



Worker protections related to COVID-19

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.

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 651-284-5075, 800-342-5354 or dli.laborstandards@state.mn.us with questions.

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:

- [Duluth sick and safe time leave](#);
- [Minneapolis sick and safe time leave](#); and
- [St. Paul sick and safe time leave](#).

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](#).

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 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.

Generally, FFCRA provides that employees of covered employers are eligible for:

- 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
- 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.

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#_ftn3.

Employers cannot discriminate

Workers have the right to request reasonable accommodations

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 include:

- teleworking;
- paid, sick, unpaid leave;
- staggered work schedules; and
- changing workstations to practice social distancing.

When requesting a reasonable accommodation, describe the nature of the accommodation requested and how it will assist you in performing the essential functions of your job.

Reminders for employers

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.

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.

Contact Minnesota's Discrimination Helpline if your employer denied you a reasonable accommodation by calling 833-454-0148 or [submitting this online form](#). Translation and interpretation services are available.

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.

Contact Minnesota's Discrimination Helpline if your employer fired or refused to rehire you because you filed for unemployment insurance during COVID-19 by calling 833-454-0148 or [submitting this online form](#). Translation and interpretation services are available.

UI benefits

If you lose your job or had your hours greatly reduced, you should 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.

Workers' compensation

If you contract a disease that arises out of and in the course of your employment, you may be entitled to workers' compensation benefits, including payment for wage loss and medical benefits. However, you must show you contracted the disease due to your employment.

If an emergency responder contracts an infectious or communicable disease they are exposed to in the course of employment outside of a hospital, the disease is presumed to be an occupational disease due to the nature of their employment.

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.

A new law was enacted effective April 8, 2020, that states certain employees are presumed to have an occupational disease covered by workers' compensation. For a summary of the new law and FAQs, visit www.dli.mn.gov/updates.

Every case is fact specific. Call DLI at 800-342-5354 (press 3) if you have a question about whether you are entitled to workers' compensation benefits.

Final wages

If your employment ends and your former employer has not paid you your final wages, there are several steps you can take to ensure you are paid all the wages you are due. To learn what steps you can take to receive your final wages, visit DLI's [Making a demand for final wages webpage](#).

Changes to working conditions

Overtime mandates

If employers schedule and require employees to work overtime hours, they must pay any overtime that is earned under either state or federal law. State law provides one exception to required overtime for nurses.

Other employees may be covered by collective bargaining agreements that contain provisions allowing employees to opt out of overtime hours.

Work location changes

Employers are required to track, record and pay for all hours of work performed by employees and may, in certain circumstances, be required to reimburse employees for work-related expenses. These expenses may not be required to be reimbursed until the end of employment.

Hours worked; hours paid

Salaried exempt workers

Under limited situations when a business decides to cut business hours, the employer can reduce the salary of an exempt worker. If a salaried exempt worker misses a full day of work for reasons other than the employer stating that no work is available, the employer may deduct a proportional amount of their salary. This deduction can only be made if the employee does not complete any work activities during that day. The employer cannot deduct from a salaried exempt employee's weekly salary if the reason for an absence is that there was no work available, unless there is no work available for the entire workweek.

Volunteering

Unpaid volunteer work may be performed for nonprofit organizations or government agencies. For-profit employers are required to pay the minimum wage and overtime, among other labor standards requirements, for those completing work activities.

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.

Reporting health and safety concerns at work

Your employer may not retaliate against you for reporting health and safety concerns at work. If you believe your employer retaliated against you, you may file a complaint with Minnesota OSHA (MNOSHA) Compliance within 30 days of the adverse employment action.

Refusal to work

You have the right to refuse to work under conditions that 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.

Your employer may not fire you or otherwise discriminate against you for your good faith refusal to perform assigned tasks if you have asked your employer to correct the hazardous conditions but they remain uncorrected. If you have refused in good faith to perform assigned tasks, and your employer does not reassign you to other work, you may contact MNOSHA Compliance to request assistance. MNOSHA Compliance will contact your employer to try to resolve your concern. If MNOSHA Compliance determines you would have been placed in imminent danger of death or serious physical harm by performing the work, then you are entitled to receive pay for the work you would have performed.

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