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## Workers' Compensation and COVID-19

CTSI has been getting a lot of questions from our members about how to treat possible workplace exposure to COVID-19 and whether or not it is covered under the Worker's Compensation Act (WCA). In short, process an alleged claim of COVID-19 like any other work injury.

1. Complete an incident report with the date and time of the employee's notice within two business days.
2. Provide the employee with a designated provider list immediately or within seven business days.
3. Report the claim to CTSI as soon as possible.

Note, if you know that an employee may have been exposed to COVID-19 in the course of their job duties, it may be considered sufficient knowledge to legally obligate you as the employer to report the injury and/or refer the employee for medical care.

### When is a Claim Covered?

For a workers' compensation claim for COVID-19 to be covered under the WCA, the employee must prove that the infection arose out of and in the course of performing job-related duties. The employee will need to trace contracting the virus to a particular time, place, and cause. As community spread of the infection becomes widespread in Colorado, this will become increasingly difficult. Employers may ask employees to work from home, if possible, to reduce the risk of workplace exposure.

Exposure to COVID-19 does not meet the threshold for a workers' compensation claim until an investigation is completed, and the employee has been diagnosed with a confirmed case of COVID-19 contracted while in the course of job-related duties. An employee placed on a 14-day quarantine would not be covered under workers' compensation unless they receive a confirmed diagnosis of COVID-19 that is an accepted claim. If a claim is denied, CTSI will not provide workers' compensation benefits, including

lost time benefits. Please note, CTSI may deny a claim and still provide initial medical treatment.

### What about First Responders?

If a first responder (e.g., EMS personnel, law enforcement, etc.), believes that they have been exposed to COVID-19 in the course of their duties, they should report the exposure and circumstances to their employer. If the employer requires employees to follow the Centers for Disease Control and Prevention guidelines, and the employee does not comply, then benefits may be reduced by 50% for violation of safety rules.

### What about Work-related Travel?

In general, if an employee is injured, including contracting COVID-19, while traveling for work, that injury may be covered by Workers' compensation. This could include injuries going to and from hotels, restaurants, places of business, etc. while in travel status; however, it may be challenging to prove that the virus was contracted during travel. The employee would need to trace contracting the virus to a particular time, place, and cause to be deemed compensable while traveling. The same standard applies to non-travel exposure as well.

### What This Means for Counties

CTSI is monitoring this ongoing situation and is dedicated to providing our members with the best information available regarding claims. Employees are not automatically covered under the Workers' Compensation Act unless they have a confirmed diagnosis of COVID-19 that can be traced to workplace exposure. If you believe that an employee may have been exposed to the virus on the job, please follow the standard procedures and promptly report the claim to the claims mailbox: [wclaims@ctsi.org](mailto:wclaims@ctsi.org). For additional questions, contact CTSI at 303 861 0507. 