

# When to File a COVID-19 Workers' Compensation Claim

TASB Risk Management Fund members have asked if and when they should report COVID-19 related workers' compensation claims.

COVID-19 is considered an "ordinary disease of life" like the flu, colds, and other communicable illnesses and viruses. These are not usually covered by workers' compensation, even if the infection occurs at work.

However, employers are required to file when an employee reports a work-related illness or disease, regardless of whether they are deemed compensable. We recommend reporting COVID-19 related claims in the following circumstances.

**File a COVID-19 claim when an employee has a confirmed COVID-19 diagnosis *and* asserts that the disease was contracted at work.**

Although COVID-19 is usually not covered by workers' compensation, when we receive a claim, your adjuster will conduct a full investigation to determine if benefits apply.

For more information or with questions, please call the TASB Workers' Compensation claims team at 888.570.5844.

For further guidance on addressing COVID-19 in your district, visit the COVID-19 resources section on the TASB website. ([tasb.org/covid-19-resources](https://tasb.org/covid-19-resources))

## Common Questions

**Q:** My employee wants to file a workers' compensation claim due to COVID-19, but I don't think it's covered. What should I do?

**A:** Report the claim. Filing the First Report of Injury does not guarantee the claim will be covered. A licensed adjuster must investigate and determine compensability.

**Q:** Do the same workers' compensation laws apply to school police officers and other employees?

**A:** School police officers and other First Responders have special provisions within the workers' compensation law that provide them with enhanced coverage.

**Q:** If a suspected COVID-19 infection claim is filed, when will the employee and employer know if it is covered by workers' compensation?

**A:** TASB adjusters will make every effort to make a determination within 15 days of receipt of the claim. The adjuster will notify the employee if additional time is required to complete the investigation.

**Q:** Can the employer make an employee suspected of contracting COVID-19 get tested? If an employee tests positive, can the employer require a follow-up test before allowing the employee back to work?

**A:** Generally, yes, but this is subject to your HR policy, and you should consult your HR counsel.

**Q:** If an employee reports a COVID-19 infection and indicates it was work-related but elects not to seek treatment, should the employer report this to the Fund as a "record only" claim?

**A:** The Fund does not consider suspected COVID-19 infections as "record only." If reported to the Fund, these claims will be promptly assigned to an adjuster and thoroughly investigated.