

SENATE BILL NO. 1257

December 10, 2020, Introduced by Senators SCHMIDT and MACGREGOR and referred to the Committee of the Whole.

A bill to amend 2020 PA 238, entitled

"An act to prohibit an employer from taking certain actions against an employee who does not report to work under certain circumstances related to COVID-19; to prohibit an employee from reporting to work under certain circumstances related to COVID-19; to prohibit discrimination and retaliation for engaging in certain activities; and to provide remedies,"

by amending sections 1 and 5 (MCL 419.401 and 419.405).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

1 (a) "Close contact" means being within approximately 6 feet of
2 an individual for 15 minutes or longer.

3 (b) "COVID-19" means the novel coronavirus identified as SARS-
4 CoV-2 or a virus mutating from SARS-CoV-2.

5 (c) "Employee" means an individual employed by an employer and
6 whose primary workplace is not the individual's residence.

7 (d) "Employer" means a person or a state or local governmental
8 entity that employs 1 or more individuals.

9 (e) **"Essential critical infrastructure worker" means a worker**
10 **who constructs, maintains, or rehabilitates critical infrastructure**
11 **as described in the United States Cybersecurity and Infrastructure**
12 **Security Agency's Guidance on the Essential Critical Infrastructure**
13 **Workforce: Ensuring Community and National Resilience in COVID-19**
14 **Response, Version 4.0, August 18, 2020.**

15 (f) **"Essential critical water and wastewater worker" means a**
16 **worker in the water or wastewater industry who performs essential**
17 **water services as described in the United States Cybersecurity and**
18 **Infrastructure Security Agency's Guidance on the Essential Critical**
19 **Infrastructure Workforce: Ensuring Community and National**
20 **Resilience in COVID-19 Response, Version 2.0, March 28, 2020.**

21 (g) ~~(e)~~ "First responder" means any of the following:

22 (i) A law enforcement officer.

23 (ii) A firefighter.

24 (iii) A paramedic.

25 (h) **"Food processor" means an employer that is a food**
26 **processor as that term is defined in section 1107 of the food law,**
27 **2000 PA 92, MCL 289.1107.**

28 (i) **"Food processor employee" means an employee who is**
29 **employed by a food processor.**

1 (j) ~~(f)~~—"Health care facility" means any of the following
 2 facilities, including those that may operate under shared or joint
 3 ownership, and a facility used as surge capacity by any of the
 4 following facilities:

5 (i) An entity listed in section 20106(1) of the public health
 6 code, 1978 PA 368, MCL 333.20106.

7 (ii) A state-owned hospital or surgical center.

8 (iii) A state-operated outpatient facility.

9 (iv) A state-operated veterans' facility.

10 (k) ~~(g)~~—"Person" means an individual, partnership,
 11 corporation, association, or other legal entity.

12 (l) ~~(h)~~—"Principal symptoms of COVID-19" ~~has the definition~~
 13 ~~provided~~ **means that term as defined in an order** by ~~order of~~ the
 14 director or chief medical executive of the Michigan department of
 15 health and human services. ~~In the event that the term~~ **If principal**
 16 **symptoms of COVID-19** is not defined **in an order** by the director or
 17 chief medical executive of the Michigan department of health and
 18 human services at the time of an action taken under section 5,
 19 principal symptoms of COVID-19 means either or both of the
 20 following:

21 (i) One or more of the following not explained by a known
 22 medical or physical condition:

23 (A) Fever.

24 (B) Shortness of breath.

25 (C) Uncontrolled cough.

26 (ii) Two or more of the following not explained by a known
 27 medical or physical condition:

28 (A) Abdominal pain.

29 (B) Diarrhea.

1 (C) Loss of taste or smell.

2 (D) Muscle aches.

3 (E) Severe headache.

4 (F) Sore throat.

5 (G) Vomiting.

6 Sec. 5. (1) An employee who tests positive for COVID-19 or
7 displays the principal symptoms of COVID-19 shall not report to
8 work until all of the following conditions are met:

9 (a) If the employee has a fever, 24 hours have passed since
10 the fever has stopped without the use of fever-reducing
11 medications.

12 (b) Ten days have passed since either of the following,
13 whichever is later:

14 (i) The date the employee's symptoms first appeared.

15 (ii) The date the employee received the test that yielded a
16 positive result for COVID-19.

17 (c) The employee's principal symptoms of COVID-19 have
18 improved.

19 (2) Except as provided in subsection (3), an employee who has
20 close contact with an individual who tests positive for COVID-19 or
21 with an individual who displays the principal symptoms of COVID-19
22 shall not report to work until 1 of the following conditions is
23 met:

24 (a) Fourteen days have passed since the employee last had
25 close contact with the individual.

26 (b) The individual with whom the employee had close contact
27 receives a medical determination that ~~they~~ **the individual** did not
28 have COVID-19 at the time of the close contact with the employee.

29 (3) Subsection (2) does not apply to an employee who is any of

1 the following:

2 (a) A health care professional.

3 (b) A worker at a health care facility.

4 (c) A first responder.

5 (d) A child protective service employee.

6 (e) A worker at a child caring institution, as that term is
7 defined in section 1 of 1973 PA 116, MCL 722.111.

8 (f) A worker at an adult foster care facility, as that term is
9 defined in section 3 of the adult foster care facility licensing
10 act, 1979 PA 218, MCL 400.703.

11 (g) A worker at a correctional facility.

12 (h) **A food processor employee.**

13 (i) **An employee who is employed by an employer whose primary
14 business involves food, feed, or beverage distribution.**

15 (j) **An essential critical infrastructure worker who does not
16 display principal symptoms of COVID-19. However, the essential
17 critical infrastructure worker must comply with the United States
18 Cybersecurity and Infrastructure Security Agency's Interim Guidance
19 for Implementing Safety Practices for Critical Infrastructure
20 Workers Who May Have Had Exposure to a Person with Suspected or
21 Confirmed COVID-19.**

22 (k) **An essential critical water and wastewater worker who does
23 not display principal symptoms of COVID-19. However, the essential
24 critical water and wastewater worker must comply with the United
25 States Cybersecurity and Infrastructure Security Agency's Interim
26 Guidance for Implementing Safety Practices for Critical
27 Infrastructure Workers Who May Have Had Exposure to a Person with
28 Suspected or Confirmed COVID-19.**