

COVID-19 Claim Flowchart

Chart 1

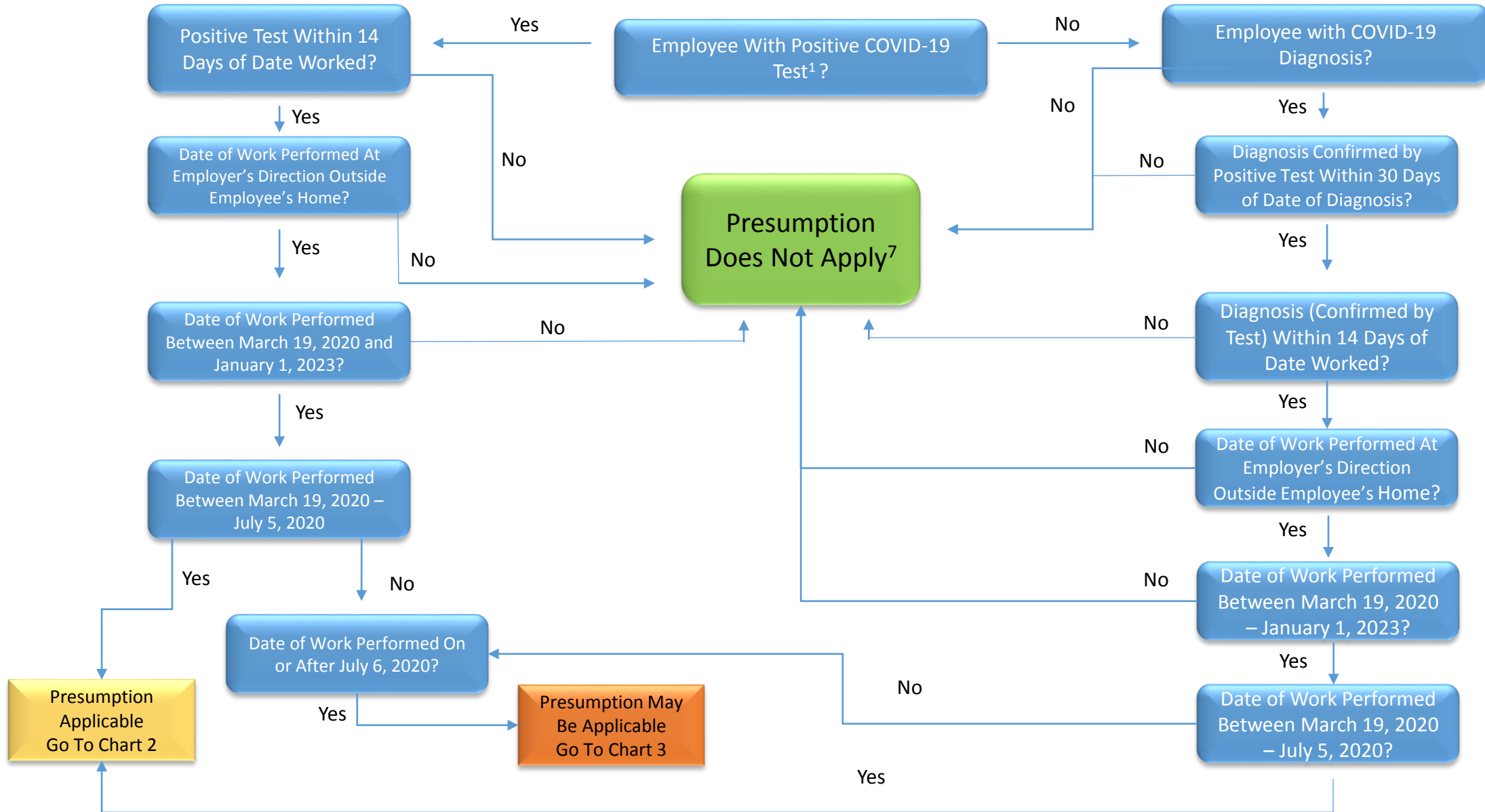


Chart 2 – Labor Code § 3212.86

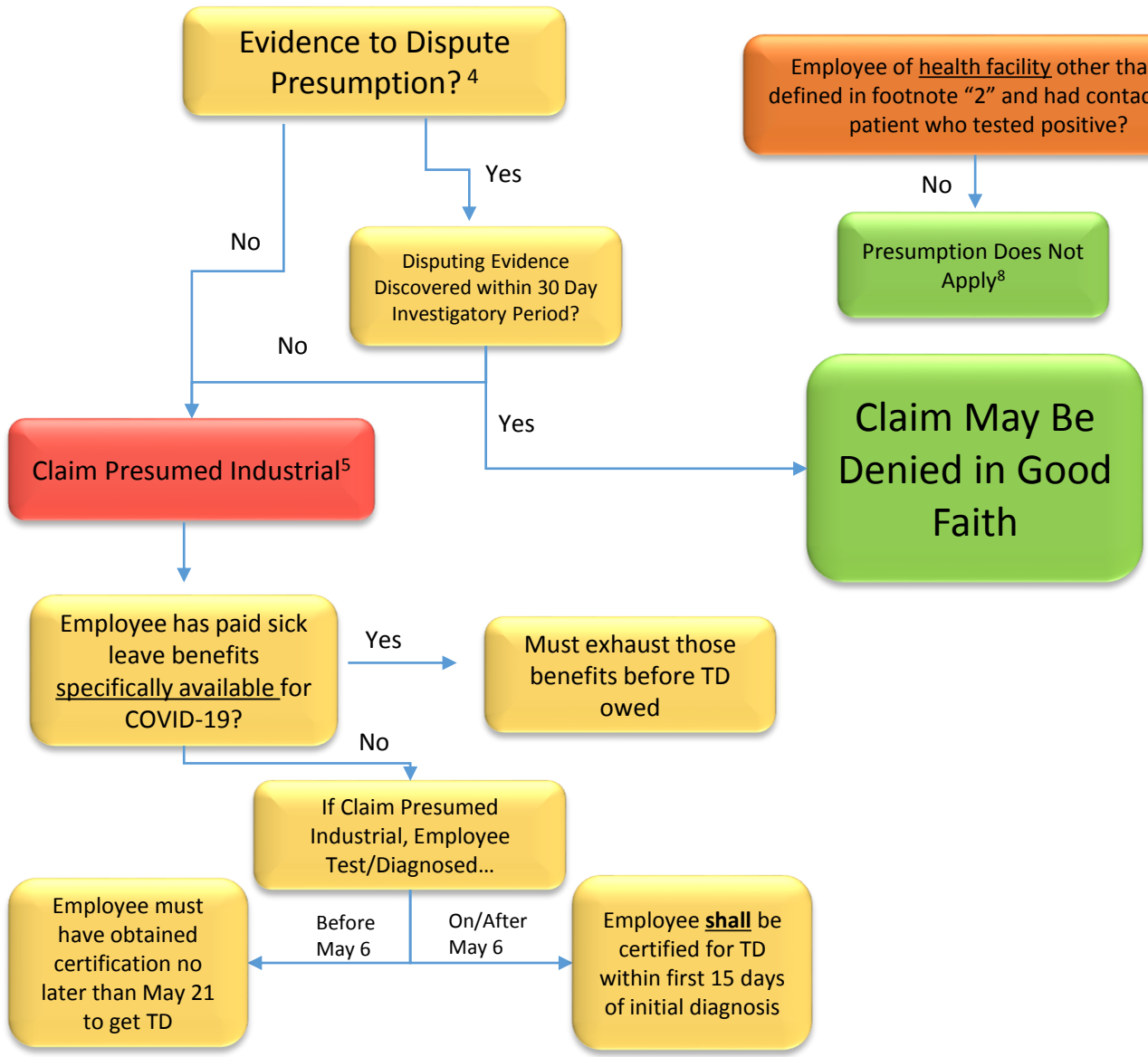


Chart 3 – Labor Code § 3212.87

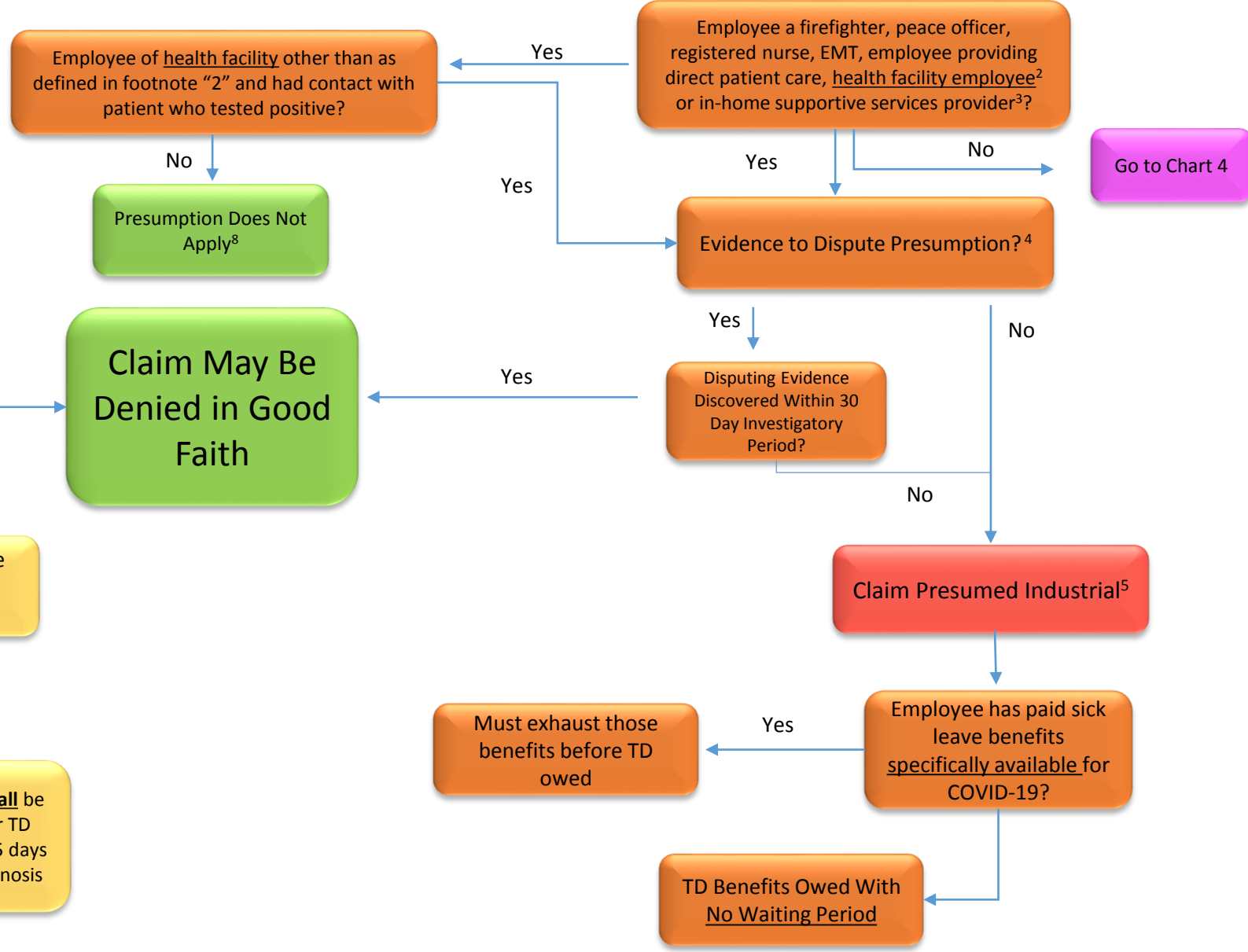
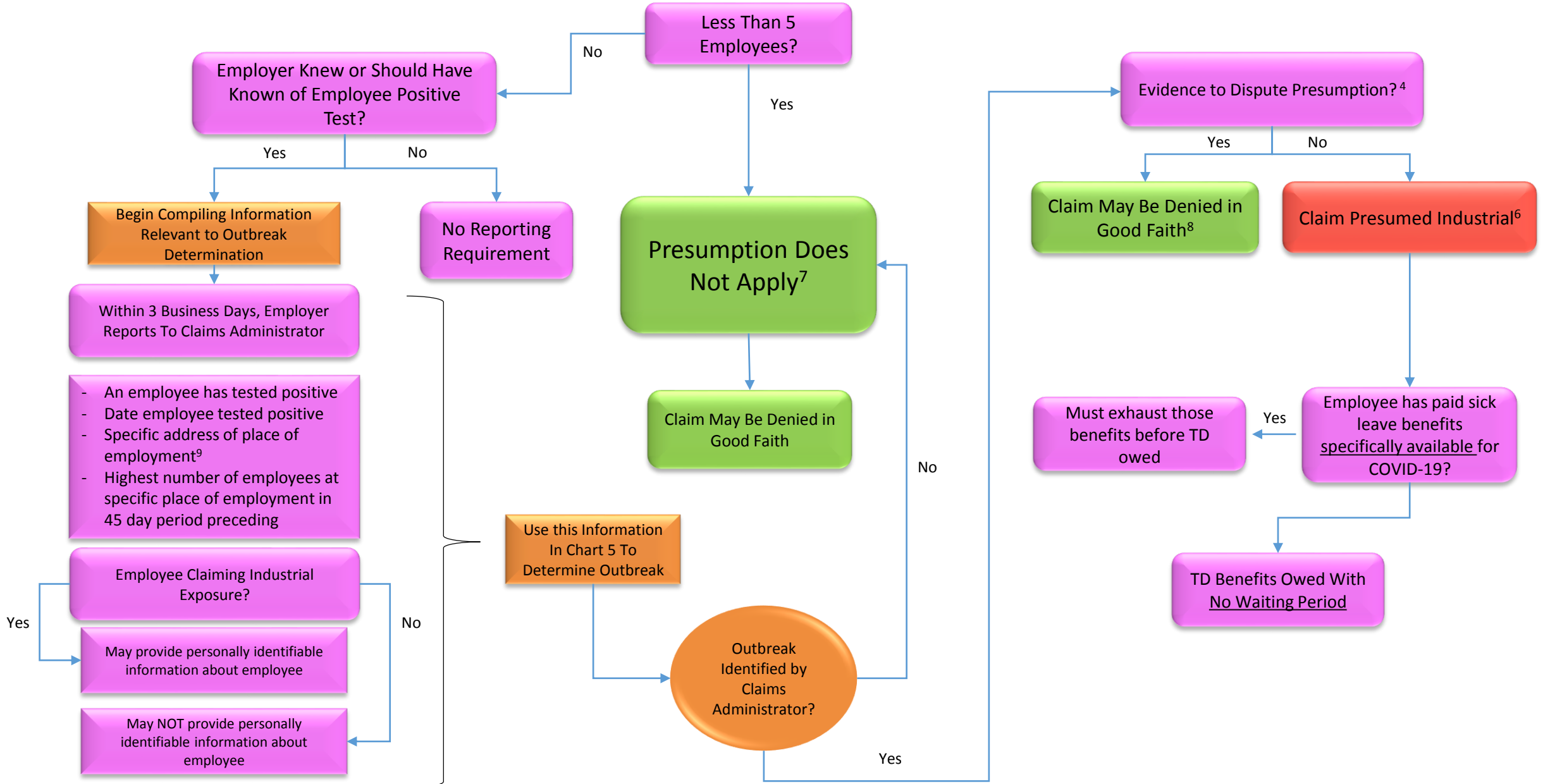
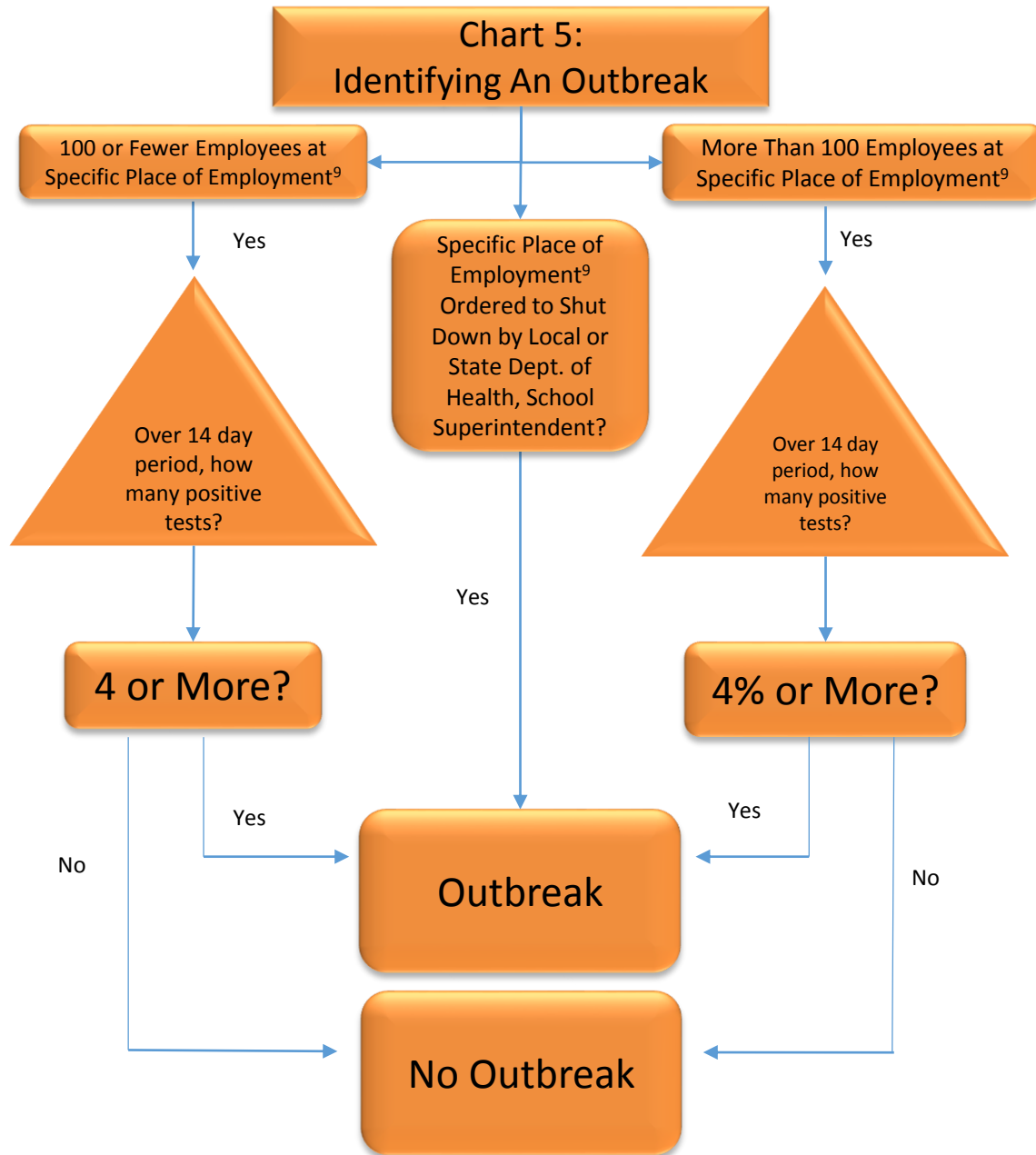


Chart 4 – Labor Code § 3212.88





1. Test → PCR (Polymerase Chain Reaction) approved by USFDA. Serologic testing permitted only for claims falling under LC §3212.86. May include any other viral culture test approved for emergency use by USFDA
2. Health Facility generally defined as one providing 24 hour care. For more specific definitions see Health and Safety Code Section 1250 (a), (b), (c), (m), (n)
3. In-home supportive services defined Under Article 7, Chapter 3 Part 3 Division 9, or 14132.95, 14132.952, 14132.956 of Welfare Institutions Code, and performed outside their own home or residence.
4. Evidence relevant to controverting presumption may include “evidence of measures in place to reduce potential transmission, and evidence of employee’s non-occupational risks of COVID-19 infection.”
5. If claim presumed industrial, surgical, medical treatment, disability indemnity, and death benefits. DIR waives right to collect any death benefit. If case presumed industrial, claim may only be rebutted by evidence discovered after initial 30 day investigatory period
6. If claim presumed industrial, benefits include full hospital, surgical, medical treatment, disability indemnity, and death benefits. DIR waives right to collect any death benefit. If case presumed industrial, claim may only be rebutted by evidence discovered after initial 45 day investigatory period.
7. While the presumption may not apply, the claim may still be industrial upon showing that employment placed applicant at increased risk for infection on preponderance of the evidence.
8. Labor Code Section 3212.87 states that in these specific cases where the presumption does not apply, the claim “shall be evaluated pursuant to Sections 3202.5 and 3600.”
9. Specific Place of Employment, as used throughout the statutes, means “the building, store, facility, or agricultural field where an employee performs work at the employer’s direction.” When performing the “outbreak” determination, each specific location the applicant worked must be considered, and if an outbreak exists at any of the places of employment, that location shall be considered the “specific place of employment