COVID-19 Workers Comp guidance

We have received many questions regarding COVID-19 and Workers' Compensation. We want to share information that may be helpful during this unprecedented time.

For All employees:
Any time an employee believes that they have sustained a work-related injury or illness, we encourage them to file a claim with our Workers’ Compensation providers (Local Government Employees: VACORP, School Division Employees: UnitedHeartland). The same is true for an employee who is diagnosed with coronavirus/COVID-19 and believes that disease was acquired through a workplace exposure. The processing of Workers’ Compensation claims will proceed as usual, and the providers will investigate claims to determine whether the claim is considered compensable. If the claims adjuster has questions, they will let us know. Each claim is evaluated based on the facts and circumstances surrounding the incident.

There are two types of Workers’ Compensation benefits – wage replacement and medical coverage. It is important to note that the first seven days missed from work following the day of injury/illness are covered by an individual employee’s accrued leave (per the Virginia Workers’ Compensation Act). Wage replacement benefits begin on the eighth day following the date of injury/illness if the claim is considered compensable.

For Public Safety employees:
For employees working in public safety roles, there are additional considerations for presumptive illnesses - the following was shared from VACORP:

“The Virginia Workers’ Compensation Act provides qualified first responders, such as law enforcement officials and firefighters, with a compensability presumption for certain infectious diseases which are currently limited to hepatitis, meningococcal meningitis, tuberculosis or HIV, and would not cover COVID-19 claims.” [note: as currently written]
“The Virginia Workers’ Compensation Act also provides firefighters and Department of Emergency Management hazardous materials officers with a compensability presumption for respiratory diseases that cause death or any health condition or impairment. The Commission has not yet addressed whether a qualified first responder would be entitled to the compensability presumption when the respiratory disease was caused by a virus. As you may know, presumption claims for workers’ compensation benefits are inherently fact specific, and any COVID-19 cases would be evaluated on a case-by-case basis.”

FAQs

Q: If an employee makes a claim should they see a Workers’ Compensation doctor?
A: Just because an employee makes a Workers’ Compensation claim they do not necessarily need to see a doctor... and especially not for COVID-19. Employees should follow guidance from the CDC and VDH on when to see a doctor. If an employee wants to see a doctor, they should call ahead because some offices are not prepared to take COVID-19 patients in person and/or do not have tests available.

Q: Will Workers’ Compensation cover/apply if someone trips and falls while working at home?
A: Most injuries sustained while working at home are not covered by workers’ compensation, since the employer does not have control over the employee’s home environment. However, there may be some situations where coverage would apply... so we always recommend erring on the side of filing a claim.

Please contact HR if you have questions:
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