To provide expanded unemployment protection for employees and a limitation on liability for employers with respect to exposure to COVID-19.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Employer and Employee COVID Protection Act”.

SECTION 2. LIMITATION ON LIABILITY FOR EMPLOYERS.

(a) IN GENERAL.—Except as provided in subsection
(b) an employer may not be held liable in any cause of
action before a State or Federal court for any injury that resulted from an employee contracting COVID-19.

(b) EXCEPTION.—Subsection (a) shall not apply if the employer violates State or Federal Law related to workplace safety.

(c) EMPLOYEE CONCERNS ABOUT RESUMING OR CONTINUING EMPLOYMENT.—

(1) An employee may inform their employer of any health concerns the employee has regarding resuming or continuing employment after the head of the State in which the employee works has issued an order declaring that business operation may resume.

(2) RESPONSE FROM EMPLOYER.—An employer that is informed of a concern under paragraph (1) may—

(A) install additional protective equipment;

(B) adjust the work environment to the unique concerns of the covered employee; or

(C) find alternative suitable employment, as defined by State law, for the covered employee.

(3) UNEMPLOYMENT BENEFITS.—With respect to an employee that informs their employer of concerns as described in paragraph (1) and is unsatisfied with the response from their employer as
described in paragraph (2), such employee may term-
minate their employment and have such termination
be considered “through no fault of their own” for
purposes of determining eligibility for State and
Federal unemployment benefits.

(d) EFFECTIVE DATE.—This section shall take effect
upon the date of the enactment of this Act and applies
if the injury resulting from the employee contracting
COVID-19 occurred after the date of the enactment of
this Act.

(e) DEFINITIONS.—In this section:

(1) COVID-19.—The term “COVID-19” means
the 2019 Novel Coronavirus or 2019–nCoV.

(2) EMPLOYEE.—The term “employee” has the
meaning given such term in section 3 of the Occupa-
tional Safety and Health Act of 1970 (29 U.S.C.
652(3)).

(3) EMPLOYER.—The term “employer” has the
meaning given such term in section 3 of the Occupa-
tional Safety and Health Act of 1970 (29 U.S.C.
652(3)).

(4) STATE.—The term “State” shall include
the District of Columbia, and all territories of the
United States.