

coronavirus

Workers' Compensation and COVID-19

You may be covered by Workers' Compensation if you become ill after exposure to COVID-19 at work. It is important to document your exposure.

Workers' Compensation provides coverage for injury or illness caused by a specific exposure or event at work or that occurs because of the type of work you do. If you are diagnosed with COVID-19 and believe it is due to either a specific exposure at work or because the nature of your job exposes you to people who are infected with the virus, UUP recommends that you file a claim for workers' compensation benefits.

If you know that you have had a specific exposure, or exposures, to a COVID-19-infected individual or individuals at work, it is important that you document all of the details of the exposure(s). Those details should include answers to questions such as: who you were exposed to; where the exposure took place; what symptoms they had or why you believe they were contagious; when it happened; how long the exposure was; etc. You can use the [UUP COVID-19 Exposure Tracking Form](#) to help you keep track of that information.

If you can't trace your illness to a specific exposure, but you routinely deal with patients or come into direct contact with significant numbers of people in your job, it is important for you to document how many and how long: how many hours a day and days per week you work; how many people you come into contact with; how many of those people are or were showing symptoms; how many of those people were not wearing masks; and how long this has been going on.

It's also important for you to record if your job has been deemed "essential" by your employer, and to try to eliminate any other sources of infection—for example, if you don't go anywhere except work and home (and nobody in your household was ill before you were).

Why file for Workers' Compensation benefits?

Workers' Compensation provides important protection for lost wages and medical treatment. If you are totally disabled, the weekly benefit rate is two-thirds of your weekly salary, currently capped at a maximum benefit rate of \$934.11 per week. If you become permanently disabled, then benefits may be payable to you for a long period of time. The law also provides for compensation of funeral expenses and death benefits for spouses and children.

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Workers' Compensation also covers all medical expenses related to the on-the-job injury. There are no deductibles or co-pays, and even out-of-pocket expenses like travel to and from the doctor are reimbursable.

Once your Workers' Compensation case is established, it can be reopened for monetary benefits for 18 years from the date of the accident and for medical treatment for life. With COVID-19, where the future consequences are unknown and uncertain, this protection is especially important.

More information about filing Workers' Compensation claims and the claims process is at: <https://www.ny.gov/services/file-new-york-state-workers-compensation-claim>.

UUP does not represent members during the filing or review of Workers' Compensation claims.

What Should You Do If You Have a COVID-19 Exposure at Work?

To document your COVID-19 exposure and file a claim for COVID-19 illness, follow the steps that you would for any Workers' Compensation case:

1. Notify your campus in writing as soon as possible after a COVID-19 exposure to document the exposure even if you do not become ill. The Workers' Compensation Law provides that this notice should be provided to your employer within 30 days of exposure.
2. As a New York State employee, you should also CALL the Accident Reporting System (ARS) at 1-888-800-0029 and report your exposure.
3. If you test positive or become ill with COVID-19, file a C-3 form with the Workers' Compensation Board. Generally, a C-3 claim form must be filed with the NYS Workers Compensation Board within two years of the original date of exposure.
4. See a doctor and get a medical report that documents that your positive test or illness was probably due to a work-related exposure.
5. Consult an attorney experienced in handling Workers' Compensation cases.

Additional information regarding COVID-19-related Workers' Compensation claims, see the COVID-19 Workers' Compensation O&A posted on the NYS Workers' Compensation Board website at: <http://www.wcb.ny.gov/covid-19>