

**SUBSTITUTE FOR
HOUSE BILL NO. 6032**

A bill 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; to provide remedies; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 1. As used in this act:
- 2 (a) "Close contact" means being within approximately 6 feet of
- 3 an individual for 15 minutes or longer.
- 4 (b) "COVID-19" means the novel coronavirus identified as SARS-
- 5 CoV-2 or a virus mutating from SARS-CoV-2.



- 1 (c) "Damages" means any of the following:
- 2 (i) Actual injury or loss.
- 3 (ii) Reasonable attorney fees.
- 4 (iii) Reasonable court costs.
- 5 (d) "Employee" means an individual employed by an employer and
- 6 whose primary workplace is not the individual's residence.
- 7 (e) "Employer" means a person or a state or local governmental
- 8 entity that employs 1 or more individuals.
- 9 (f) "First responder" means any of the following:
- 10 (i) A law enforcement officer.
- 11 (ii) A firefighter.
- 12 (iii) A paramedic.
- 13 (g) "Health care facility" means any of the following
- 14 facilities, including those that may operate under shared or joint
- 15 ownership, and a facility used as surge capacity by any of the
- 16 following facilities:
- 17 (i) An entity listed in section 20106(1) of the public health
- 18 code, 1978 PA 368, MCL 333.20106.
- 19 (ii) A state-owned hospital or surgical center.
- 20 (iii) A state-operated outpatient facility.
- 21 (iv) A state-operated veterans' facility.
- 22 (h) "Person" means an individual, partnership, corporation,
- 23 association, or other legal entity.
- 24 (i) "Principal symptoms of COVID-19" means either or both of
- 25 the following:
- 26 (i) One or more of the following not explained by a known
- 27 medical or physical condition:
- 28 (A) Fever.



1 (B) Shortness of breath.

2 (C) Uncontrolled cough.

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

5 (A) Abdominal pain.

6 (B) Diarrhea.

7 (C) Loss of taste or smell.

8 (D) Muscle aches.

9 (E) Severe headache.

10 (F) Sore throat.

11 (G) Vomiting.

12 Sec. 3. (1) Except as provided in subsections (2) and (3), an
13 employer shall not discharge, discipline, or otherwise retaliate
14 against an employee who does either of the following:

15 (a) Complies with section 5.

16 (b) Opposes a violation of this act.

17 (2) An employer may discharge or discipline an employee if 1
18 or more of the following apply:

19 (a) The employee is not prohibited from reporting to work
20 under this act but the employee does not report to work. This
21 subdivision does not apply if the employee's failure to report to
22 work is otherwise protected by law.

23 (b) The employee consents to the discharge or discipline.

24 (c) There is any other lawful basis to discipline or discharge
25 the employee.

26 (3) Subsection (1) does not apply to either of the following:

27 (a) An employee described in section 5 who reports to work
28 before the end of the applicable period specified in section 5.

29 (b) An employee described in section 5 who fails to be tested



1 for COVID-19 within 3 days after displaying the principal symptoms
2 of COVID-19.

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

6 (a) If the employee has a fever, 24 hours have passed since
7 the fever has stopped without the use of fever-reducing
8 medications.

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

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

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

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

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

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

23 (b) The individual with whom the employee had close contact
24 receives a negative COVID-19 test result.

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

27 (a) A health care professional.

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

29 (c) A first responder.



1 (d) A child protective service employee.

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

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

7 (g) A worker at a correctional facility.

8 Sec. 7. (1) An employee aggrieved by a violation of this act
9 may bring a civil action for appropriate injunctive relief or
10 damages, or both, in the circuit court for the county where the
11 alleged violation occurred or for the county where the employer
12 against whom the action is filed is located or has its principal
13 place of business.

14 (2) A court shall award to a plaintiff who prevails in an
15 action brought under this act damages of not less than \$5,000.00.

16 Sec. 9. (1) This act applies to public employers and public
17 employees, except to the extent that it is inconsistent with
18 section 5 of article XI of the state constitution of 1963.

19 (2) If a collective bargaining agreement or other contract
20 that is inconsistent with this act is in effect for an employee on
21 the effective date of this act, this act applies to that employee
22 beginning on the date the collective bargaining agreement or other
23 contract expires or is amended, extended, or renewed.

24 Sec. 11. This act is repealed effective March 31, 2021.

25 Enacting section 1. This act does not take effect unless all
26 of the following bills of the 100th Legislature are enacted into
27 law:

28 (a) House Bill No. 6030.

29 (b) House Bill No. 6031.



1 (c) House Bill No. 6101.



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