

## Workers' compensation COVID-19 presumption

Effective Wednesday, April 8, 2020, through Dec. 31, 2021, a new law states that certain employees who contract COVID-19 are presumed to have an occupational disease covered by the Minnesota workers' compensation law. The law originally sunset May 1, 2021, but was extended to sunset at 11:59 p.m., Dec. 31, 2021. It was then revived and reenacted Feb. 3, 2022, with a new sunset at 11:59 p.m., Jan. 13, 2023.

This is a summary of the law; the complete law text is available at the links below.

### Section 1.

A new paragraph (f) is added to Minnesota Statutes § 176.011, subdivision 15, of the workers' compensation law, which applies to occupational diseases. According to this new law, an employee who contracts COVID-19 is presumed to have an occupational disease arising out of and in the course of employment if the employee meets the requirements in clauses (1) and (2).

#### Clause 1

This part of the new law requires that the employee must be employed in one of the following occupations in order to qualify for the presumption:

- a licensed peace officer under [Minn. Stat. § 626.84, subd. 1](#), firefighter, paramedic or emergency medical technician;
- a nurse or health care worker, correctional officer or security counselor employed by the state or a political subdivision at a corrections, detention or secure treatment facility;
- a health care provider, nurse or assistive employee employed in a health care, home care or long-term care setting, with direct COVID-19 patient care or ancillary work in COVID-19 patient units; or
- a person required to provide child care to first responders and health care workers under [Executive Order 20-02 and Executive Order 20-19](#).

#### Clause 2

- The employee's contraction of COVID-19 must be confirmed by a positive laboratory test or, if a test was not available for the employee, as diagnosed, based on the employee's symptoms, by a licensed physician, licensed physician's assistant or licensed advanced practice registered nurse (APRN).
- A copy of the positive test or documentation of the diagnosis must be provided to the employer or the employer's workers' compensation insurer.

#### Clause 3

If the employee meets the requirements of clauses 1 and 2:

- the employer or insurer shall only rebut the presumption that the employee's contraction of COVID-19 is an occupational disease by showing the employee's employment was not a direct cause of the disease; and
- if the insurer denies liability for the workers' compensation claim, the denial must meet the requirements for denials in [Minn. Stat. § 176.221, subd. 1](#).

#### Clause 4

- The date of injury for an employee who has contracted COVID-19 is the date the employee was unable to work due to contraction of COVID-19 or was unable to work due to symptoms that were later diagnosed as COVID-19, whichever occurred first.

#### Clause 5

- An employee who has contracted COVID-19, but does not meet the requirements of clauses 1 and 2, is not prohibited from claiming an occupational disease as provided in other paragraphs of the occupational disease law (Minn. Stat. § 176.011, subd. 15) or from claiming a workers' compensation injury under subdivision 16.

#### Clause 6

- The commissioner of the Department of Labor and Industry must provide a detailed report by Jan. 15, 2021, about the handling of COVID-19 workers' compensation claims. The commissioner must give the report to the Workers' Compensation Advisory Council, and the chairs and ranking minority members of the House of Representatives and Senate committees with jurisdiction over workers' compensation.

### Effective date

This law is effective for employees who contract COVID-19 on or after the day following final enactment and pursuant to Laws 2021, chapter 12, section 12, sunsets at 11:59 p.m., Dec. 31, 2021. The revived and reenacted law is effective Feb. 3, 2022, and sunsets at 11:59 p.m., Jan. 13, 2023.

For more information, see [New law FAQs: Workers' compensation coverage for employees who contract COVID-19](#).

### Laws

Minn. Laws 2020, Chapter 72 (initial presumption): [www.revisor.mn.gov/laws/2020/0/72](http://www.revisor.mn.gov/laws/2020/0/72)

Minn. Laws 2021, Chapter 12 (extension): [www.revisor.mn.gov/laws/2021/0/Session+Law/Chapter/12/](http://www.revisor.mn.gov/laws/2021/0/Session+Law/Chapter/12/)

Minn. Laws 2022, Chapter 32 (revived and reenacted):  
[www.revisor.mn.gov/laws/2022/0/Session+Law/Chapter/32/](http://www.revisor.mn.gov/laws/2022/0/Session+Law/Chapter/32/)