

KNOW YOUR RIGHTS – COVID-19 AND WORKERS' COMPENSATION



Health care workers who contract COVID-19 due to work-related exposure should be eligible for workers' compensation under Florida law, depending on the circumstances. COVID-19 related claims should be handled the same as all other workers' compensation claims. Workers' compensation issues can be complicated, but here are a few tips to remember:

- Familiarize yourself with JHS Policy No. 347– Workers' Compensation and Illness on Duty (attached).
- If you believe you have suffered an “injury arising out of the course of your employment,” which could include COVID-19-related illness, notify your supervisor and call the Health Office at (305) 585-6903 as soon as possible. **If you do not report it, you will not be eligible for workers' compensation benefits.**
- You have up to **30 days** “after the date of or initial manifestation of the injury” to report an injury/illness under Section 440.185(1), Florida Statutes, or **90 days** for an occupational disease. The sooner the better. If you have not reported a positive COVID-19 test that is within the 90-day period, consider filing one ASAP.
- JHS requires employees and supervisors to document all incidents on the “Supervisor’s Referral Form.” JHS is required by law to give you a copy of the report for your records.
- Do not assume all required reports have been filled out. **Ask for a copy.**
- Review all forms received for accuracy.
- Do not hesitate to ask for updates on your case, and to follow-up with the Health Office. Workers' compensation is a benefit provided for under Florida law, and you cannot be retaliated against for exercising your rights.
- Upon return to work, you will be required to fill out the Workers' Comp (DWC25) form.
- The past practice has generally been that JHS will pay 100% of your salary for work-related injuries/illnesses.
- If your benefits are denied, Florida’s Division of Workers’ Compensation Employee Assistance Office has free services available. They may be contacted at 1-800-342-1741 or wceao@MyFloridaCFO.com. An employee brochure is attached.
- Visit the Division of Workers’ Compensation website for more information, including FAQs. <https://www.myfloridacfo.com/division/wc/Employee/default.htm>.
- Consider an experienced workers' compensation attorney if you need assistance. SEIU Local 1991 counsel recommends Geoffrey Bichler, Bichler & Longo, PLLC, (407) 599-3777, geoff@bichlerlaw.com.

This is not legal advice. SEIU Local 1991 recommends that you consult with an attorney to discuss your individual options if you believe you have a COVID-19 related workers' compensation issue.