



# On The Alert!

**Date:** May 8, 2020  
**Attention:** ASCIP Members  
**Applicability:** K-12, Charter Schools, & Community College Districts

## **Temporary COVID-19 Presumption Under Workers' Compensation Executive Order N-62-20 Issued May 6, 2020**

Governor Gavin Newsom issued a temporary Executive Order creating a rebuttable presumption for compensability of COVID-19 under the California workers' compensation system.

The order states *"any COVID-19-related illness of an employee shall be presumed to arise out of and in the course of the employment for purposes of awarding workers' compensation benefits if all of the following requirements are satisfied:*

- *The employee tested positive for or was diagnosed with COVID-19 within 14 days after a day that the employee performed labor or services at the employee's place of employment at the employer's direction;*
- *The day on which the employee performed labor or services at the employee's place of employment at the employer's direction was on or after March 19, 2020;*
- *The employee's place of employment was not the employee's home or residence; and*
- *The diagnosis was done by a physician who holds a physician and surgeon license issued by the California Medical Board and that diagnosis is confirmed by further testing within 30 days of the date of the diagnosis."*

This presumption shall only apply to dates of injury occurring through 60 days following the date of this Order (May 6, 2020).

This presumption is rebuttable, which means it can be disputed with evidence to the contrary.

The investigation window of 90 days is reduced to 30 days for COVID-19-related illness claims.

The waiting period for temporary disability benefits has been eliminated.

This is a summary of some of the notable provisions from the Executive Order. You are encouraged to read the Executive Order in its entirety as it includes further details regarding workers' compensation benefits and eligibility requirements.

Link to Executive Order N-62-20:

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

**Please contact Nidra Kumaradas ([kumaradas@ascip.org](mailto:kumaradas@ascip.org)) or Shawn Potter ([potter@ascip.org](mailto:potter@ascip.org)) to discuss further.**