



MINNESOTA WORKERS COMPENSATION COVERAGE & COVID-19

Under [HF 4537](#), employees on the front lines of the COVID-19 pandemic, as described below, are presumed to have contracted a workers' compensation occupational disease if they become ill with COVID-19. This law became effective April 8, 2020, and will continue through the law's sunset provision of May 1, 2021.

An employee is entitled to the ***rebuttable*** presumption if they contract COVID-19 on or after April 8, 2020. An employer may only rebut the presumption by proving the employee's employment was not a direct cause of the disease. The employer has the burden of proof, and must show by a preponderance of the evidence that, while performing his or her job duties, the employee was ***not*** exposed to COVID-19 or the exposure to COVID-19 could not have caused the employee's illness.

The occupations covered by the new law are:

- a licensed peace officer under [Minnesota Statutes, section 626.84, subdivision 1](#), a firefighter, a paramedic or an emergency medical technician;
- a nurse or health care worker, correctional officer or security counselor employed by the state or a political subdivision (such as a city or county) at a corrections, detention or secure treatment facility;
- a health care provider, nurse or assistive employee employed in a health care, home care or long-term care setting, with direct COVID-19 patient care or ancillary work in COVID-19 patient units; and
- a person required to provide child care to first responders and health care workers under [Executive Orders 20-02 and 20-19](#).

The new law does not define or reference assistive or ancillary employees and work, but a reasonable argument could be made that the terms above include both professional and nonprofessional employees who performed a variety of work in the healthcare setting.

An employee's date of injury is either

- the date the employee was unable to work due to contraction of COVID-19; or
- was unable to work due to symptoms that were later diagnosed as COVID-19, whichever occurred first.

You should note that employees do **not** need to be tested for COVID-19 to qualify—an employee may qualify by either:

- a positive laboratory test; **or**
- if a test was not available for the employee, a diagnosis based on symptoms by a licensed physician, licensed physician's assistant, or licensed advanced practice registered nurse.

In either case, a copy of results or the diagnosis by one of the listed healthcare providers must be provided to the employer or the insurer.

Reporting a Claim

Any employee working in a healthcare setting should file a report with their employer if they develop symptoms they think could be COVID-19 due to the [time limitations involved in workers compensation claims](#).

The employer must file a first report of injury with the workers compensation insurer or claim administrator. The insurer or claim administrator must notify the employee in writing within 14 days whether the employee's claim is accepted or denied.