

# SENATE BILL NO. 1258

December 10, 2020, Introduced by Senators MACGREGOR and SCHMIDT 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 energy infrastructure worker" means a**  
10 **worker in the energy industry who performs essential energy**  
11 **services as described in the United States Cybersecurity and**  
12 **Infrastructure Security Agency's Guidance on the Essential Critical**  
13 **Infrastructure Workforce: Ensuring Community and National**  
14 **Resilience in COVID-19 Response, Version 2.0, March 28, 2020.**

15 (f) ~~(e)~~—"First responder" means any of the following:

16 (i) A law enforcement officer.

17 (ii) A firefighter.

18 (iii) A paramedic.

19 (g) ~~(f)~~—"Health care facility" means any of the following  
20 facilities, including those that may operate under shared or joint  
21 ownership, and a facility used as surge capacity by any of the  
22 following facilities:

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

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

26 (iii) A state-operated outpatient facility.

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

28 (h) ~~(g)~~—"Person" means an individual, partnership,  
29 corporation, association, or other legal entity.

1           (i) ~~(h)~~ "Principal symptoms of COVID-19" ~~has the definition~~  
2 ~~provided means that term as defined in an order~~ by order of the  
3 director or chief medical executive of the Michigan department of  
4 health and human services. ~~In the event that the term~~ **If principal**  
5 **symptoms of COVID-19** is not defined **in an order** by the director or  
6 chief medical executive of the Michigan department of health and  
7 human services at the time of an action taken under section 5,  
8 principal symptoms of COVID-19 means either or both of the  
9 following:

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

- 12           (A) Fever.
- 13           (B) Shortness of breath.
- 14           (C) Uncontrolled cough.

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

- 17           (A) Abdominal pain.
- 18           (B) Diarrhea.
- 19           (C) Loss of taste or smell.
- 20           (D) Muscle aches.
- 21           (E) Severe headache.
- 22           (F) Sore throat.
- 23           (G) Vomiting.

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

- 27           (a) If the employee has a fever, 24 hours have passed since  
28 the fever has stopped without the use of fever-reducing  
29 medications.

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

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

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

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

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

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

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

18 (3) Subsection (2) does not apply to an employee who is any of  
19 the following:

20 (a) A health care professional.

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

22 (c) A first responder.

23 (d) A child protective service employee.

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

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

29 (g) A worker at a correctional facility.

1           (h) An essential critical energy infrastructure worker who  
2 does not display principal symptoms of COVID-19. However, the  
3 essential critical energy infrastructure worker must comply with  
4 the United States Cybersecurity and Infrastructure Security  
5 Agency's Interim Guidance for Implementing Safety Practices for  
6 Critical Infrastructure Workers Who May Have Had Exposure to a  
7 Person with Suspected or Confirmed COVID-19.