

Can I receive workers' compensation benefits if I get COVID-19 while working as a nurse?

ANSWER: Yes. Depending on the facts, you may receive workers' compensation benefits in New York State due to contracting COVID-19 while working. Employers must carry workers' compensation insurance to pay benefits to workers who are made ill or injured due to their employment. This is known as a **work-related illness or injury**.

What benefits does workers' compensation provide?

ANSWER: The Worker's Compensation Law provides for:

- Payment of an injured worker's medical treatment for a work-related illness or injury.
- Wage replacement benefits if your illness prevents you from working. If you miss eight to 14 calendar days of work, you can receive lost wages for those days. If you lose more than 14 days of work, you may get lost wages starting from the first day you missed work. Otherwise, you do not receive payment for the first seven calendar days of lost time.
- Benefits to a worker's surviving dependents in the event of death.
- Reimbursement of funeral expenses up to \$12,500 in New York City, Nassau, Suffolk, Rockland, and Westchester counties, and up to \$10,500 in the other counties of New York.

How do I file a claim?

ANSWER: Filing a claim is easy and can be done online (which is the fastest method) or by submitting paper forms to the NYS Workers' Compensation Board by mail. Detailed steps explaining how to file a claim and forms are available on the **COVID-19 Workers' Compensation Q&A** factsheet, located on the Board's website at wcb.ny.gov/covid-19.

What happens once I file a claim?

ANSWER: Your claim will be reviewed by your employer's workers' compensation insurance carrier. If the insurance carrier accepts the claim, your COVID-19 claim will be payable (also known as compensable). **If the carrier disputes your COVID-19 claim, it does not necessarily mean your claim will not be paid;** it means a judge at the Board will decide whether the claim should be paid. The judge will review your medical report and any testimony, and consider factors such as the prevalence of COVID-19 in your workplace.

What information is needed to show that my COVID-19 claim is work-related?

ANSWER: You can demonstrate the significantly elevated risk in your workplace by demonstrating the nature and extent of your work in an environment where exposure to COVID-19 was prevalent.

- **You should provide details about your job:** where you work, how often you work, and the type of job duties you perform, especially those involving contact with the public. You do not need to identify the person from whom you contracted COVID-19.
- **You must have a medical report** showing an injury, such as a positive COVID-19 test or a diagnosis, for your claim to move forward. Your authorized workers' compensation medical provider should at some point indicate in a medical report that, in his or her opinion, your work caused your illness.

Is help available?

ANSWER: Yes. You can call the NYS Workers' Compensation Board at **(800) 580-6665** if you're having difficulties or need information. Please let us know if you face resistance or obstacles to getting information about the claims process or are discouraged from filing a claim. We will help you. You can also write to AdvInjWkr@wcb.ny.gov. The Chair sent a **letter** to all insurance carriers, encouraging them to be helpful to workers, and to investigate and pay claims as quickly as possible.

Please note: The purpose of this document is to provide the public a general framework about viral exposure and contraction claims — it does not constitute legal advice or legal authority with respect to any individual potential claim for benefits under the Workers' Compensation Law. For legal advice, you should contact an attorney or Licensed Hearing Representative skilled in workers' compensation.