House Bill 45

Frontline Worker Presumption of Compensability

Sponsored by Rep. Andy Josephson

Staff Elise Sorum-Birk

Background: COVID-19 and SB 241

- In the spring of 2020, the Legislature came together quickly to pass SB 241, an omnibus emergency response bill.
  - Amended into bill on the House Floor was a workers' compensation presumption of compensability for first responders and medical professionals.
  - Amendment 5 offered by Rep. Josephson and Rep. Kopp became section 15 Chapter 10 of Session Law This provision expired November 15th 2020 and the Governor opted to exclude this protection from his newly declared disaster declaration leaving these individuals unprotected.

What is a "presumption of compensability"?

- Certain occupational groups are more likely to contract certain illnesses
- It is difficult to track where certain illnesses come from or to link an illness directly to a workplace
- "Presumptive compensability" law allows an assumption to be made that an illness is linked to the nature of an individual's work
- Can be "rebuttable" or "non-rebuttable"
- If a presumption exists, an impacted employee may receive workers' compensation benefits unless their employer successfully rebuts the claim

SB 241 provision vs. HB 45

SB 241

- Covered: firefighters, peace officers, EMTs, paramedics, health care workers
- Non-rebuttable
- Requires the individual to have been "exposed" at work
- COVID-19 specific

HB 45

- Covers groups previously included in SB 241
- Adds grocery clerks, teachers, childcare workers
- Allows other similar professions to be added by DOLWD Commissioner
- Rebuttable with "clear and convincing evidence"
- Requires that an individual work outside the home within 2 weeks of diagnosis and have direct contact with members of the public
- Applicable during all public health emergencies (declared under the Alaska Disaster Act) caused by contagious disease

Section 1- Establishes a presumption for frontline workers who are actively working with the public during a declared public health emergency cause by a contagious disease

Subsection (a)- Outlines metric for establishing presumption

Subsection (b)- Outlines how presumption may be rebutted and gives DOLWD Commissioner the authority to add more occupational groups if needed

Subsection (c)- Provides definitions

Section 2- Makes coverage retroactive to Nov 15th, 2020 (date at which SB 241 provision expired) for first responders and health care workers

Section 3- Provides for an immediate effective date for newly covered occupations

Sectional Analysis

Lung Disease & Respiratory Health > Coronavirus > News >

[WEBMD HEALTH NEWS]

COVID Biggest Cause of Police Deaths This Year

By Christine Lehmann, MA

Oct. 12, 2020 -- Before the pandemic, police investigations were discussed at large command post meetings, officers typically rode with a buddy, and training academy classes were always in person. Fast forward to the present and large meetings are now virtual, indoor rolls calls suspended, and police and sheriffs' deputies wear masks and other PPE on duty and ride solo in patrol cars to maintain physical

Coronavirus Outbreak

CORONAVIRUS HOME

WebMD's Complete Coverage of the COVID-19 Outbreak

NEWS RELEASE 29-OCT-2020

Study shows COVID-19 risk to firefighters and emergency medical workers in New York City

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First Responders

Risk of COVID-19 among front-line health-care workers and the general community: a prospective cohort study

Long H Nguyen*, David A Drew*, Mark S Graham*, Amit D Joshi, Chuan-Guo Guo, Wenjie Ma, Rinaz S Mehta, Erica T Warner, Daniel R Sikavi, Chun-Han Lo, Sohee Kwon, Mingyang Song, Lorelei A Mucci, Meir J Stampfer, Walter C Willett, A Heather Eliassen, Jaime E Hart, Jorge E Chavarro, Janet W Rich-Edwards, Richard Davies, Joan Capdevila, Karla A Lee, Mary Ni Lochlainn, Thomas Varsavsky, Carole H Sudre, M Jorge Cardoso, Jonathan Wolf, Tim D Spector, Sebastien Ourselin†, Claire J Steves†, Andrew T Chan†, on behalf of the COronavirus Pandemic Epidemiology Consortium‡

Interpretation In the UK and the USA, risk of reporting a positive test for COVID-19 was increased among front-line health-care workers. Health-care systems should ensure adequate availability of PPE and develop additional strategies to protect health-care workers from COVID-19, particularly those from Black, Asian, and minority ethnic backgrounds. Additional follow-up of these observational findings is needed.

EDITORIALS

Check for updates

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Covid-19: risks to healthcare workers and their families

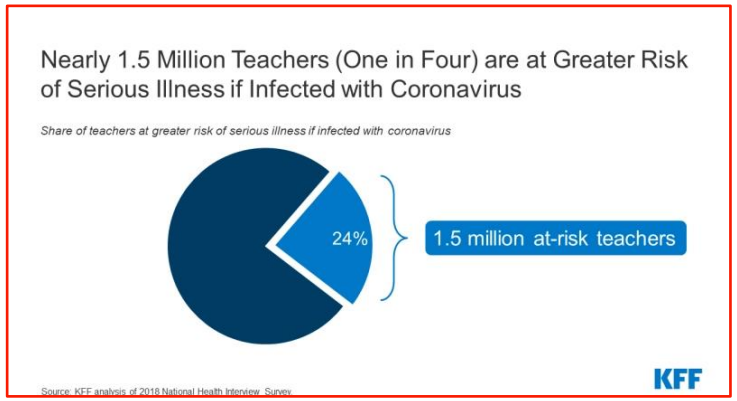
Mistakes made in the first wave must not be repeated in the second

Ulf Karlsson, Carl-Johan Fraenkel

Since the beginning of the coronavirus 2019 (covid-19) pandemic, healthcare workers have shown a remarkable resilience and professional dedication pandemic, which hampered early detection of emerging outbreaks and implementation of infection control measures. Increasing experience now

BMJ: first published as

Health Care Workers



Teachers and Child Care Workers

Science News *from research organizations*

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High rate of symptomless COVID-19 infection among grocery store workers

Those in customer-facing roles five times as likely to test positive as their colleagues

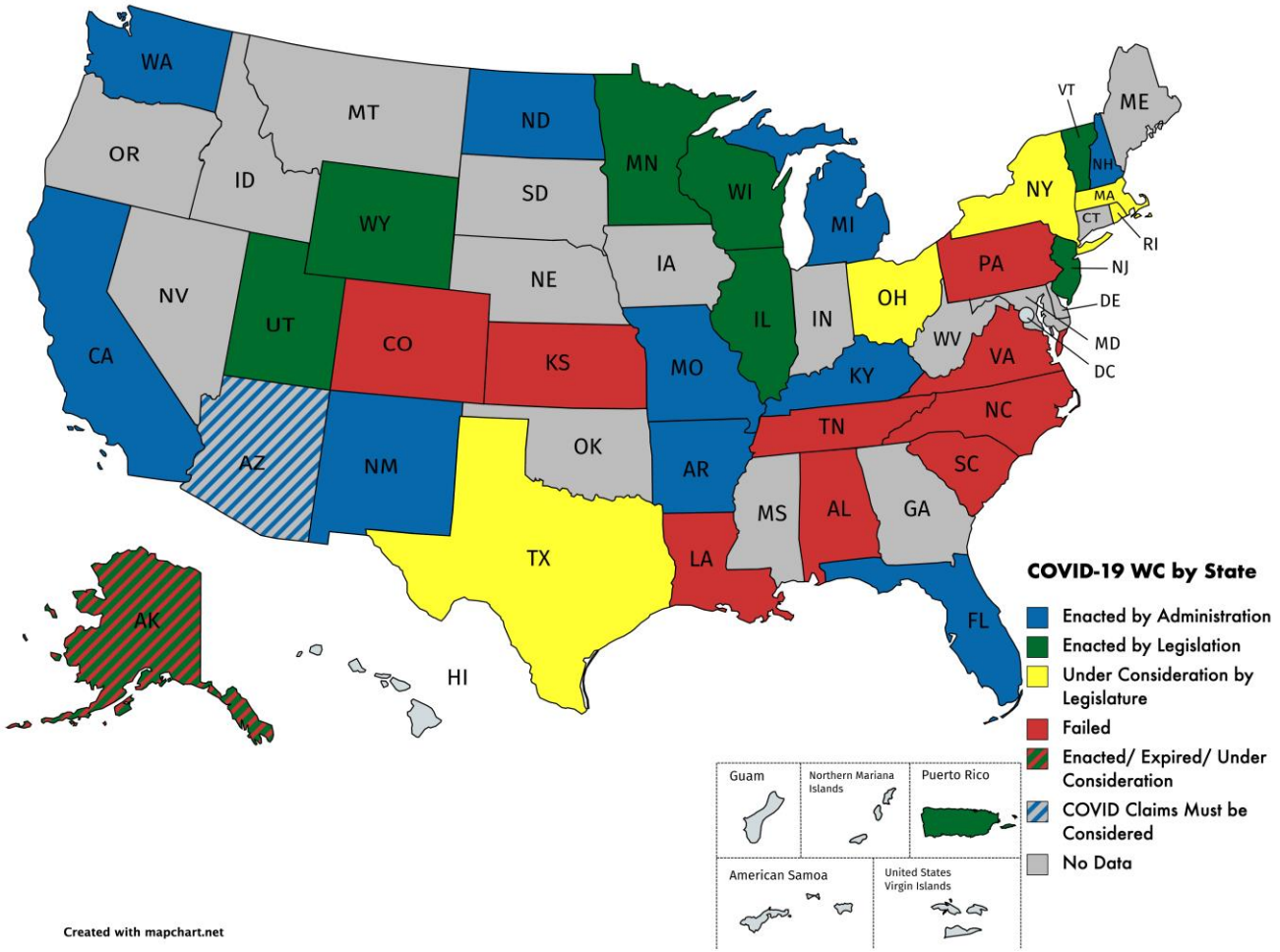
Date: October 30, 2020

Source: BMJ

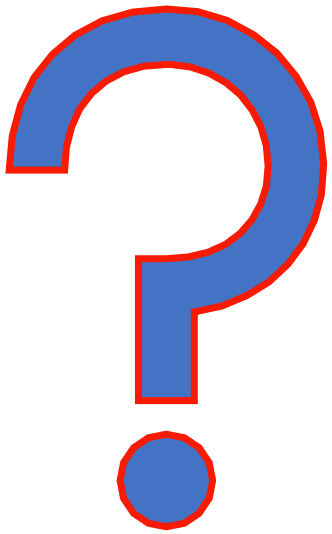
Summary: Grocery store employees are likely to be at heightened risk of COVID-19 infection, with those in customer-facing roles 5 times as likely to test positive as their colleagues in other positions, a new study suggests.

Grocery Store Workers

Status of COVID-19 Presumptions in the U.S.



Data source: Josh Cunningham, NCSL, "COVID-19: Workers' Compensation"



Questions?