



Workers' Compensation Board

ANDREW M. CUOMO
Governor

CLARISSA M. RODRIGUEZ
Chair

MARY BETH WOODS
Executive Director

April 15, 2020

Dear Carriers and Payers of Workers' Compensation:

New Yorkers are experiencing unique and extreme hardships due to COVID-19. Health care workers and first responders are on the front lines battling the public health emergency. Transportation workers, retail workers, cleaners, and many others are playing a critical role in keeping New York afloat.

Employees may develop COVID-19 during their employment, resulting in serious illness or even death. For those suffering from illness, there will be lost time from work and potentially significant medical expenses. For the beneficiaries of those who lose their life due to COVID-19, the tragic and sudden loss is made even more painful by the consequent loss of economic support. This is where, for many, workers' compensation will be a lifeline to maintain a means of supporting themselves and their families.

As carriers and payers of workers' compensation, you provide crucial benefits to both employees and employers. The employee receives the lost time and medical benefits stemming from a compensable claim, and the employer has the peace of mind of knowing its insurance coverage will ensure its employees are covered. While we don't know how long the effects of COVID-19 will last, we do know that the system works best—especially in a crisis—when we work together to pay all appropriate benefits, cover all healthcare treatment, and return workers, if possible and permissible, to the workplace.

As the neutral administrator of the workers' compensation system, I urge you to be mindful and helpful to your policyholder's employees during this challenging time by:

1. Being pro-active in distributing information about how to file a claim. Employees who develop COVID-19 during the course of their employment should be encouraged to file claims.
2. Informing your policyholder/employers that it is illegal under WCL § 120 to take any retribution or discriminatory act against an employee who asks for a claim form or indicates that he or she may file a claim.
3. Encouraging your policyholders to help their employees file claims.

4. Reviewing claims carefully and accepting liability whenever legally required.
5. Conducting an investigation into the claim as quickly as possible, even if a medical report has not been received yet.
6. If you still aren't sure whether a claim is compensable, even with a medical report, consider using WCL § 21-a (payment without initially accepting liability), whenever possible, rather than disputing the claim.
7. If you do controvert a claim, please know that the Board will follow its Rocket-Docket procedures and resolve the claim quickly. No New Yorker should have to face a lengthy bureaucratic process in pursuit of workers' compensation benefits.

New York has faced tragic work-related calamities several times in its history, including the devastating events of September 11, 2001. The Workers' Compensation Board encouraged all carriers and employers to do the right thing then, and that resulted in swift and appropriate responses to the filing of death and lost time claims and expedited adjudication in the event of disputes. Given the potential impact that the COVID-19 public health emergency will have on workers' compensation claims, it is in the best interest of injured workers, grieving beneficiaries, and employers and carriers, to work together with the Board to disseminate accurate information, encourage the filing of claims, and work to quickly resolve claims and pay appropriate lost wage, medical, and death benefits. The health of all New Yorkers depends on achieving this level of mindful action.

Sincerely,

A handwritten signature in black ink that reads "Clarissa Rodriguez". The signature is written in a cursive, flowing style.

Clarissa Rodriguez

Chair, Workers' Compensation Board