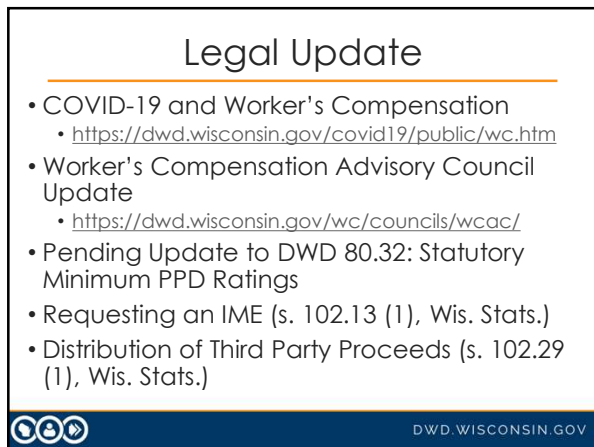
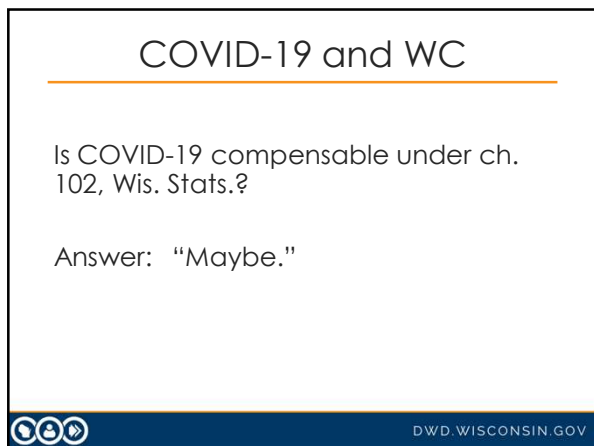




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COVID-19 and WC

- Employees are eligible to receive worker's compensation benefits under ch.102, Wis. Stats. as a result of contracting COVID-19 if contracting the disease was work-related.
- It should be established that an employee was diagnosed with COVID-19 by a competent practitioner.
- The diagnosis will usually be made by a physician who treated or examined the employee after considering positive test results.



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COVID-19 and WC

- It is necessary for the cause of COVID-19 to be work-related for the worker's compensation claim to be compensable.
- To establish that COVID-19 was work-related, there must be evidence to prove that contracting the disease arose out of the employee's employment while performing services growing out of and incidental to that employment.



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COVID-19 and WC

- Evidence that is necessary to show COVID-19 was work-related must establish the disease is traceable to a definite employment-related cause.
- Evidence that includes specific date(s), time(s), and locations will be more credible.
- Evidence that COVID-19 was not caused by any other likely source may also be important, although it is not necessary.



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COVID-19 and WC

- A competent practitioner's opinion that an employee contracted COVID-19 and that it is a work-related condition must be expressed to a reasonable degree of medical probability.
- A practitioner's opinion expressed to a reasonable degree of medical possibility does not meet the degree of certainty required to establish that the condition is work-related.



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COVID-19 and WC

- It may be very difficult for an employee to prove that contracting COVID-19 was work-related.
- Employees should be encouraged to give a complete and detailed history related to contracting COVID-19 when discussing the disease with health care providers.



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COVID-19 and WC

- There is no provision in our law which limits or restricts the compensation or medical expense payable on behalf of an employee who contracted COVID-19 from his or her employment.
- An employee who contracts COVID-19 from a source that is not work-related has no claim for worker's compensation under ch. 102, Wis. Stats.



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COVID-19 and WC

- Section 102.03 (6), Wis. Stats., creates a rebuttable presumption that COVID-19 is work-related for "first responders."
- The creation of s. 102.03 (6), Wis. Stats., was included in 2019 Wis. Act 185, effective April 17, 2020.
- This rebuttable presumption applies to injury dates beginning with the public health emergency declared by the governor (Executive Order No. 72) on March 12, 2020 and ending 30 days after the termination of the order (June 10, 2020). S. 102.03 (6) (b), Wis. Stats.



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COVID-19 and WC

The rebuttable presumption covers "first responders" as defined by s. 102.03 (6) (a), Wis. Stats.

- An employee of or a volunteer
- For an employer that provides fire fighting, law enforcement, or medical treatment of COVID-19
- Who has regular direct contact with, or is regularly in close proximity to, patients or other members of the public requiring emergency services
- Within the scope of the individual's work for the employer



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COVID-19 and WC

- For the rebuttable presumption to apply, it is required for an employee to have been exposed to persons with confirmed cases of COVID-19 in the course of his or her employment. s. 102.03 (6) (b), Wis. Stats.
- It is also required for there to be a specific diagnosis of COVID-19 by a physician or by a positive COVID-19 test. s. 102.03 (6) (c), Wis. Stats.
- The presumption may be rebutted by specific evidence the injury was caused by exposure to COVID-19 outside of the first responder's work for the employer. s. 102.03 (6) (d), Wis. Stats.



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Important Contact Numbers

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