

Workers' compensation coverage for presumption workers who contracted COVID-19 from Jan. 1 to Feb. 2, 2022

1. Can I still assert a workers' compensation claim related to COVID-19 when the COVID-19 presumption law was not in effect?

- Yes, if you believe you would have been covered under the COVID-19 presumption but were ineligible because your date of injury occurred in the time period when the presumption was not in effect, from Jan. 1 to Feb. 2, 2022, you may still assert a workers' compensation claim.
- Similar to an employee who contracts COVID-19 but was not employed in one of the presumption occupations, you can still assert a workers' compensation injury or occupational disease if you believe your injury or illness is due to your employment.
- You should notify your employer that you believe you contracted COVID-19 due to your employment as soon as possible. There are time limitations for reporting an injury to the employer. See the information sheet at www.dli.mn.gov/sites/default/files/pdf/infosheet_reporting_work_injury.pdf.
- You can also contact the Department of Labor and Industry's (DLI's) Workers' Compensation Division Help Desk or Office of Workers' Compensation Ombudsman for assistance (see question 5).

2. What should I do if I believe I contracted COVID-19 during the time period when the presumption was not in effect?

- If you have not already done so, provide a copy of any positive test results to your employer or your employer's workers' compensation insurer.
- Be prepared to provide your employer with facts to support your claim. For example:
 - Why do you believe you contracted COVID-19 at work? When were you exposed at work, who were you exposed to and when did you develop symptoms? Can you identify one or more people with COVID-19 you were exposed to?
 - When did you develop symptoms, when did you contact a health care provider and when did you notify your employer of those symptoms?

3. What are an employer's obligations when an employee reports an injury or illness?

- If you notify your employer that you believe you contracted COVID-19 at work and want to file a workers' compensation claim, your employer *must* file a first report of injury with the workers' compensation insurer or claim administrator. The insurer or claim administrator must notify you in writing within 14 days whether the employee's claim is accepted or denied.

- If the employer does not file a report of injury with its insurer or claim administrator, you may contact the Department of Labor and Industry's Workers' Compensation Division Help Desk or Office of Workers' Compensation Ombudsman for assistance (see question 5).

4. What are my rights if my workers' compensation claim is denied?

- Review the reasons the insurer denied your claim. Are the reasons accurate? Does the insurer have all the facts that you have? (See question 2.)
- You may contact the insurer's claim manager to provide additional medical information or other facts to support your claim. If the insurer continues to deny your claim, you can contact the Workers' Compensation Division Help Desk or the Office of Workers' Compensation Ombudsman (see question 5).
- You can also contact a workers' compensation attorney for an opinion about your rights to challenge the denial. Attorneys will not charge a fee for an initial consultation.
- More information about an employee's options if their claim is denied is available at www.dli.mn.gov/business/workers-compensation/claim-process-claim-denied.

5. Where can I get help with my questions?

- Contact the Department of Labor and Industry's Workers' Compensation Division Help Desk at 651-284-5005 (press 3), 800-342-5354 (press 3) or helpdesk.dli@state.mn.us.
- Contact the Office of Workers' Compensation Ombudsman at 651-284-5013, 800-342-5354 or dli.ombudsman@state.mn.us.