



FAQs Regarding Workers' Compensation & the Coronavirus Disease (COVID -19)

(Updated April 9, 2020)

1. If a worker is diagnosed with the coronavirus, can they file for Workers' Compensation benefits?
 - Yes, workers can file for Workers' Compensation benefits if they have contracted the coronavirus from an accident or occupational disease that arises out of the course of their employment.

2. Can I file a claim if I have been exposed to the coronavirus at work but have not been diagnosed?
 - Yes, you can file a claim without a diagnosis, but you still must provide information regarding the details of the exposure at work.

3. If a worker at a hospital was in contact with coronavirus patients and then tests positive for the coronavirus, would this be considered an occupational disease?
 - Yes, if it arises out of the course of their specific job duties. If the hospital worker was responsible for direct patient care and develops the coronavirus, but the exposure happened over the course of time or they aren't sure of the exact date they would have a claim for an occupational disease. In a claim for an *occupational disease*, you have two years from the day you knew or should have known the condition was work related to notify your employer.

4. If a telecommunications equipment installer contracts the coronavirus as a result of performing work, is this considered a workplace accident?
 - Yes, generally any worker exposed to the coronavirus in the course of their employment has a claim for an *accident*. The worker has 30 days from the exposure to notify their employer.

5. If a worker states they have tested positive for the coronavirus, is this sufficient to file for Workers' Compensation?
 - No, you must be able to prove that you contracted coronavirus as a result of your work activities. The worker should keep a record of the details of the exposure, including the date and place of the exposure. A medical report giving a diagnosis and history of the exposure is also required.

6. If a worker suspects they have contracted the coronavirus, what should they do in order to file for Workers' Compensation?
 - A claim must be filed with the NYS Workers' Compensation Board within two years of the date of accident or in the case of an occupational disease, two years from the day they knew or should have known the condition was work related.

7. Under the Workers' Compensation law, what kind of benefits are workers who are diagnosed with the coronavirus entitled to?
 - Medical benefits and a wage replacement benefit that is up to 2/3 of your average weekly wage. However, the appropriate statutory maximums will apply with regard to the wage replacement benefit.

8. What do I do if I am not sure how to file for Workers' Compensation or I have questions?
- Contact FOA Law at 1-800-522-9001 or visit our website at: www.foalaw.com.

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