

Governor Issues an Executive Order for Presumption in COVID-19 cases

On Friday, July 24, 2020, Governor Lamont issued [Executive order No. 7JJJ](#) which provides for 2 important provisions related to COVID-19:

Rebuttable Presumption of Eligibility for Workers' Compensation

What does this mean?

Normally the employee has the burden of proving an injury or disease arose out of an in the course of employment (i.e. was caused by work or an exposure at work) by a fair preponderance of the evidence in a workers' compensation claim. With this Executive order, however, there is now a "rebuttable presumption" for certain workers that a COVID-19 claim is work related. This means that the COVID-19 contraction is presumed to be work related and the employer must prove that it is not.

Who Qualifies?

Depending on the date of injury, this presumption applies to all employees and not just essential employees. "Date of injury" is defined as "the date between March 10, 2020 and May 20, 2020 that the employee was first unable to work or died due to a diagnosis of COVID-19 or to symptoms that were diagnosed as COVID-19, whichever occurred first".

Are There Any Offsets if the Worker Has Already Been Paid from Another Source?

Yes. According to the Executive Order, for temporary total and temporary partial disability benefits, there is an offset equivalent to the amount of any sick leave paid under the Emergency Paid Sick Leave Act of the Families First Coronavirus Response Act (FFCRA), which went into effect on April 1, 2020, or through another paid sick leave program available in response to the COVID-19 pandemic (there is no offset for regular paid sick leave).

What do I need to do as an Employer?

If an employee notifies you that they would like to file a workers' compensation claim for COVID-19, go to our on-line claims reporting system at www.wctrust.com or send via email to 1streport@wctrust.com or fax to 203-294-0082. Unless it is an incident that requires immediate medical triage we ask you to refrain from using Trust TeleCare to report this type of claim. Any questions, please call 1-800-506-2655.

Prohibited discharge, discrimination, discipline and deliberate misinformation or dissuasion

The Executive Order also expands the workers' compensation retaliatory discrimination statute (C.G.S. §31-290a) to include discrimination based on an employer deliberately misinforming or otherwise deliberately dissuading an employee from filing a claim for workers' compensation benefits. Thus, employers need to be very careful in all communications with an employee regarding whether the employee should file a workers' compensation COVID-19 claim.