

COVID-19 SB 1159 MSKW FLOWCHART

WAS THE APPLICANT/EMPLOYEE A HEALTH CARE, POLICE OFFICER, FIRE FIGHTER AND/OR PROVIDER FOR HOME HEALTH IN HOME SUPPORT?

YES NO

WAS THERE A POSITIVE DIAGNOSIS BY PHYSICIAN WITHIN 14 DAYS OF LAST DAY WORK?

DOES THE EMPLOYER HAVE MORE THAN 5 EMPLOYEES?

YES

YES NO

The presumption of compensability is triggered so long as they test positive have a diagnosis within 14 days of the last date of work.

WAS THE EMPLOYEE REQUIRED TO GO TO PLACE OF EMPLOYMENT (DOES NOT INCLUDE EMPLOYEE RESIDENCE) AT EMPLOYERS DIRECTION IN 14 DAYS PRIOR TO THE POSITIVE TEST?

PRESUMPTION DOES NOT APPLY

REBUTTING PRESUMPTION- rejected/denied within 30 days of notice based on discovery of evidence to rebut contraction in the work place.

YES NO

IF YES- WAS THERE AN OUTBREAK THRESHOLD REACHED AT SITE SPECIFIC LOCATION DIRECTED BY EMPLOYER*? It is site specific, so for larger employers, you would look at the site the employee worked out of and determine the number of employees at each particular site the employee has worked at in the last 14 days. In the case of an employee who performs work at the employer's direction in multiple places of employment within 14 days of the employee's positive test, the employee's positive test shall be counted for the purpose of determining the existence of an outbreak at each of those places of employment, and if an outbreak exists at any one of those places of employment, that shall be the employee's "specific place of employment."

PRESUMPTION DOES NOT APPLY

OUTBREAK THRESHOLD

> 100 employees – 4% requirement
< 100 employees- 4 people testing positive

Did the employer deny claim 45 days upon receipt of claim form? If no- presumption of compensability applies