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State of Minnesota HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. **37**

01/11/2021 Authored by Huot and Olson, L.,
The bill was read for the first time and referred to the Committee on Labor, Industry, Veterans and Military Affairs Finance and Policy

- 1.1 A bill for an act
- 1.2 relating to workers' compensation; creating a presumption of eligibility for school
- 1.3 employees who contract COVID-19.
- 1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.5 Section 1. **WORKERS' COMPENSATION FOR CERTAIN SCHOOL EMPLOYEES**
- 1.6 **WHO CONTRACT COVID-19.**
- 1.7 (a) Notwithstanding Minnesota Statutes, section 176.011, subdivision 15, paragraph (a),
- 1.8 an employee who contracts COVID-19 is presumed to have an occupational disease arising
- 1.9 out of and in the course of employment if the employee satisfies the requirements of
- 1.10 paragraphs (b) and (c).
- 1.11 (b) The employee was employed as: a teacher or school administrator by a school district,
- 1.12 charter school, or nonpublic school; a contract employee who provides student-related
- 1.13 services throughout the school year to a school district, charter school, or nonpublic school,
- 1.14 including paraprofessionals, student support services personnel, school bus drivers, school
- 1.15 nutrition staff, and custodial staff; or any other person employed by the school district,
- 1.16 charter school, or nonpublic school or providing services to students under a contract with
- 1.17 the school district, charter school, or nonpublic school.
- 1.18 (c) The employee's contraction of COVID-19 must be confirmed by a positive laboratory
- 1.19 test or, if a laboratory test was not available for the employee, as diagnosed and documented
- 1.20 by the employee's licensed physician, licensed physician's assistant, or licensed advanced
- 1.21 practice registered nurse (APRN) based on the employee's symptoms. A copy of the positive
- 1.22 laboratory test or the written documentation of the physician's, physician assistant's, or
- 1.23 APRN's diagnosis shall be provided to the employer or insurer.

2.1 (d) Once the employee has satisfied the requirements of paragraphs (b) and (c), the
2.2 presumption shall only be rebutted if the employer or insurer shows the employment was
2.3 not a direct cause of the disease. A denial of liability under this section must meet the
2.4 requirements for a denial under Minnesota Statutes, section 176.221, subdivision 1.

2.5 (e) The date of injury for an employee who has contracted COVID-19 under this section
2.6 shall be the date that the employee was unable to work due to a diagnosis of COVID-19,
2.7 or due to symptoms that were later diagnosed as COVID-19, whichever occurred first.

2.8 (f) An employee who has contracted COVID-19 but who is not entitled to the presumption
2.9 under this section is not precluded from claiming an occupational disease as provided in
2.10 Minnesota Statutes, section 176.011, subdivision 15, or from claiming a personal injury
2.11 under Minnesota Statutes, section 176.011, subdivision 16.

2.12 (g) The commissioner shall provide a detailed report on COVID-19 workers'
2.13 compensation claims under this section to the Workers' Compensation Advisory Council
2.14 and chairs and ranking minority members of the house of representatives and senate
2.15 committees with jurisdiction over workers' compensation and education finance and policy
2.16 by January 15, 2021, and then provide an updated report by August 15, 2021.

2.17 **EFFECTIVE DATE.** This section is effective the day following final enactment and
2.18 applies retroactively for employees who contracted COVID-19 on or after July 15, 2020.
2.19 This section sunsets on July 30, 2021.