

COVID 19 Q&A

Q: Can I file an L&I claim for a COVID-19 infection?

A: Yes.

If you believe you were infected with COVID-19 at work, you can file a workers' compensation claim with L&I. L&I is equipped to handle your workers' comp claim and is required to promptly respond to your claim once your doctor files it. All claims start with your doctor, so make sure to check in with your medical provider via a telehealth meeting.

If your claim is denied and you recover quickly, simple options may be available to you such as using your own health care insurance, PTO, and sick leave until you recover. L&I is currently inundated with claims, so you may need to exercise patience as L&I assesses your claim.

Q: What do I do if I or my family member sustained a serious COVID-19 Injury.

A: Anyone who has sustained a permanent COVID-19 injury should seek talk to an attorney.

For anyone who is seriously or permanently injured as a result of a work-related COVID-19 infection, this law firm is standing by to assist workers (or their family members). If this tragedy occurs, please call us to discuss available legal options. We will analyze your case to explain your legal options for obtaining compensation from your employer or a third party responsible for your injury.

Q: Can my employer fire me if I was exposed to or infected by COVID-19?

A: No.

If you are exposed or infected with COVID-19, your employer is required by law to engage in an interactive process with you to find a reasonable accommodation to get you back to work after you are healthy. If your employer fires you for being exposed or infected to COVID-19, please call us to learn about your legal options.

Q: What are my options as a high-risk essential worker?

A. You have the right to self-quarantine and to protect your health.

If you are a high-risk essential worker and are concerned about your safety, you can request an accommodation to self-quarantine. Contact your medical provider about obtaining a written note explaining that you have a disability and/or are in a high-risk category and that you cannot enter the workplace for a defined period of time. Present this note to your employer and ask them to work with you. You may be eligible for benefits under the Washington State Paid Family and Medical Leave. If your employer refuses to grant the accommodation and expects you to continue to expose yourself in the workplace, call us.

[Read More](#)



Q: What if my employer is being unsafe or is failing to protect me from COVID-19?

A: Companies that fail to provide a safe workplace are violating your rights, and you can do something about it.

Employers are required to maintain a safe workplace. If your employer fails to do so, you have the right to tell your employer to fix the problem. A complaint under these circumstances could be as simple as reminding your supervisor that your employer is not properly maintaining social distancing protocols or does not conduct essential business and therefore, should be closed or allow its employees to work remotely. To ensure there is a record of your complaint, put your concerns that laws are not being upheld in writing and provide the written document to your supervisor. If the company fails to address your complaint and/or does not take steps to rectify the situation, you can file a Complaint with the Department of Labor and Industries here: <https://www.lni.wa.gov/forms-publications/F418-052-000.pdf>.

Q: Is my job protected if I complain about work conditions?

A: Yes.

Washington provides whistleblower protections for raising safety issues. If your employer is breaking the law, you have the right to speak up about it without your employer demoting, transferring, or firing you. Whistleblower laws protect workers from retaliation for reporting their employer's violations of workplace safety laws. There are many examples of companies violating whistleblower laws: (1) an ER Doc fired after talking a reporter about the lack of N95 masks and gloves; (2) a nurse reprimanded for telling coworkers that N95 masks were more effective than the makeshift masks the hospital handed staff; or (3) an employee of a non-essential business being fired after complaining to the Attorney General that workers were being illegally required to work. The majority of employers are doing a good job of providing a safe environment during this pandemic, but a select few are blatantly violating the law. If your employer fired you or a coworker after you or your coworker complained about a safety violation related to COVID-19, please free to call us. We are standing by to analyze your case and explain your rights.

Q: What other general laws were passed to Washingtonians during this crisis?

A: Washington State residents have several new protections for most workers of small companies (500 or fewer employees). These include:

The Families First Act. This Act provides:

- 12 weeks of paid leave to care for a child during a school closure resulting from the pandemic. The first two weeks are unpaid, and then you receive two thirds of your pay (capped at a maximum of \$200 per day).
- 2 weeks paid leave if you have COVID-19 symptoms or test positive for the virus. You receive full pay (capped at \$511 per day) if you tested positive for COVID-19, are quarantined, or your doctor advises you to self-quarantine. You are otherwise entitled to only two-thirds of your pay (capped at \$200 per day).
- ESD Unemployment – up to 30 weeks of unemployment, plus an additional \$600 per week. The new laws make theoretically easier to access unemployment benefits with fewer restrictions and shorter waiting periods, However, ESD's systems are overburdened with new applications and there are long delays – patience is required.

[Read More](#)



The Washington Paid Family Medical Leave Act. This Act provides up to 12 weeks paid leave (capped at \$1,000 per week) for any serious health condition, including COVID-19 or for caring for a family member with this condition. You must work at least 820 hours in the year prior to this condition and leave. You can apply for benefits here: <https://paidleave.wa.gov/get-ready-to-apply/>

The Washington Paid Sick Leave Act. This Act requires employers to provide 1 hours of sick leave for every 40 hours work, and these hours accrue if unused.

L&I protections for front-line and essential workers. The Washington Department of Labor & Industries (L&I) recently changed its workers' compensation coverage for front-line workers. Health care professionals and first responders who are quarantined after being exposed to COVID-19 on the job are now entitled to L&I benefits. The Current L&I rules already contain protections for workers injured on the job, so this is more of a clarification of existing rules. Workers who test positive for COVID-19 can file a workers' compensation claim at any time up to two years after exposure to the virus. A worker whose claim is accepted is eligible for approximately two thirds of the workers' regular pay.