

Subject Workers' compensation for school employees

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Overview

This bill creates a workers' compensation presumption for eligible school employees who contract COVID-19. The presumption would apply retroactively from July 15, 2020, until July 30, 2021.

Summary

Section **Description**

- 1 Workers' compensation for certain school employees who contract COVID-19.**
- (a) Creates a rebuttable presumption that an eligible school employee who contracts COVID-19 has an occupational disease contracted from their employment activities for the purpose of obtaining workers' compensation benefits.
- (b) Defines an "employee" to include a teacher, administrator, instructional support staff person, paraprofessional, bus driver, custodian, school nutrition services provider, or other individual providing services to students as an employee or contracted employee.
- (c) Requires a positive laboratory test confirming COVID-19 or written documentation from a medical professional diagnosing COVID-19 based on the school employee's symptoms to establish the presumption. The positive COVID-19 test or written medical documentation must be provided to the school employee's employer or insurer.
- (d) Provides that once an eligible school employee satisfies the presumption requirements, an employer can only disprove the presumption by showing that the school employee's employment was not a direct cause of contracting COVID-19. An employer who denies liability must meet requirements under the workers' compensation statute.
- (e) Specifies the date of injury for the purpose of claiming workers' compensation benefits, and any applicable waiting period, is the first day that the eligible school

Section **Description**

employee was unable to work due to a COVID-19 diagnosis or due to symptoms that were later diagnosed as COVID-19, whichever is earlier.

(f) Provides that a school employee who contracts COVID-19 but who does not qualify for the presumption, may still be able to claim an “occupational disease” or a “personal injury” under the workers’ compensation statutes to qualify for workers’ compensation benefits.

(g) Requires the commissioner of labor and industry to provide a detailed report on COVID-19 workers’ compensation claims under this section to the Workers’ Compensation Advisory Council and to the applicable legislative committees and an updated report by August 15, 2021.

Effective date. The bill would apply to an eligible school employee who contracted COVID-19 on or after July 15, 2020, and would expire July 30, 2021.



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