

Website Notices 4/2/20

The agency has received numerous questions regarding worker's compensation coverage for employees who contract Covid-19, particularly those on the front lines. In Indiana, workers' compensation benefits are paid by employers, not the State. Under our laws, the State cannot tell employers they must automatically cover employees who contract Covid-19. Whether an individual contracts the virus in the course and scope of their employment is a determination that must initially be made by the employer. This decision is routinely made at the time the employee notifies the employer of the injury, or in this case, contraction of the virus.

It is well accepted that first responders, as defined in [P.L.113-2020](#), and health care providers, as defined at [IC 16-18-2-163](#), as well as others directly involved in the provision of services to those exhibiting symptoms of Covid-19 are more susceptible to contraction of the disease as a direct result of their work duties. Others whose jobs necessarily entail close interaction with many people in a public setting are also more vulnerable to exposure and possible infection than those working remotely or in a limited office setting.

Employers are urged to consider making a prospective decision as to whether any vulnerable segment of their workforce will be presumptively covered under the provisions of the Indiana Worker's Compensation Act should they:

- a.) Be quarantined at the direction of the employer due to a confirmed or suspected Covid-19 exposure,
- b.) Receive a Covid-19 diagnosis from a physician without a test,
- c.) Receive a presumptive positive Covid-19 test, or
- d.) Receive a laboratory-confirmed Covid-19 diagnosis.

Employers are encouraged to relay such decisions to their workforce and workers' compensation insurance carrier/third party administrator as soon as possible in order to allay fears and expedite the claims process. Plans of action upon any occurrence listed above should also be communicated.

Questions may be directed to lhamilton@wcb.in.gov