

Workers' Compensation and COVID-19

On May 6, 2020, Governor Gavin Newsom signed Executive Order N-62-20. The Executive Order will apply for 60 days from May 6, 2020 through July 4, 2020 (and could be extended). The order is retroactive to claims filed on or after March 19, 2020. Below is a summary of this order.

Any COVID-19 related illness is **rebuttably** presumed compensable if it meets the following requirements:

1. Employee tested positive for COVID-19 within 14 days of working at the place of employment under the direction of the employer.
2. Employee was working on or after March 19, 2020
3. The employee was not working from home during this time period
4. Employee must have a positive diagnosis from a licensed California physician.

Compensability determination must be done in 30 days instead of the usual 90 days.

If the claim is accepted and is qualified for temporary disability benefits, the employee must first exhaust the 80 hours of emergency paid sick leave.

The employee will also be entitled to all other workers' compensation benefits such as medical treatment which may include hospital stay, physician visits, pharmacy and diagnostics.

Should you have an employee test positive and they feel they contracted the virus from the work place, you must provide them with a DWC 1 Claim Form. Once completed you will need to complete the Employer's Report of Injury (Form 5020) and submit the paperwork to the workers' compensation department.

Since we have only 30 days to complete our investigation, it is imperative these claims are reported to the workers' compensation department immediately.

Should you have any questions or need additional information, please give us a call.

Should you like to read the full version of the Governor's Executive Order you can obtain a copy at the link below:

<https://www.gov.ca.gov/wp-content/uploads/2020/05/5.6.20-EO-N-62-20-text.pdf>