



PEF OSH FACTSHEET

Workers Compensation and COVID-19 What You Need to Know



The Coronavirus has already infected hundreds of thousands of New Yorkers. Essential PEF members still going into the workplace have an increased risk of exposure. Workers who are determined to have a workplace exposure to Coronavirus, and develop the COVID-19 illness may receive wage replacement benefits and medical coverage should they become sick. There are also survivor benefits under the worker's compensation law and the PEF/NYS contract should that workplace exposure lead to death. You do not need to have previously filed a workers compensation claim to file a death benefit claim.

It is vitally important that workers document their exposures as they happen, even before they file a workers compensation claim. Under the current workers compensation system, Healthcare workers will likely have an easier time establishing that their illness was due to a specific workplace exposure. Other workers, however, may have a more difficult time pinpointing the source of their exposure. To complicate matters more, OSHA just released a guidance document that changed how workplace exposures are reported by employers – that in most cases limits COVID exposure reporting requirements to healthcare, corrections, and emergency response (e.g., emergency medical, firefighting, and law enforcement services). We believe this will lead to controverting (denial) of exposure claims by workers outside those sectors.

We are actively working to change that. PEF has joined with the AFL-CIO and other worker advocate groups to fight for worker's compensation benefits, and broaden the coverage for occupational exposures to COVID-19 so workers are fairly compensated for putting their health at risk on the job.

In the meantime, there are things you can do to document your exposure and apply for benefits. If you have an exposure and are quarantined you will want to file for workers compensation after the 14 day Quarantine period. Workers should fill out the exposure forms at the time they are exposed, even if they don't file a worker's compensation claim at that point. Even if a worker passes away before the end of the 14 day period, or filing a workers compensation claim, the family in that case could use the exposure form as proof of exposure.

COVID-19 claims may be complicated, and you may wish to contact a Workers Compensation attorney to help you with your claim. You do not have to pay these attorneys up front.

STEPS TO TAKE FOR COVID-19 EXPOSURES AND ILLNESS

Use the PEF factsheet "Steps to Take for a Workers Compensation Claim" and follow those instructions. For COVID-19 cases you should take these additional steps:

1. **Use the PEF Exposure Report Form and keep good notes** – the more information you have the better. Document if you believe you had a workplace exposure. Provide a summary of what led to the exposure, what your job duties were at the time, if the person(s) you were exposed to had any symptoms, and other details. You may use the PEF form included with this factsheet and keep a copy. You may trace multiple exposures on the same form.

If you can't trace your illness to a specific exposure, but you routinely deal with the public for your job, then it is important to document: how many hours a day you work and days per week; the number of people you come into contact with and the number of those who are showing symptoms and/or not wearing masks; and how close contact you have with them.

Also record if your job has been deemed "essential," and to try to eliminate any other sources

of infection. For example, document if you did not go anywhere except work and home, and that no one in your household was ill before you were.

2. **Save any correspondence** and record the dates, times and who you spoke with, especially if you were contacted for an exposure trace by the Health Department and your employer.
3. **File an incident report** if you have a workplace exposure, using your agency's incident reporting forms if possible, or send an email to your supervisor.
4. **Report to your supervisor if become ill from a workplace exposure to COVID-19.** Do so within 30 days of the onset of illness. You should also contact the Accident Reporting System (see "Steps to Take" factsheet).
5. **Contact your medical provider.** Have them provide you with medical documentation diagnosing your illness as COVID-19 and that it is related to your work.
6. **File a C-3 Employee Report of Workers' Compensation** - you may also file it online at www.WCB.ny.gov/content/main/forms/c3.pdf
7. **Consult with a Workers Compensation Attorney.** You may look for one in your area using the NYS Injured Workers Bar Association link below.
8. **Keep in touch** with your Council Leader, Steward and Regional Coordinator. We will want to know how you are doing, and can provide additional information and support. If you don't know who that is, call the main PEF number at 800-342-4306 or look on the PEF website for contact information at www.pef.org

For More Information on Coronavirus and Workers Compensation:

NYS Public Employees Federation

www.pef.org/covid

NYS Workers Compensation Board

<http://www.wcb.ny.gov/content/main/TheBoard/COVID-19-FAQ.jsp>

NYS Injured Workers Bar Association

<https://www.injuredworkersbar.org/>

NYS Workers Compensation Alliance

<https://www.nyworkerscompensationalliance.org/>

CDC:

<https://www.cdc.gov/coronavirus/2019-ncov/index.html>

NYS Department of Health

<https://coronavirus.health.ny.gov/home>

AFL-CIO

<https://aflcio.org/covid-19>

AFT

<https://www.aft.org/coronavirus>

Please contact the PEF Health and Safety Department with any question at HealthAndSafety@pef.org or 800-342-4306 Ext 254

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