



## **2020 State Workers' Compensation COVID Laws, Bulletins and Guidance**

*April 24, 2020*

### **Alabama**

NO ACTION TO DATE

### **Alaska**

#### **[Senate Bill 241](#)**

WORKERS' COMPENSATION PRESUMPTION OF COMPENSABILITY. (a) Notwithstanding AS 23.30.121, 23.30.395(2), and 23.30.395(24), an employee who contracts the novel coronavirus disease (COVID-19) is conclusively presumed to have contracted an occupational disease arising out of and in the course of employment if, during the public health disaster emergency declared by the governor on March 11, 2020, as extended by sec. 2 of this Act, the employee

- (1) is employed as a firefighter, emergency medical technician, paramedic, peace officer, or health care provider;
- (2) is exposed to COVID-19 in the course of employment as a firefighter, emergency 1 medical technician, paramedic, peace officer, or health care provider; and
- (3) receives a
  - (A) COVID-19 diagnosis by a physician;
  - (B) presumptive positive COVID-19 test result; or
  - (C) laboratory-confirmed COVID-19 diagnosis.

### **Arkansas**

#### **[Executive Order 20-19](#)**

Text is available at the above link. Expands workers compensation eligibility for first responders and front-line health care workers.

### **California**

#### **[Notice Dated April 6, 2020](#)**

As a result of the novel coronavirus (COVID-19) pandemic that has resulted in emergency public health orders and "social distancing" directives by federal, state, and local leaders to mitigate the spread of the disease, all workers, including those engaged in front-line occupations such as health care, emergency services, food production, sales, and delivery, are entitled to prompt and effective protection under California's workers' compensation laws, regardless of citizenship or immigration status.

## **Colorado**

NO ACTION TO DATE

## **Connecticut**

NO ACTION TO DATE

## **Delaware**

NO ACTION TO DATE

## **District of Columbia**

### [Frequently Asked Questions](#)

Q: What should I do if I contract COVID-19 on the job? Am I eligible for unemployment insurance benefits?

A: Yes, you would be considered eligible for unemployment insurance benefits. In addition, you may be eligible

for Workers' Compensation, if you were exposed at work during regular duties and lost wages as a result.

Visit <https://does.dc.gov/page/workers-compensation-does> for information about Workers' Compensation.

## **Florida**

### [Florida CFO Directive 4/1/2020](#) [Informational Memorandum OIR-20-05M](#)

Section 1. The Division of Risk Management shall process Workers' Compensation claims submitted by Frontline State Employees who have tested positive for COVID-19, through a reliable method, as compensable claims for occupational disease pursuant to Section 112.1815, Florida Statutes, and Chapter 440, Florida Statutes, unless the State of Florida can show, by preponderance of the evidence, that a Frontline State Employee contracted COVID-19 outside his or her scope of employment as a state employee.

Section 2. For purposes of this Directive, the term "Frontline State Employee" shall include:

- a. First Responders, as defined in Section 112.1815, Florida Statutes, including: law enforcement officers, as defined in Section 943.10, Florida Statutes; firefighters, as defined in Section 633.102, Florida Statutes; and emergency medical technicians or paramedics.
- b. Corrections officers, as defined in Section 943.10, Florida Statutes, and other employees, whose official duties require physical presence in a state-operated detention facility.

c. State Employees working in the healthcare field, whose duties require contact with persons as they are being tested for COVID-19 or otherwise known to be infected with COVID-19.

d. Child Safety Investigators, whose duties require them to conduct welfare checks on behalf of minors.

e. Members of the Florida National Guard, who are called to active duty for service in the State of Florida in response to COVID-19.

## **Georgia**

NO ACTION TO DATE

## **Hawaii**

[Hawaii Department of Labor and Industrial Relations Frequently Asked Questions](#)

IS COVID-19 A RECOGNIZED WORK-RELATED INJURY?

Yes, under certain circumstances, if the employee was exposed to or directly contracted COVID-19 in the course of his or her work duties.

AN EMPLOYEE INFORMED ME THAT S/HE WAS EXPOSED TO COVID-19. WHAT SHOULD I DO?

If the employee reported being exposed to COVID-19 in the course of doing his or her work duties, please contact your insurance carrier to submit a WC-1 Employer's Report of Injury and follow the OSHA Guidance on Preparing Workplaces for COVID-19.

If the employee reported being exposed to COVID-19 somewhere other than at work, please contact your insurance carrier and follow the OSHA Guidance on Preparing Workplaces for COVID-19. You may also review the Families First Coronavirus Response Act: Employer Paid Leave Requirements to see if that information may apply to your situation.

## **Illinois**

[Emergency Workers Compensation Amendment](#)

1) In any proceeding before the Commission where the petitioner is a COVID-19 First Responder or Front-Line Worker as defined in Section (a)(2), if the petitioner's injury or period of incapacity resulted from exposure to the COVID-19 virus during a COVID-19-related state of emergency, the exposure will be rebuttably presumed to have arisen out of and in the course of the petitioner's COVID-19 First Responder or Front-Line Worker employment and, further, will be rebuttably presumed to be causally connected to the hazards or exposures of the petitioner's COVID-19 First Responder or Front-Line Worker employment.

2) The term "COVID-19 First Responder or Front-Line Worker" means any individuals employed as police, fire personnel, emergency medical technicians, or paramedics and all individuals employed and considered as first responders, health care providers engaged in patient care, correction officers, and

the crucial personnel identified under the following headings in Section 1 Part 12 of Executive Order 2020-10 dated March 20, 2020: “Stores that sell groceries and medicine”; “Food, beverage, and cannabis production and agriculture”; “Organizations that provide charitable and social services”; “Gas stations and businesses needed for transportation”; “Financial institutions”; “Hardware and supplies stores”; “Critical trades”; “Mail, post, shipping, logistics, delivery, and pick-up services”; “Educational institutions”; “Laundry services”; “Restaurants for consumption off-premises”; “Supplies to work from home”; “Supplies for Essential Businesses and Operations”; “Transportation”; “Home-based care and services”; “Residential facilities and shelters”; “Professional services”; “Day care centers for employees exempted by [Executive Order 2020-10]”; “Manufacture, distribution, and supply chain for critical products and industries”; “Critical labor union functions”; “Hotels and motels”; and “Funeral services”.

## **Indiana**

### **Announcement**

It is well accepted that first responders, as defined in P.L.113-2020, and health care providers, as defined at IC 16-18-2-163, as well as others directly involved in the provision of services to those exhibiting symptoms of Covid-19 are more susceptible to contraction of the disease as a direct result of their work duties. Others whose jobs necessarily entail close interaction with many people in a public setting are also more vulnerable to exposure and possible infection than those working remotely or in a limited office setting.

Employers are urged to consider making a prospective decision as to whether any vulnerable segment of their workforce will be presumptively covered under the provisions of the Indiana Worker’s Compensation Act should they:

- a.) Be quarantined at the direction of the employer due to a confirmed or suspected Covid-19 exposure,
- b.) Receive a Covid-19 diagnosis from a physician without a test,
- c.) Receive a presumptive positive Covid-19 test, or
- d.) Receive a laboratory-confirmed Covid-19 diagnosis.

Employers are encouraged to relay such decisions to their workforce and workers’ compensation insurance carrier/third party administrator as soon as possible in order to allay fears and expedite the claims process. Plans of action upon any occurrence listed above should also be communicated.

## **Iowa**

NO ACTION TO DATE

## **Kansas**

NO ACTION TO DATE

## **Kentucky**

[Executive Order 2020-277](#)

Text of the order is available at the above link. The executive order establishes a presumption of workers compensation eligibility for certain classes of workers including physicians, first responders, corrections officers, military, grocery and postal workers and others.

### **Louisiana**

NO ACTION TO DATE

### **Maine**

#### [Workers Compensation Board Frequently Asked Questions](#)

Is COVID-19 covered by workers' compensation?

As is the case with other injuries/illnesses, if an employee who has properly filed a claim can show that an injury/illness happened while at work and because of work, the employee will be entitled to workers' compensation benefits. More information about how to properly file a claim can be found [here](#).

### **Maryland**

NO ACTION TO DATE

### **Massachusetts**

#### [COVID-19 Information Page](#)

If a person contracts the virus for any work-related reason, that person could be eligible for workers' compensation. If you qualify, you can receive payments to partially replace your paycheck and for medical care related to your injury.

### **Michigan**

#### [Emergency Worker Compensation Rule](#)

The rule's is available in the above link. Generally, "first responders" are presumed eligible for workers compensation.

### **Minnesota**

#### [HF 4537](#)

(f) Notwithstanding paragraph (a) and the rebuttable presumption for infectious or communicable diseases in paragraph (b), 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 satisfies the requirements of clauses (1) and (2).

(1) The employee was employed as a licensed peace officer under section 626.84, subdivision 1; firefighter; paramedic; 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; emergency medical technician; 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; and workers required to provide child care to first responders and health care workers under Executive Order 20-02 and Executive Order 20-19.

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

(3) Once the employee has satisfied the requirements of clauses (1) and (2), the presumption shall only be rebutted if the employer or insurer shows the employment was not a direct cause of the disease. A denial of liability under this paragraph must meet the requirements for a denial under section 176.221, subdivision 1.

(4) The date of injury for an employee who has contracted COVID-19 under this paragraph shall be the date that the employee was unable to work due to a diagnosis of COVID-19, or due to symptoms that were later diagnosed as COVID-19, whichever occurred first.

(5) An employee who has contracted COVID-19 but who is not entitled to the presumption under this paragraph is not precluded from claiming an occupational disease as provided in other paragraphs of this subdivision or from claiming a personal injury under subdivision 16.

### **Mississippi**

NO ACTION TO DATE

### **Missouri**

#### **[8 CSR 50-5.005 Presumption of Occupational Disease for First Responders](#)**

(1) A First Responder, defined as a law enforcement officer, firefighter or an emergency medical technician (EMT), as such occupations are defined in Section 287.243, who has contracted or is quarantined for COVID-19, is presumed to have an occupational disease arising out of and in the course of their employment. Such presumption shall include situations where the First Responder is quarantined at the direction of the employer due to suspected COVID-19 exposure, or the display of any COVID-19 symptoms, or receives a presumptive positive COVID-19 test, or receives a COVID-19 diagnosis from a physician, or receives a laboratory-confirmed COVID-19 diagnosis.

### **Montana**

[Frequently Asked Questions](#)

Q: Is COVID-19 covered by the Montana Workers' Compensation Act?

A: In Montana, workers' compensation probably does not cover most workers who might become infected by COVID-19. The exception would likely be for health care and emergency medical services (EMS) workers who would be placed in a higher risk of exposure through their covered employment. To be accepted as a workers' compensation claim, a worker would have to demonstrate that their job put them at significantly greater risk for infection than the risk they have already through daily contact and exposure with the population in general.

### **Nebraska**

NO ACTION TO DATE

### **Nevada**

NO ACTION TO DATE

### **New Hampshire**

NO ACTION TO DATE

### **New Jersey**

### **[Frequently Asked Questions](#)**

A person who was exposed to the coronavirus during the course of their work and now has been told to self-quarantine by a healthcare provider or public health authority...

May be eligible for Workers' Compensation: If a person is directed to self-quarantine by their employer or a public health official following known exposure to the virus during the course of their work, that person could be eligible for workers' compensation.

### **New Mexico**

NO ACTION TO DATE

### **New York**

### **[Workers Compensation Board Response to COVID](#)**

New nature and cause of injury codes are now available in response to the COVID-19 pandemic. The Workers' Compensation Insurance Organizations (WCIO) has updated the Injury Description Tables that are used by the International Association of Industrial Accident Boards and Commissions (IAIABC) to reflect this specific coding. The new codes were approved by the WCIO and are now available on the [WCIO website](#).

## **North Carolina**

NO ACTION TO DATE

## **North Dakota**

### [Executive Order 2020-12](#)

Text is available at the above link. First responders, health care providers and other eligible occupations exposed to COVID-19 may file a workers' compensation claim.

### [Executive Order 2020-12.1](#)

The previous executive order is extended to funeral home directors and funeral home employees.

## **Ohio**

### [Ohio Bureau of Workers' Compensation Frequently Asked Questions](#)

Q: If I contract COVID-19, is it a compensable workers' compensation claim?

A: It depends on how you contract it and the nature of your occupation. Generally, communicable diseases like COVID-19 are not workers' compensation claims because people are exposed in a variety of ways, and few jobs have a hazard or risk of getting the diseases in a greater degree or a different manner than the general public. However, if you work in a job that poses a special hazard or risk and contract COVID-19 from the work exposure, BWC could allow your claim.

## **Oklahoma**

NO ACTION TO DATE

## **Oregon**

NO ACTION TO DATE

## **Pennsylvania**

### [Frequently Asked Questions](#)

Q: If I contracted COVID-19 at work, is that a work-related injury or disease?

A: An illness caused by work exposures can be considered an injury or an occupational disease. Occupational diseases are those identified by the PA Workers' Compensation Act, as well as the diseases that occur more often in specific jobs or industries. Exposure to COVID-19, which resulted in the illness, would most likely be considered an injury, but could also be an occupational disease depending on the type of work performed.

## **Rhode Island**

### **[Governor's Announcement](#)**

“The disablement of any employee diagnosed with COVID-19 while acting as a health care provider, including as a physician, nurse, health care worker, emergency medical technician, 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, will be presumed to be an occupational disease arising out of and in the course of employment. Such presumption would only be rebutted on the basis of evidence showing that employment was not a direct cause of the disease.”

## **South Carolina**

### **[Advisory Note March 26, 2020](#)**

The (Workers Compensation) Injury Description Tables have been updated with a new Cause of Injury Code (DN0037) – 83 for “Pandemic” and a new Nature of Injury Code (DN0035) – 83 for “COVID-19”.

These codes are anticipated to be used for the reporting of any claim effective December 2019 or later.

## **South Dakota**

### **[Workers Compensation Frequently Asked Questions](#)**

Q: Is COVID-19 compensable under workers' compensation?

A: Maybe. For an employee who is infected with COVID-19 to be covered by workers' compensation, the worker must establish COVID-19 is an “occupational disease” which means that exposure to the disease is something that is an essential part of the job (example: doctor or nurse) and not a result of incidental contact from a job that working with the public is expected (example: cashier or waiter). Further, to be eligible for workers' compensation benefits, an employee must be unable to work for at least 7 consecutive days.

“Occupational disease” is defined in SDCL 62-8-1(6) as:

‘a disease peculiar to the occupation in which the employee was engaged and due to causes in excess of the ordinary hazards of employment and includes any disease due or attributable to exposure to or contact with any radioactive material by an employee in the course of employment.’

Furthermore, according to case law, a “[c]ondition is ‘peculiar to a particular occupation,’ within workers' compensation statute's definition of a compensable occupational disease, when it is the result of a distinctive feature of the kind of work performed by a claimant and others similarly employed. SDCL 62–8–1(6).” *Sauer v. Tiffany Laundry & Dry Cleaners*, 2001 S.D. 24, 622 N.W.2d 74. What this means is that a person's occupation must require that person to be exposed to COVID-19, otherwise, it is not compensable.

For more information or questions on COVID-19 and workers' compensation please contact the Division of Labor at 605.773.3681. For general information on COVID-19 in South Dakota please contact the Department of Health at 1.800.997.2880.

Please note that this is an evolving situation and some insurance companies may choose to include coverage of COVID-19 in certain circumstances.

### **Tennessee**

NO ACTION TO DATE

### **Texas**

NO ACTION TO DATE

### **Utah**

### **[HB 3007](#)**

#### **34A-2-1102. Workers' compensation presumption for first responders.**

(1) A first responder who claims to have contracted COVID-19 during the performance of the first responder's duties as a first responder, is presumed to have contracted COVID-19 by accident during the course of performing the first responder's duties as a first responder if the first responder is diagnosed with COVID-19:

- (a) while employed or serving as a first responder; or
- (b) if the first responder's employment or service as a first responder terminates, within two weeks after the day on which the first responder's employment or service terminates.

(2) A first responder who makes a claim under this part shall provide a copy of the positive laboratory test or the written documentation of a physician's diagnosis to the first responder's employer or insurer.

Section 3. Section **34A-2-1103** is enacted to read:

#### **34A-2-1103. Workers' compensation claims.**

(1) This part applies to a claim resulting from an accident arising out of and in the course of a first responder's employment or service on or after March 21, 2020, and before June 1, 2021.

(2) For purposes of establishing a workers' compensation claim under this part, the "date of accident" is presumed to be the earlier of the day on which:

- (a) the first responder is diagnosed with COVID-19;
- (b) the first responder is unable to work because of a symptom of a disease that is later diagnosed as COVID-19; or
- (c) the first responder's employment or service as a first responder terminates, if the first responder is diagnosed with COVID-19 within two weeks after the day on which the first responder's employment or service as a first responder terminates.

(3) Death benefits payable under this chapter are payable only if a claimant establishes by competent evidence that death was a consequence of or a result of COVID-19.

## **Vermont**

NO ACTION TO DATE

## **Virginia**

### [Frequently Asked Questions](#)

Q: I caught coronavirus from my work. Can I file a workers' compensation claim?

A: Please contact your human resources director for more information about your employer's policies. Workers' compensation claims are evaluated according to the condition and specific circumstances.

## **Washington State**

### [Governor's Announcement](#)

The Department of Labor & Industry (L&I) is immediately changing its policy around workers' compensation coverage for health care workers and first responders who are quarantined by a physician or public health officer.

Under the clarified policy, L&I will provide benefits to these workers during the time they're quarantined after being exposed to COVID-19 on the job.

## **West Virginia**

NO ACTION TO DATE

## **Wisconsin**

### [AB 1038](#)

102.03 (6) (a) In this subsection, "first responder" means an employee of or volunteer for an employer that provides fire fighting, law enforcement, medical, or other emergency services, and who has regular, direct contact with, or is regularly in close proximity to, patients or other members of the public requiring emergency services, within the scope of the individual's work for the employer.

(b) For the purposes of benefits under this chapter, where an injury to a first responder is found to be caused by COVID-19 during the public health emergency declared by the governor under s. 323.10 on March 12, 2020, by executive order 72, and ending 30 days after the termination of the order, the injury is presumed to be caused by the individual's employment.

(c) An injury claimed under par. (b) must be accompanied by a specific diagnosis by a physician or by a positive COVID-19 test.

(d) An injury claimed under par. (b) may be rebutted by specific evidence that the injury was caused by exposure to COVID-19 outside of the first responder's work for the employer.

## Wyoming

### [Frequently Asked Questions](#)

Q: If an employee contracts COVID-19 as a result of their employment, will it be covered by Workers' Compensation?

A: It depends. Pursuant to Wyoming Statute 27-14-102(a)(xi): "Injury" means any harmful change in the human organism other than normal aging and includes damage to or loss of any artificial replacement and death, arising out of and in the course of employment while at work in or about the premises occupied, used or controlled by the employer and incurred while at work in places where the employer's business requires an employee's presence and which subjects the employee to extra-hazardous duties incident to the business. "Injury" does not include:

(A) Any illness or communicable disease unless the risk of contracting the illness or disease is increased by the nature of the employment;

The employee should file a claim if they believe COVID-19 was contracted at work. A claims analyst will determine if the illness qualifies for coverage. If the claim is determined to be compensable, medical and indemnity benefits that are reasonable, medically necessary, and related to the workplace illness will be covered. If the claim is denied, the process to object and request a hearing remains the same.