hours) of paid leave at two-thirds the employee's regular rate of pay (up to \$200 a day and \$2,000 in the aggregate), where the employee is unable to work because of a bona fide need to care for an individual subject to quarantine (pursuant to federal, state or local government order or advice of a health care provider) or to care for a child (under 18 years of age) whose school or child care provider is closed or unavailable for reasons related to COVID-19; and

Federal Families First Coronavirus Response Act (FFCRA) (cont'd)

- up to an additional 10 weeks of expanded family and medical leave at two-thirds the employee's regular rate of pay (up to \$200 a day and \$10,000 in the aggregate), where an employee, who has been employed for at least 30 calendar days, is unable to work due to a bona fide need for leave to care for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19.

Federal Families First Coronavirus Response Act (FFCRA)

- Call the U.S. Department of Labor, Wage and Hour Division, at 866-487-9243 with questions or visit www.dol.gov/agencies/whd/pandemic/ffcra-employee-paid-leave

ADA and MN Human Rights Act

- Individuals with disabilities have the right to request “reasonable accommodations” from employers that are subject to the Americans with Disabilities Act and/or the Minnesota Human Rights Act. If you have a disability that affects your risk for contracting COVID-19 or being harmed if you do contract the virus, you have the right to request a reasonable accommodation from your employer. Examples of reasonable accommodations may include:
 - teleworking;
 - paid, sick, unpaid leave;
 - staggered work schedules; and
 - changing workstations to practice social distancing.

ADA and MN Human Rights Act (con't)

- Employers may ask employees if they are experiencing influenza-like symptoms, such as a fever, chills, a cough or a sore throat. Employers must maintain all information about employee illness as a confidential medical record in compliance with state and federal law.
- During a pandemic, employers may not ask employees who do not have known or apparent influenza symptoms whether they have a medical condition the Centers for Disease Control and Prevention (CDC) says could make them vulnerable to influenza complications. Under no circumstances may an employer make decisions based on stereotypes or bias.
- If employees voluntarily disclose to their employer that they have a medical condition or a disability that places them at higher risk of COVID-19 complications, the employer must keep this information confidential.

ADA and MN Human Rights Act (con't)

- Employers may not assume employees with known medical conditions or disabilities are at heightened risk of complications from COVID-19. For more information about pandemic preparedness in the workplace and relevant legal requirement for employers, visit www.eeoc.gov/eeoc/newsroom/wysk/wysk_ada_rehabilitation_act_coronavirus.cfm.
- The Minnesota Department of Human Rights has a Discrimination Helpline for employees who believe they were denied a reasonable accommodation.

Workers cannot be fired or denied the opportunity to be rehired for applying for unemployment insurance

- Employers also may not discriminate against employees because they have applied for or received unemployment insurance (UI) benefits. Under the Minnesota Human Rights Act, it is unlawful for an employer to terminate or otherwise change the terms and conditions of an employee's work because that employee applied for or received UI or any other type of public assistance.
- Employees can contact Minnesota's Discrimination Helpline if they believe their employer fired or refused to rehire them because they filed for unemployment insurance during COVID-19 by calling 833-454-0148 or submitting this online form.

UNEMPLOYMENT BENEFITS FOR EMPLOYEES

- If you lose your job or had your hours greatly reduced, you can apply for UI benefits. The application process allows you to tell the UI program why you are not working. To get more information about UI or to apply for benefits, visit www.uimn.org.
- Gov. Tim Walz issued a March 16, 2020, executive order to better enable workers affected by the COVID-19 pandemic to access UI benefits. For more information about this executive order and some frequently asked questions and answers, visit www.uimn.org/applicants/needtoknow/news-updates/covid-19.jsp.

Protections for workers who contract or have been exposed to COVID-19

- Under a state health law, if you have contracted or been exposed to COVID-19 and the Minnesota Department of Health (MDH) recommends you stay home (isolate or quarantine yourself), your employer may not discharge, discipline or penalize you for missing work. This protection also applies if you need to care for a minor or adult family member for whom MDH recommends isolation or quarantine.
 - The adult family member must have a disability or be a vulnerable adult. This employment protection is available for 21 workdays. For more information, call the number MDH will give you with its recommendation.

Misc. tips

- If you are not ill, but must stay home from work because you were exposed to the virus, you are not entitled to workers' compensation benefits under current law.
- Every case is fact specific. Call DLI at 800-342-5354 (press 3) or 651-284-5005 if you have a question about whether you are entitled to workers' compensation benefits.

Workplace safety and health

- To get information about workplace safety or health related to COVID-19, visit www.dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-novel-coronavirus-covid-19.
- An employer may not retaliate against an employee for reporting health and safety concerns at work. Employees who believe their employer retaliated against them may file a complaint with Minnesota OSHA (MNOSHA) Compliance within 30 days of the adverse employment action.

Refusal to work

- Employees have the right to refuse to work under conditions that they, in good faith, reasonably believe present an imminent danger of death or serious physical harm. Serious physical harm may include a work illness that results in permanent disability, temporary total disability or medical treatment.
- Contact MNOSHA Compliance at osha.compliance@state.mn.us, 651-284-5050 or 877-470-6742 with questions.

Covid scams are rampant

- According to an article in CNBC reports that Americans have lost over \$38.6 million in COVID-19 related scams.
 - Fake IRS text messages asking for confirmation of information for your stimulus check.
 - Robocalls offering refunds for utilities, car insurance, etc. allegedly due to COVID. They request credit card numbers to process the refunds.
 - Orders for masks and other COVID related supplies that never arrive.

Q: May I take paid sick leave or expanded family and medical leave if I am receiving workers' compensation or benefits through an employer or state-provided plan?

- In general, no, unless you were able to return to light duty before taking leave. If you receive workers' compensation benefits because you are unable to work, you are likely ineligible for paid sick leave or expanded family and medical leave.(no double-dipping)
- If you were able to return to light duty and a qualifying reason prevents you from working, you may take paid sick leave or expanded family and medical leave, as the situation warrants.
- If your contract of employment or union contract states that you can take sick leave simultaneously with workers' compensation benefits, then yes you can get both sick pay and workers' compensation pay. (to reach full wage per 176.021 subd. 3)
- <https://www.dol.gov/agencies/whd/pandemic/ffcra-questions>

Q: If an employer would normally offer an employee PTO to supplement the TTD payment, must the employer now offer the emergency paid sick leave under the FFCRA rather than PTO?

- According to the federal department of labor, an employee may not take leave under FFCRA if they are receiving TTD workers' compensation benefits. (See Q.76 at <https://www.dol.gov/agencies/whd/pandemic/ffcra-questions>).
- The employer can offer the employee the use of their regular PTO to supplement their temp total benefits, provided they correctly report the amounts paid. (For example, for tax purposes and on reports filed with DLI.) Employers must treat all employees the same; if you provide it for one employee, you must provide it for others similarly situated.

TTD & Covid-19

- If the employee is receiving TTD benefits and is still totally medically disabled from working, then the employee has not yet returned to the job market and a layoff from an employer related to COVID-19 has no impact on their eligibility for continuing TTD benefits. The employee remains eligible for workers' compensation benefits.
- If the employee is receiving TTD benefits and has been released to return to work with medical restrictions that the employer cannot accommodate, a layoff from the employer due to COVID-19 has no impact on the claimant's eligibility for continuing TTD benefits.

TPD benefits

- If the employee is receiving TPD benefits while working in a medically restricted capacity and is laid off from the employer due to COVID-19, the employee is no longer eligible for TPD benefits as provided in Minn. Stat. § 176.101, subd. 2(b). (Employee has the option of finding another job to recommence TPD)
- However, Minn. Stat. § 176.101, subd. 1(e)(1), provides that an employee who is laid off for any reason other than misconduct is entitled to recommencement of TTD benefits (unless the employee has already been paid 130 weeks of TTD benefits or is already 90 days post-service of maximum medical improvement). Depending on whether the layoff is permanent or temporary, the employee may be required to search for work to retain entitlement to TTD benefits and may be entitled to vocational rehabilitation benefits.

Workers' Compensation & Unemployment Insurance

- Minnesota workers' compensation benefits are primary over unemployment benefits under Minn. Stat. § 268.085, subd. 3a. Note that Executive Order 20-29, related to unemployment benefits, does not waive subdivision 3a.
 - “An applicant is not eligible to receive unemployment benefits for any week in which the applicant is receiving or has received compensation for loss of wages equal to or in excess of the applicant's weekly unemployment benefit amount...”
- Therefore, if an employee who is receiving or is entitled to receive TTD or TPD benefits is laid off, workers' compensation wage-loss benefits are primary over any unemployment benefits that may be payable.

Q: Do I have to return to work if I feel it is unsafe?

A: You have the right to refuse to work under conditions you, in good faith, reasonably believe present an imminent danger of death or serious physical harm to you. Serious physical harm may include a work illness that results in permanent disability, temporary total disability or medical treatment. A reasonable belief of imminent danger of death or serious physical harm includes a reasonable belief of the employee that the employee has been assigned to work in an unsafe or unhealthful manner with an infectious agent. Coronavirus is considered to be an infectious agent.

Contact MNOSHA Compliance at osha.compliance@state.mn.us, 651-284-5050 or 877-470-6742 with questions.

Q: If I can teach from home, do I have to come back to the classroom?

A: Under the Governor's Executive Orders, any worker who can work from home, must work from home. Workers are encouraged to discuss the options for telework with their supervisor.

Q: What happens if I used my FFCRA last year and I get COVID from work or my child needs to quarantine? What options are available?

A: You may be eligible for workers' compensation wage loss benefits if your illness is due to your employment. If the employer and insurer deny that it occurred at work, you may be able to use available leave benefits until you receive a decision in your workers' compensation case.

Q: If I test positive for COVID 19 and I need to isolate, do I still need to teach? Do I need to take sick leave?

A: It is possible that a worker who contracts COVID may be able to work remotely during the isolation period depending on the severity of the symptoms. If you are unable to work remotely or your symptoms prevent you from working, you may have access to leave benefits through your employer or the FFCRA. The worker may be eligible for workers' compensation benefits if the illness is due to work.

Q: If an employee has been exposed to COVID 19 and can't work, can they take unpaid leave or do they have to use PTO/SICK? FFCRA?

A: The answer to this question depends on the circumstances and applicable leave policies or collective bargaining agreement. If an employee is eligible for the paid sick leave under the FFCRA, the employee cannot be forced to use personal leave benefits before accessing the benefits in the FFCRA.

Q: I have an underlying health condition and can't work. What can I do?

A: If you are disabled under the ADA or MHRA, you are entitled to reasonable accommodations from your employer. Speak with your supervisor and your doctor, request any accommodations that are necessary for you to perform your job. Reasonable accommodations may include working from home.

Q: If I develop PTSD from stress or say the death of a student or colleague, is that covered under work comp?

A: You must be diagnosed with PTSD using the DSM V factors and show that your PTSD arose out of employment under 176.011, subd. 15 (a) (occ disease) or subd. 16 (personal injury).

Workers' compensation does not cover injuries that are of mental-to-mental origin and cause, with the exception of PTSD.

- You must prove that work-related mental stress or stimulus produces identifiable physical ailments may be compensable workers' compensation injuries. (medical causation)
- Legal causation requires the employee to show that the mental stress was extreme or at least *beyond the ordinary day-to-day stress to which all employees are exposed*
- PTSD is not considered a personal injury if it results from a *disciplinary action, work evaluation, job transfer, layoff, demotion, promotion, termination, retirement or similar action taken in good faith by the employer.*

- the physical ailments caused by the mental stress must be susceptible to medical treatment that is separate and independent of treatment for the employee's mental condition
- Minnesota law does not allow compensation for cases in which mental stress or stimulus produces only mental injury, except for post-traumatic stress disorder for injuries on or after Oct. 1, 2013
- PTSD must be diagnosed by a licensed psychiatrist or psychologist and must meet the description of PTSD in the most recent edition of the DSM

Q: Do I have to bring my own face coverings, face shields and gowns?

A: Face coverings, face shields and gowns are not necessarily considered PPE, so the employer is not required to provide them to employees. Despite this, the State is providing a face covering to school personnel.

Employers are encouraged to provide face coverings for all workers to ensure compliance with Executive Order 20-81.

Q: Do employers have to pay for masks for their employees?

A: No. Because masks are not technically PPE (personal protective equipment), employers do not have to provide them to their employees. Examples of PPE include welding masks for welders and other items that are needed to do the job vs. being needed in all of society.

An employer can charge employees for uniforms needed for the job, but they must reimburse them for the cost at the end of employment.

Q: If a student develops a rash from chemicals used or the over use of hand sanitizer what is the schools liability?

A: This depends on the circumstances. If you have questions about liability and risk assessment, you should contact a private attorney.

Q: Will educators be added to the list of professions covered/presumed covered under work comp? Like, first responders, child care workers and more?

A: DLI is unaware of plans to expand the list of occupations covered by the presumption. Any change would require legislative action.

Q: Can my employer require me to sign a waiver and agree that the employer is not liable if I contract COVID-19 on work premises?

A: No. These waivers and agreements are prohibited and are not enforceable under Minnesota law. Employees cannot sign away the right to file a workers' compensation claim, and an employer may not discriminate against a worker for reporting an injury.

Q: What happens when an employer tries to have an employee sign a waiver of liability for contracting Covid on their premises or on the job?

A: A waiver agreement such as described above could expose an employer to liability for civil damages for obstructing employees from seeking workers' compensation benefits. Minn. Stat. § 176.82 (up to 3x benefits owed)

A: SAFETY CONCERNS: An employer may not discharge, discipline, threaten, or otherwise discriminate against, or penalize an employee because the employee in good faith reports a violation or suspected violation of any federal or state law or refuses an employer's order to perform an action that the employee has an objective basis in fact to believe violates any federal or state law. Minn. Stat. § 181.932, subd.1.

Employer must immediately stop requiring or asking employees to sign this waiver.

Employers should provide written notice to employees who have signed a waiver or have been presented with the waiver that it is void and cannot be enforced; does not prohibit an employee from filing a workers' compensation claim for COVID-19.

A: If any employee was fired or otherwise not allowed to return to work for refusing to sign the waiver, offer re-employment with the same terms as employees who did sign the waiver received.

Employers must also have a COVID-19 Preparedness Plan that implements safe workplace strategies to minimize the chance for exposure to COVID-19 at the workplace, per Executive Order 20-74.

Q: Do schools have the right to require students who have COVID-19 symptoms to a) go home, b) get tested for COVID-19, c) share test results with the school?

A: a) Yes, schools must ensure individuals with symptoms consistent with COVID-19 are not in school.

b) No, the school cannot require that a student be tested for COVID-19. If the child has symptoms consistent with COVID-19, or they have been exposed to a confirmed case of COVID-19, schools should encourage students to be tested for COVID-19. In either case, the schools must follow MDH and CDC guidance and ensure sick people are not at school, and that people who have been exposed to COVID-19 are not in school during the incubation period (two to 14 days after exposure).

c) No, parents would need to sign a release of information for the test results to be shared with the school. All lab-confirmed cases of COVID-19 are reported to MDH, which instructs people sick with COVID-19 to stay home to prevent the spread of COVID-19 to others.

Q: If I have to quarantine myself because I was exposed at work to someone who has Covid, is this a work injury?

A: No. Unless you have contracted the disease, you do not have an injury.

There is an FAQ related to school employee rights and protections in the workplace on the DLI website at the following link:

[https://www.dli.mn.gov/sites/default/files/pdf/
COVID_19_school_employee_workplace_rights_protections.pdf](https://www.dli.mn.gov/sites/default/files/pdf/COVID_19_school_employee_workplace_rights_protections.pdf)

Thank you!

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