

July 9, 2020

Greetings,

Please allow me to begin with summary of a recently filed claim for Covid-19 by a Multnomah County employee.

A corrections deputy filed a claim for a positive Covid-19 diagnosis resulting in a hospitalization for 7 days and then remained off work for an additional 12 days. He subsequently returned to light duty for 16 days before being released to regular work. His claim alleges exposure to Covid-19 through contact during DPSST Academy training as well as having exposure to inmates and co-workers who may also be ill.

Multnomah County in partnership with our third party administrator investigated the claim to include verifying no confirmed inmate cases of Covid-19 in the facility, a detailed internal OSHA investigation and subsequent report, a recorded statement of the employee, and obtaining the hospitalization records for the employee. The result of the investigation found evidence in the medical records that the employee indicated a family member who comes into the home to care for the employee's child had tested positive for Covid-19. This had not been disclosed during the recorded statement taken of the employee.

The claim was denied as there was no confirmed exposure at work in addition to there being a known non-occupational exposure. There has been no appeal to date.

A seven day hospital stay as well as follow-up care and time loss for this claim could reach over \$100,000 in cost exposure. The current proposed presumption language does not appear to allow any possibility of sustaining a denial even with the information of non-occupational exposure.

Multnomah County has a process wherein employees complete incident reports and if medical treatment is required, a claim can subsequently be filed at any time. To date, there have been multiple incident reports* filed related to Covid-19. The County has had one claim filed.

The County believes a presumption law for Covid-19 is not appropriate in that workers' compensation has processes in place to investigate and process claims and accept those that result from a workplace exposure. Denials can be appealed to the Workers Compensation Board and a denial may be reversed at that level. Presumption laws are essentially workers compensation claim guarantees regardless of whether an employer determines other exposures.

The claim exposure under presumption laws due to a highly infectious disease, like the Covid-19 Pandemic, is unpredictable but likely high, due to both the potential volume and potential catastrophic outcomes. Because of added financial exposures under workers' compensation (such as death benefits and lifetime spousal benefits, which are traditionally covered by life insurance plans), the County's burden is higher under a self-insured workers' compensation plan than traditional health benefit plan. In addition, there are many unknowns as to future consequences of Covid-19.

Multnomah County has implemented a temporary leave policy that allows 80 hours of leave for employees prior to using their own accruals. A catastrophic leave program, which now includes Covid-19 allowance, is in place for anyone who may run out of accruals due to long-term illness, which allows other employees to donate leave in support of their colleagues. Catastrophic leave cannot be combined with a workers' compensation claim for payments. These programs allow the employee to receive full pay rather than the reduced amount provided by workers' compensation laws.

Finally, while the County is aware that not all employers function in the same capacity we believe presumption laws are not the appropriate response to Covid-19 but worker and employer education regarding exposures and filing of workers' compensation claims is warranted.

Respectfully,

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*numbers are being reviewed and will be provided, if requested.