

COVID 19 & Workers' Comp

A JPIA Hot Java and Hot Topics Webinar



Workers' Compensation & COVID-19

- **Past:** Gov. Newsom's Executive Order, Signed on *May 6, 2020*
 - Applies for 60 days from May 6, 2020-July 5, 2020
 - Retroactive to COVID-19 claims filed on or after March 19, 2020
- Order is a rebuttable presumption if:
 - Employee tested positive within 14 days of working
 - Employee has a positive diagnosis from a physician
 - Employee was working on or after March 19, 2020
 - Employee did not work from home
- JPIA has 30 days to complete an investigation



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- **Present:** SB-1159 COVID-19 Presumption Bill
 - As of *Aug. 11*, bill is pending in State Assembly Ins Committee
 - The Bill will add section 3212.86 to the presumption section of the Labor code
 - Extends the Gov. Newsom's Order through January 2024
- New Labor Code 3212.86 is a rebuttable presumption
- Keeps the investigation period to 30 days instead of 90

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What if's: COVID-19 Claims are handled as any other claim

1. If employee tests positive, do they believe it is work related?
2. If no, follow CDC's guidelines
3. If yes, start the workers' compensation paperwork
 1. Provide employee with the DWC1 Claim form
 2. When completed and returned, complete 5020 form
 3. Submit all paperwork to the JPIA
 4. JPIA will start the investigation



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- Accepted claim: COVID-19 Claim is determine compensable
- *What now:* Employee will be owed temporary disability benefits
 - Benefits start after they exhaust the 80 hrs of COVID sick leave
 - Additional benefits must be certified by a physician
 - All medical expenses are covered 100%
- Permanent damage
 - LC 3212.86 allows for apportionment if there is permanent disability under the labor code.