



## Local 5058 JSUMC

### Workers' Compensation Resource for Members

Many healthcare workers have fallen ill over the last year. If you were diagnosed with COVID-19 and took time off to recover, please follow the steps below when filing for Workers Compensation. If you need advice beyond your contract or employer policies, please speak to a Workers' Compensation attorney please check out the list on the HPAE website at <https://www.hpae.org/issues/health-and-safety/workers-compensation/>

In the early stages of the COVID-19 pandemic, healthcare workers who were exposed, infected and sickened by the virus faced an additional worry: whether they would qualify for workers' compensation benefits. Our state legislators and the governor have taken this concern seriously and risen to the challenge with the passage of a new law.

This new law shifts the "burden of proof" from the employee to the employer in workers' compensation claims for essential workers who interact with the general public and contract COVID-19 during the declared state of emergency. The "presumption" of infection at the workplace is rebuttable by the employer or the insurance company if evidence exists that the worker contracted the virus outside the course of their employment. But ultimately the "burden of proof" would be on the employer.

As a Union, we are enforcing the collective bargaining agreements and fighting for laws that protect health care workers and the public.

- A workplace exposure of Covid-19 must be diagnosed with a positive test result to be considered for a workers' compensation claim. If you are ill, but your test result was negative, we strongly encourage you to get a second test to be as certain as possible of a Covid-19 positive or negative result.
- The law is retroactive to March 9, 2020. However, you have an obligation to notify your employer within 6 months of the illness or injury. While the notification can be over the phone, we recommend that you put everything in writing.

### Procedures of filing for Workers Comp following a COVID-19 Diagnosis

- Fill out an accident report.
- Keep copy for your records
- Send an email to HR and cc: your supervisor.
- Ask for the worker's comp carrier for your employer.
- Contact workers' compensation carrier to see if incident was reported.
- If reported, obtain claim number and inquire about medical and temporary disability benefits.
- If not reported, contact HR and find out why incident was not reported.
- If still not reported, see if you can report the incident directly with the workers' compensation carrier.

Contact the Local Union at [Local5058@HPAE.org](mailto:Local5058@HPAE.org)