

Dear Valued Policyholder,

As you are probably aware, California Governor Gavin Newsom issued an Executive Order on May 6 regarding COVID-19 workers' compensation claims in California.

Under the order, any COVID-19 related illness of an employee is presumed to arise out of and in the course of the employment if the following applies:

- The employee has tested positive or been diagnosed within 14 days after performing labor or services.
- The labor or services must have been performed at the employee's place of employment (work performed at home or residence does not apply).
- The labor or services must have been performed at the employer's direction on or after March 19, 2020, and the date of injury must occur on or prior to July 5, 2020.
- There must be either a positive test or a diagnosis by a medical professional who holds a physician or surgeon license issued by the California Medical Board. The diagnosis must be confirmed by further testing within 30 days of the date of diagnosis.

Items Worth Noting

- There is no requirement that the worker be "essential" nor be part of "critical infrastructure."
- The order alters how benefits are paid. For instance, an employee must exhaust all state and federal sick leave specific to COVID-19 before temporary disability benefits are paid and there is a 30-day deadline for making a compensability determination. There is also no waiting period for Temporary Total Disability benefits.
- The order creates a "rebuttable presumption," meaning a claim can be rebutted by evidence that the employee developed his or her illness due to exposure outside of work, such as in the community or at home.

ICW Group believes this was an unfortunate development for California businesses because it will ultimately drive up the cost of workers' compensation insurance. Our Claims Pandemic Response Team is here to help you navigate this challenge together and is committed to diligently investigating every COVID-19 claim to determine compensability.

Need Additional Information?

You can access additional COVID-19 information by visiting our special [Coronavirus \(COVID-19\) Helpful Workers' Compensation Resources](#) website. Our Claims Pandemic Response Team can also be contacted for questions specific to work comp claims at 855.4.ICW.CLAIMS (855.442.9252) or wccCustomerCare@icwgroup.com.

We appreciate your partnership and will continue to share updates with you as they become available.

Stay safe!

ICW Group Insurance Companies