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State of Minnesota

HOUSE OF REPRESENTATIVES

SECOND SPECIAL SESSION

H. C. No. 2

1.1 A House concurrent resolution

1.2 relating to Minnesota's peacetime emergency; terminating the peacetime emergency  
1.3 pursuant to the authority granted under Minnesota Statutes, section 12.31, subdivision  
1.4 2, paragraph (b).

1.5 WHEREAS, Governor Walz signed Executive Order 20-01, a declaration of a peacetime  
1.6 emergency, on March 13, 2020; and

1.7 WHEREAS, the Executive Council of the State extended that peacetime emergency for up  
1.8 to 30 days, on March 16, 2020; and

1.9 WHEREAS, Governor Walz continues to extend the peacetime emergency every 30 days by  
1.10 Executive Order; and

1.11 WHEREAS, 1. Pursuant to Minnesota Statutes, section 182.654, subdivision 9, and Code of  
1.12 Federal Regulations, title 29, section 1977.9(c), employers must not discriminate or retaliate in any  
1.13 way against a worker communicating orally or in writing with management personnel about  
1.14 occupational safety or health matters related to COVID-19, including asking questions or expressing  
1.15 concerns;

1.16 2. Employers must not discriminate or retaliate in any way against any worker for wearing  
1.17 gloves, a cloth face covering, eye protection, or other protective gear which the worker has personally  
1.18 procured and reasonably believes will protect them, their coworkers, or the public against COVID-19  
1.19 in the course of their work, provided that the protective gear which the worker has personally  
1.20 procured does not violate industry standards or existing employer policies related to health, safety,  
1.21 or decency. Employers may require use of employer-provided protective gear that meets or exceeds  
1.22 protective gear procured by employees;

1.23 3. Pursuant to Minnesota Statutes, section 182.654, subdivision 11, workers have the right  
1.24 to refuse to work under conditions that they, in good faith, reasonably believe present an imminent  
1.25 danger of death or serious physical harm. This includes a reasonable belief that they have been

2.1 assigned to work in an unsafe or unhealthful manner with an infectious agent such as COVID-19.  
2.2 Employers must not discriminate or retaliate in any way against a worker for the worker's good  
2.3 faith refusal to perform assigned tasks if the worker has asked the employer to correct the hazardous  
2.4 conditions but they remain uncorrected. These situations should be immediately reported to the  
2.5 Minnesota Department of Labor and Industry ("DLI");

2.6 4. Pursuant to Minnesota Statutes, section 182.654, subdivisions 8 and 9, workers and  
2.7 authorized representatives of workers have the right to request that DLI conduct an inspection of  
2.8 their workplace if they believe that a violation of a safety or health standard that threatens physical  
2.9 harm exists or that an imminent danger exists. Employers must not discriminate or retaliate in any  
2.10 way against a worker because such worker has requested an inspection or exercised any other right  
2.11 under Minnesota Statutes, chapter 182;

2.12 5. DLI has authority to receive complaints about violations of paragraphs 1 to 4 and enforce  
2.13 these provisions using the procedures contained in Minnesota Statutes, section 182.669, including  
2.14 awards of backpay and compensatory damages;

2.15 6. Pursuant to Minnesota Statutes, section 268.095, any worker who quits their employment  
2.16 because the employer has failed to correct an adverse work condition related to the pandemic which  
2.17 would compel an average, reasonable worker to quit, if the worker has complained to the employer  
2.18 about such adverse work condition and has given the employer a reasonable opportunity to correct  
2.19 such adverse work condition, to no avail, or has been retaliatorily terminated from their employment  
2.20 as a result of exercising the worker rights described in paragraphs 1 to 4 of this concurrent resolution,  
2.21 shall not lose unemployment insurance benefits eligibility under existing law and Executive Order  
2.22 20-05. Examples of an adverse work condition include an employer's failure to develop or implement  
2.23 a COVID-19 Preparedness Plan, as required by applicable Executive Orders, or failure to adequately  
2.24 implement Minnesota OSHA Standards or Minnesota Department of Health ("MDH") and the  
2.25 Centers for Disease Control and Prevention ("CDC") guidelines in the workplace related to  
2.26 COVID-19;

2.27 7. Pursuant to the Minnesota Human Rights Act ("MHRA"), Minnesota Statutes, chapter  
2.28 363A, and the existing authority of the Commissioner of Human Rights, the Commissioner of  
2.29 Human Rights is authorized to issue guidance, as necessary, consistent with federal and state  
2.30 anti-discrimination laws, including the MHRA, regarding employers' obligations to provide  
2.31 reasonable accommodations related to COVID-19 for qualified employees with disabilities, as  
2.32 defined in the MHRA, which may include employees with health conditions who are at high risk,  
2.33 as determined by relevant guidelines from the CDC or MDH, if they are exposed to or if they  
2.34 contract COVID-19;

2.35 8. Reasonable accommodations related to COVID-19 for such employees may include but  
2.36 are not limited to adjusting schedules or work stations, allowing employees to work from home,  
2.37 or permitting use of leave; and

3.1           9. The rights and protections set forth in this concurrent resolution are available to all workers  
3.2 regardless of immigration status, and in addition to any other rights or protections established by  
3.3 any other law, rule, regulation, executive order, contract, or collective bargaining agreement; NOW,  
3.4 THEREFORE,

3.5           BE IT RESOLVED by the House of Representatives of the State of Minnesota, the Senate  
3.6 concurring, that it exercises its authority under Minnesota Statutes, section 12.31, subdivision 2,  
3.7 paragraph (b), terminating the peacetime emergency declared under Executive Order 20-01 the day  
3.8 following the concurrence by the Senate with this resolution.

3.9           BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives is  
3.10 directed to prepare an enrolled copy of this resolution, to be authenticated by his signature and  
3.11 those of the Speaker of the House of Representatives, the Chair of the Senate Rules and  
3.12 Administration Committee, and the Secretary of the Senate, and transmit it to Governor of the State  
3.13 of Minnesota.