

The Newsom Executive Order outlines the following and each carrier will respond.

1. The window of applicability is March 19th to July 5th.
2. Applies to all workers outside the home who are working at direction of the employer. It does not include those who choose to go into the office.
3. A **rebuttable** presumption of compensability (*shifts the burden to employer to prove not work related*). This is different than a conclusive presumption that would not allow for the employer or insurer to rebut the allegations.
4. There is no limit on the evidence that may be used to rebut the allegation.
5. Requires a positive test or confirmed diagnosis –*Must have a confirmed positive test within 30 days of the initial test.*
6. Window to file claim is 15 days. The employer & insurer have a reduced period to deny the claim (30 days instead of 90). If a claim is not denied within the 30-day period, then it will be presumed compensable and can be rebutted by “evidence only discovered subsequent to the 30-day period.” 30 days start at the filing of the claim form.
7. It is unknown if the 30-day investigation period can apply retroactively if someone believes they had work-related COVID-19 infection.
8. Temporary Disability must be recertified every 15 days within the first 45 days, then every 45 days thereafter.
9. If death results with no family beneficiary determined, no benefits are payable to the State of California as would normally occur with work-related death.
10. Apportionment to permanent disability is allowed.
11. Only workers’ compensation benefits are paid. There are no reimbursements for PPE, lodging, or other expenses that are available under typical Work Comp claims. Work Comp benefits are limited to medical care, Temporary Disability, Permanent Disability, death benefits and vocational rehabilitation voucher
12. Temporary Disability only paid if FMLA COVID-19 payments are not available or are exhausted. The normal 3-day waiting period for Temporary Disability payments does not apply. **IMPORTANT: An employee cannot be asked to use their normal sick leave before Temporary Disability payments kick in.** Only the additional Federal Sick leave applies before Temporary Disability.
13. If there is no certification of disability by licensed doctor, no Temporary Disability is due to the employee.