

Dear Zenith Customer,

On Friday, June 5, Governor Pritzker signed into law bill HB 2455, which includes a presumption for a limited class of employees that if they contract COVID-19, it is a compensable workers' compensation injury. As a result, we wanted to provide you with some guidance to protect your business against potential COVID-19 workers' compensation claims.

In order to protect your business and your employees – and to preserve the right to rebut any presumption that an employee who contracted COVID-19 did so while at work (assert that COVID-19 was not contracted in the workplace; and not a workers compensation claim) – we ask that you follow the defenses noted below and keep detailed documentation of your compliance:

- Demonstrate the employee was working from home or on leave for more than 14 consecutive days prior to injury or incapacity
- Demonstrate your business was “enforcing to the best of its ability industry- specific workplace sanitation, social distancing, and health and safety practices based on updated guidance issued by the Centers for Disease Control or Illinois Department of Public Health” for at least 14 days prior to the employee's injury. This includes the use of personal protective equipment (PPE), such as the use of a face mask or safety glasses
- Demonstrate an employee was exposed to COVID-19 by an alternative source outside of the workplace

As your insurance carrier, we want to assist you in any way we can with these efforts. To that end, our Safety and Health Department has issued guidance and developed resources on many of these topics to further assist you, which are available by logging in to Zenith Solution Center® from TheZenith.com.

In case you have not heard about HB 2455, here is a summary of this bill:

The limited class of employees as defined by HB 2455 include the following:

- All individuals employed as police, fire personnel, emergency medical technicians, or paramedics
- All individuals employed as and considered first responders
- All workers for health care providers, including nursing homes and rehabilitation facilities and home care workers
- Corrections officers
- Any individuals employed by essential businesses and operations as defined in Illinois Executive Order 2020-10 dated March 20, 2020, as long as individuals employed by essential businesses and operations are required by their employment to encounter members of the general public or to work in employment locations of more than 15 employees
- For purposes of this subsection only, an employee's home or place of residence is not a place of employment, except for home care workers.

The bill does allow the presumption of compensability to be rebutted and includes a number of defenses. The guidance we've provided is to assist you in protecting your business from responsibility for infectious disease costs that are not your obligation.

Reporting COVID-19 Claims

1. You should report a COVID-19 claim to Zenith if your employee:

Has a positive COVID-19 test OR positive test for COVID-19 antibodies OR a diagnosis of COVID-19 from a licensed physician or surgeon for alleged injuries on or before June 15, 2020

OR

Has a positive COVID-19 test OR positive test for COVID-19 antibodies for alleged injuries on or after June 16, 2020.

AND

The employee indicates they acquired the illness at work.

2. You need not report a claim to Zenith if the employee merely says they were (or believe they were) exposed to COVID-19, but does not meet the requirements from 1, above. Exposure alone is not a covered claim, without an injury.

3. Reporting a claim does not mean it is compensable, and it does not mean it will be delayed or denied. Zenith will address each claim on its merits. We have created a dedicated task force to manage COVID-19 claims so we are both fair and consistent.

If you have any questions related to our recommendation or how to keep detailed documentation of your compliance, please contact your Zenith service team or Customer Service at 800-440-5020. Of course you may also direct any questions to your independent insurance agent.

Thank you for being a Zenith policyholder, and we hope you remain safe.

Zenith Insurance Company

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