



Mario Cilento
President

Terrence L. Melvin
Secretary-Treasurer

TO: Executive Council
FROM: Mario Cilento, President
DATE: April 7, 2020
RE: Workers' Compensation Benefits

The NYS AFL-CIO is doing everything it can to make sure that workers exposed to COVID-19 in the workplace are able to access the Workers' Compensation benefits they deserve.

The Workers' Compensation Board has the discretion to decide that COVID-19 is an occupational illness for certain workers. The significance is that those workers would not have to prove a specific exposure. We are advocating for the Board to declare COVID-19 an occupational illness for all workers who work outside the home at any point during the Governor's PAUSE order.

Even if the WCB does not declare COVID-19 an occupational illness or they limit such a declaration to specific workers, we can do things to maximize the likelihood that members will be able to access comp benefits.

We are encouraging members who were, or suspect they were, exposed at work to promptly file with the Board and notify their employer, even if they are not sick yet.

The exposure is the injury for which they can file, whether they become ill goes to whether they will suffer any losses that entitle them to benefits. The applications should contain as much detail as possible about the exposure. This is important because it will help them prove their workplace exposure. Having an application in the works is vital in the event that the worker dies. (Comp survivor benefits can be up to \$45,000 per year for the unremarried spouse or minor children of a deceased worker.) Even if a claim for survivor benefits is denied now, it may be useful for the family to prove workplace exposure if the law is changed in the future.

The vast majority of workers in New York State are covered by the Workers' Compensation Law. The few who are not, are covered by other legislative or negotiated workplace or illness programs.

If you have any questions or concerns or would like to discuss further, please contact Joe Canovas at jcanovas@nysaflcio.org or 917-373-6589.

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