

Legislation Introduced to Add COVID-19 for Workers' Compensation

By Douglas E. Spiker

Recently, legislation was introduced to add COVID-19 to the list of scheduled diseases contained in Ohio Revised Code 4123.68. Additionally, a rebuttable presumption has also been proposed as well. The proposed legislation reads, in pertinent part, as follows:

COVID-19 contracted by an employee required to work by the employee's employer outside of the employee's home during the emergency declared by Executive Order 2020-01D, issued March 9, 2020, constitutes a presumption, which may be refuted by affirmative evidence, that COVID-19 was contracted in the course of and arising out of the employee's employment outside of the employee's home. This division applies only to claims arising during the period of the emergency declared by Executive Order 2020-01D, issued on March 9, 2020, and to claims arising during the fourteen-day period after that emergency ends.

There is companion legislation that has been introduced dealing with peace officers; firefighters; and/or emergency medical workers that creates the same rebuttable presumption. This legislation is obviously in its infancy and Roetzel's Public Law Group will continue to monitor this legislation and we will keep you apprised accordingly. Please do not hesitate to contact any of us with questions.

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