



If I Catch Covid-19 am I Covered by Workers' Compensation?

If an employee is injured at work, there is usually little question about Workers' Compensation coverage. There are often witnesses and the employee is hurt while doing something related to his or her job. With a disease like Covid-19, where the virus naturally spreads within the community, it's a little harder to pin down where someone was infected because the disease has been so prevalent, and exposure can and has occurred just about everywhere we go. There must be a strong causal link between exposure to the virus while on the job and contraction of the disease.

The first question we must answer about Workers' Compensation coverage is whether a person actually has the disease. The answer comes with testing which is now more available and quicker than during the early months of the pandemic. The Centers for Disease Control and Prevention reports these common symptoms:

- Fever or chills
- Cough
- Shortness of breath or difficulty breathing
- Fatigue
- Muscle or body aches
- Headache
- New loss of taste or smell
- Sore throat
- Congestion or runny nose
- Nausea or vomiting
- Diarrhea

Symptoms may appear 2-14 days after exposure to the virus. Early symptoms may mimic a cold or the flu. Testing determines if the virus is present.

The next question is the same one the adjuster asks for every workers' compensation claim: "were you injured (or infected) in the course and scope of your employment?" In other words, were you exposed to the disease through your work? Does the nature of your work put you at substantially greater risk of contracting the disease? Can you prove contact with someone who had the disease at work? Where else could you have caught it? Do any of your family members have the disease? Have you been in contact with someone who has Covid-19 outside of work? Have you been out of state or out of the country recently? The adjuster will lead you through who you have had contact with over the last few weeks to help determine where you might have become infected.

In cases when it is likely that exposure occurred at work the Fund is going to pay for your testing and initial medical visit. If it is determined that you were not infected through your

employment, no further coverage is offered, and you should report the claim to your health insurance carrier. If, however, you were exposed at work and have contracted the disease while performing your job, your treatment will be like any other on the job injury with all related medical expenses paid and lost income benefits started for you when you meet the waiting period for time away from work.

How to File a Claim

Here are the practical steps for initiating the claim process. First, if you have a fever, go home. Second, report the possibility of the alleged infection to the person who handles workers' compensation claims at the center so they can report it to the Fund and file a First Report of Injury with the Division of Workers' Compensation. Third, go get tested at the Alliance medical clinic your center sends all workers' compensation patients to. You will not be billed for the test or initial visit. If the adjuster determines that you were infected in the course and scope of your employment, your medical treatment will be handled just like any other workers' compensation claim. To date, late September 2020, the Fund has accepted a number of Covid-19 claims from employees working in high risk environments like jails or places where residents, clients or family members of clients had tested positive and did not inform employees until after close contact.

The Fund recommends that centers continue social distancing, wearing masks, use of PPE, and rigorous and frequent hand washing. Temperature testing (though not definitive) and a health questionnaire is also a best practice when employees report back to work. Disinfection procedures should continue for high traffic and high touch areas. Offices and workstations should also continue to be disinfected. Anyone who suspects they may have the disease should go home immediately and seek testing.