

FAQs – Workers’ Compensation and COVID-19

1. If an employee reports to a supervisor an alleged work-related exposure to COVID-19 or tests positive, am I obligated to offer the Workers’ Compensation Claim Form (DWC-1)?

An allegation only of work-related exposure to COVID-19 is insufficient evidence to establish compensability.

- If an employee requests a claim form, then the supervisor is required to provide the DWC-1 form to the employee. If the employee completes and returns the DWC-1 form, then a worker’s compensation claim is filed.
- If an employee calls in sick, or leaves work alleging illness, then a claim form should not be provided automatically.
- Cal-OSHA requires an investigation when an employee has contracted COVID-19, to determine whether the condition was caused by work. Such an investigation may reveal knowledge of a work-related condition sufficient to trigger the obligation to provide a claim form.

Each situation is investigated and handled on its own merits. Should you have questions, please contact ASCIP:

Nidra Kumaradas: (562) 916-6645

Shawn Potter: (562) 916-6707

2. If an employee alleges he/she has COVID-19 but does not provide a doctor’s note, should he/she be required to provide one to prove he/she is cleared to return to work?

Anyone with a fever or COVID-19 symptoms, or anyone living with a person exhibiting COVID-19 symptoms, should not enter the workplace until after being fever-free for a period of time as defined by CDC and/or local health department guidance. If the employee has, or employee’s family members have, been diagnosed with COVID-19, the employee should be referred to his/her primary care physician for direction, which may involve a self-quarantine for a specified period of time. Please refer to your employee handbook or bargaining unit agreements pertaining to doctor’s note requirements. In general, a doctor’s note is required after 3-5 days of absence. If you feel the language is unclear, please feel free to contact the HR Hotline for guidance at (213) 629-7698.

Should you wish to discuss ASCIP’s human resources services, please contact a risk services consultant at (562) 404-8029.

3. Will Company Nurse refer employees alleging COVID-19 illness or work-related exposure to one of our frontline medical clinics?

Generally speaking, no. While many occupational medical clinics now have testing resources, are not necessarily best equipped to treat COVID-19. Company Nurse has confirmed that employees will be referred to their primary care physician or local health department. Individuals with COVID-19 symptoms (fever, cough, etc.) should call their primary care physician for telephonic triage and direction to minimize exposure.

FAQs – Workers’ Compensation and COVID-19

4. What are Cal/OSHA COVID-19 reportable and recordable?

Please click on the link below for requirements by Cal/OSHA

<https://www.dir.ca.gov/dosh/coronavirus/>

Please contact your designated risk services consultant at (562) 404-8029 for further guidance with respect to Cal/OSHA and COVID-19.

5. Are our frontline medical clinics treating injured employees during this time?

Medical clinics have largely returned to normal operation after a period of time when telemedicine became common early in the pandemic. Many continue to screen patients at the door for possible infectious illness and may reduce the waiting room capacity to protect both patients and staff. Additionally, telemedicine remains an option to continue providing care while minimizing person-to-person contact.

6. If I am working remotely without the same computer systems and/or information access, how do I file a new worker’s compensation claim?

Nothing has changed with respect to reporting new claims. Employees should be directed to call Company Nurse. If treatment is recommended beyond self-care, Company Nurse will transmit a partially completed Employer’s Report of Occupational Injury or Illness (DWC Form 5020). If you have electronic access to the DWC 5020, proceed as usual. If you do not have access, please contact your claims adjuster. Your claims adjuster will open a new claim based on Company Nurse’s report and will contact you for additional information. Should you experience issues with reporting claims, please contact your third party administrator:

Sedgwick: Sean Fox, (714) 470-3705 sean.fox@sedgwick.com

Athens: Emily Hart, (925) 826-1112 ehart@athensadmin.com

7. An injured employee is on modified duty, which is no longer available due to school closure. Will the employee receive temporary total disability (TTD) benefits or industrial accident illness leave?

Each situation is handled on a case-by-case basis and should be discussed with your claims adjuster.

NOTE: Please keep in mind this is a developing area. As of the writing of these FAQs, current directives from state and medical authorities continue to be that employees who report an exposure/positive test remain at home and self-quarantine.