

# Hamond Safety Management Your Workers' Compensation Professionals

## Coronavirus (COVID-19)

### Would workers' compensation insurance cover exposure claims for NYSPHCC employees?

No, not at this time.

Specifically, for COVID-19, the nature of the work will determine whether not a claim will be compensable via workers' compensation insurance. Nurses, for example, work with sick people as part of their normal job duties. If the nurse were to contract COVID-19 as a result of working with someone sick from COVID-19 then they could file for workers' compensation.

Professionals in the plumbing, heating and cooling trades do not work with sick people as part of their normal duties so they would not be able to file a workers' compensation claim due to COVID-19. This is due to it being impossible to determine where the exposure came from. Carriers of COVID-19 may not show symptoms between 2 and 14 days, they are infectious from the time of exposure, and they may not ever show symptoms. It is difficult, if not impossible, to determine where the exposure originated from.

Note, some states have directed the workers compensation carriers operating in that state to be more lenient regarding what would be considered a workers' compensation claim. At the time of writing, no executive order regarding this has been issued in New York.

If you have questions regarding whether or not a COVID-19 exposure would be compensable, contact **Hamond Safety Management**. We prepared a list of frequently asked questions that we received below.

#### **FAQ for NYSPHCC companies:**

##### **Are any COVID-19 claims compensable through Workers Compensation insurance?**

Not currently for employees working in construction/contracting. If the nature of work is working with sick people, like a nurse, then disease exposure claims may be compensable. All other workers that were taken out of work due to COVID-19 related sickness would be able to file a claim with your disability carrier.

**My employee has tested positive for COVID-19; should I file a Workers' Compensation claim?**

No. The employee should be referred to your disability carrier.

The employee should file a DB-450 claim (<http://www.wcb.ny.gov/content/main/forms/db450.pdf>)

**An employee caught COVID-19 from their coworker – is that a Workers' Compensation claim?**

No. It is impossible to determine whether the exposure was from work or somewhere else. Refer the employer to the disability carrier.

The employee should file a DB-450 claim (<http://www.wcb.ny.gov/content/main/forms/db450.pdf>)

**An employee was placed into quarantine; what should I do?**

Refer the employee to the disability office or refer them to file for a paid family leave for themselves. You can find more information here: <https://coronavirus.health.ny.gov/travel-large-gatherings-and-quarantines#quarantines>

The employee could file a DB-450 claim (<http://www.wcb.ny.gov/content/main/forms/db450.pdf>)

Or – the employee could file for paid family leave for themselves due to self-quarantine <http://docs.paidfamilyleave.ny.gov/content/main/forms/PFLDocs/scovid19.pdf>).

**An employee is being laid off due to a work stoppage or a shortage of work due to COVID-19; what should I do?**

Refer the employee to the unemployment office. Instructions on filing an unemployment insurance claim can be found here: [https://labor.ny.gov/ui/how\\_to\\_file\\_claim.shtm](https://labor.ny.gov/ui/how_to_file_claim.shtm)).

**What should I do if I think I have COVID-19?**

Contact your primary care physician. Do not go directly to the hospital. The CDC recommends a 15 day isolation to prevent the further spread of COVID-19.

If you are concerned that you have been infected by COVID-19, please contact the Novel Coronavirus Hotline (1-888-364-3065).