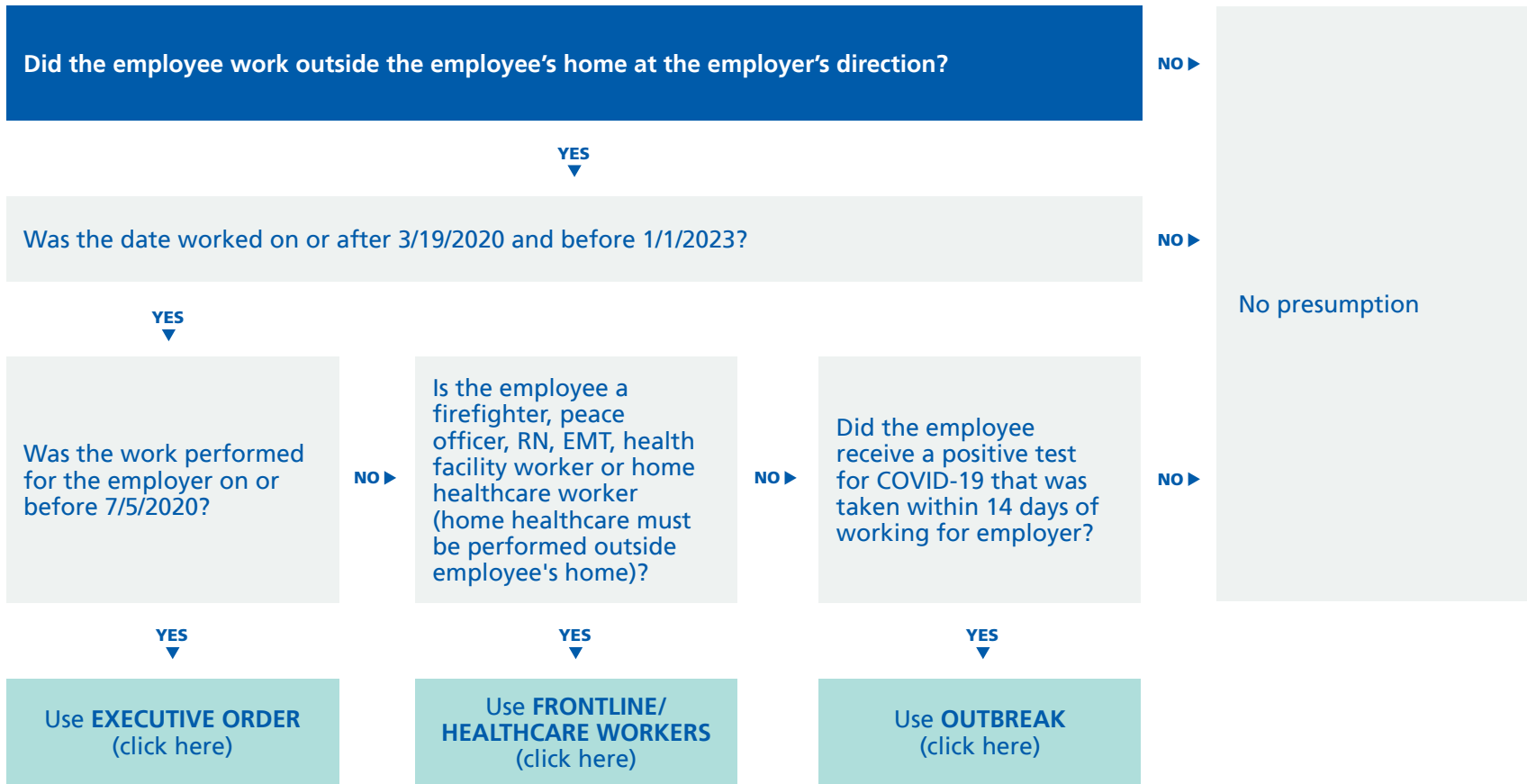


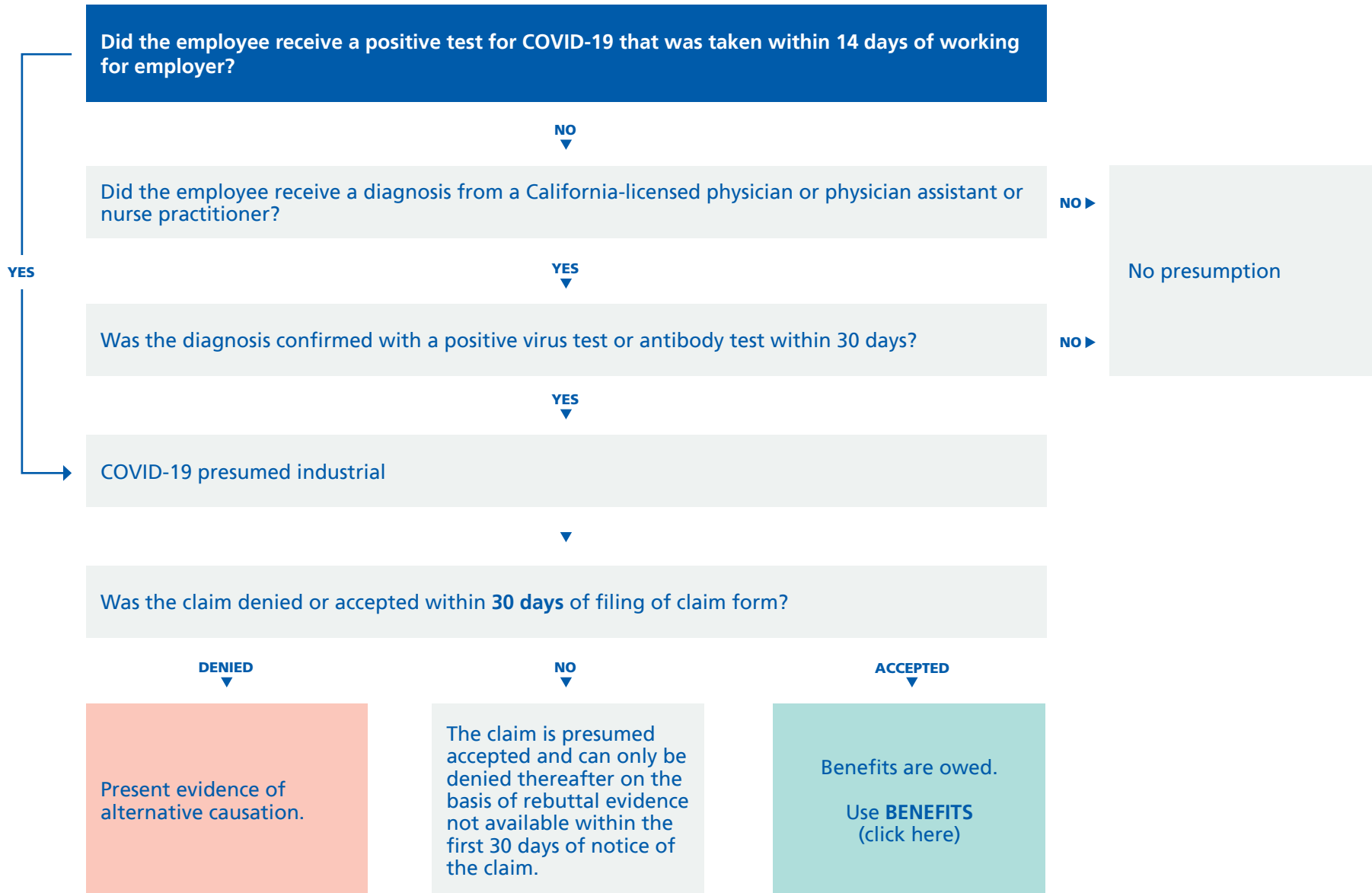
COVID-19 Presumption Flowchart - September 2020



Evidence relevant to rebutting the presumption includes evidence of measures in place to reduce potential transmission of COVID-19 in the workplace and employee's non-occupational risks of COVID-19.

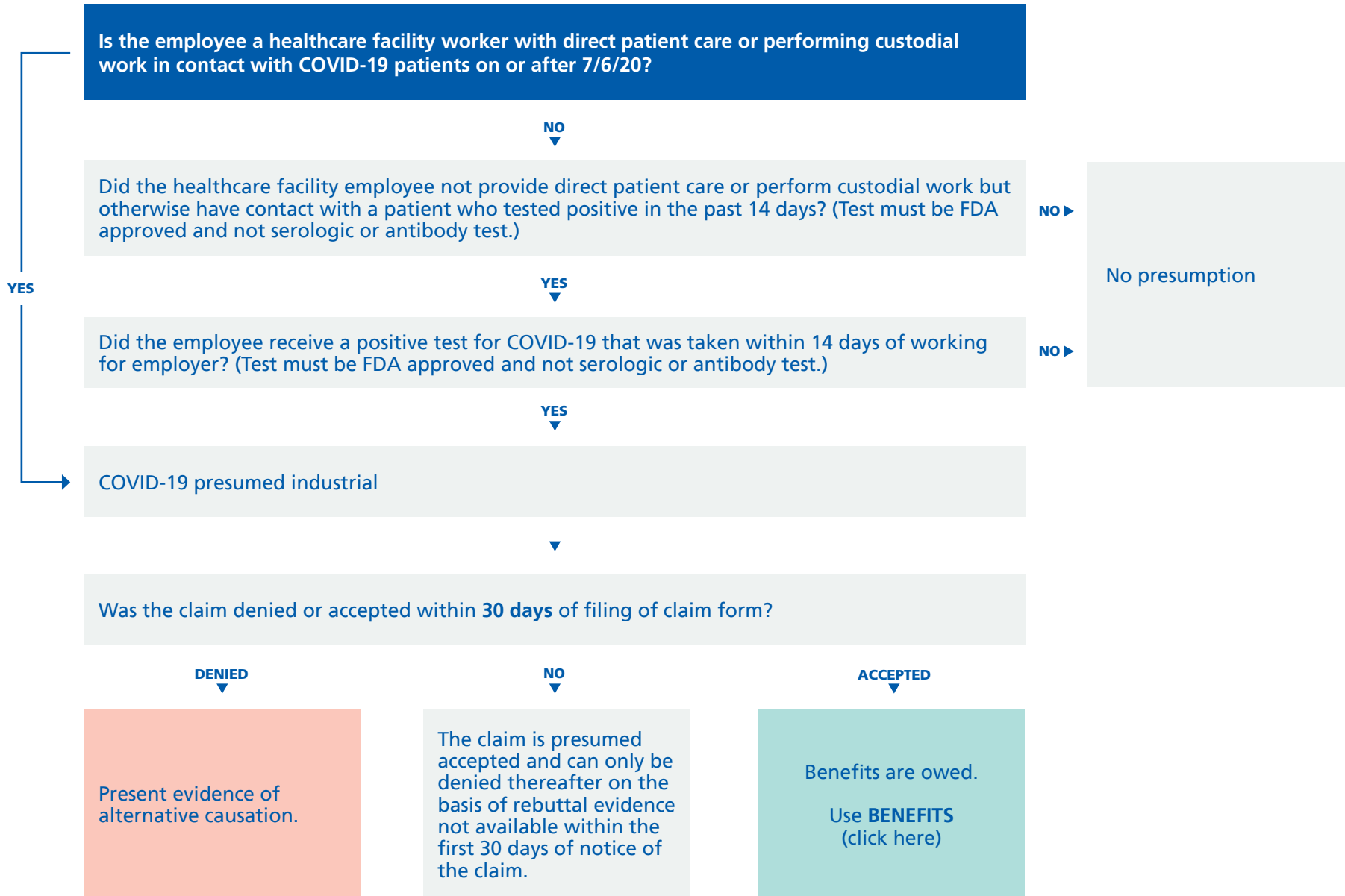
COVID-19 Presumption Flowchart - September 2020

EXECUTIVE ORDER (Labor Code Section 3212.86)



COVID-19 Presumption Flowchart - September 2020

FRONTLINE/HEALTHCARE WORKERS (Labor Code Section 3212.87)



COVID-19 Presumption Flowchart - September 2020

OUTBREAK (Labor Code Section 3212.88)

Does the employer have 5 or more employees?

NO ►

YES
▼

Was there an "outbreak" at the employee's specific place of employment?

A) Number of employees at the workplace who received a positive test taken within 14 days of the employee's positive test to be considered an outbreak: (Test must be FDA approved and not serologic or antibody test.)

- 100 or less employees
4 or more employees = outbreak.
- More than 100 employees
4% or more of employees = outbreak.

B) Employee's specific place of employment ordered closed by local or state health department, Division of Occupational Safety and Health, or school superintendent due to risk of COVID-19

NO ►

No presumption

YES
▼

COVID-19 presumed industrial and presumption extends for 14 days after last date worked.



Was the claim denied or accepted within 45 days of filing of claim form?

DENIED
▼

Present evidence of alternative causation.

NO
▼

The claim is presumed accepted and can only be denied thereafter on the basis of rebuttal evidence not available within the first 45 days of notice of claim.

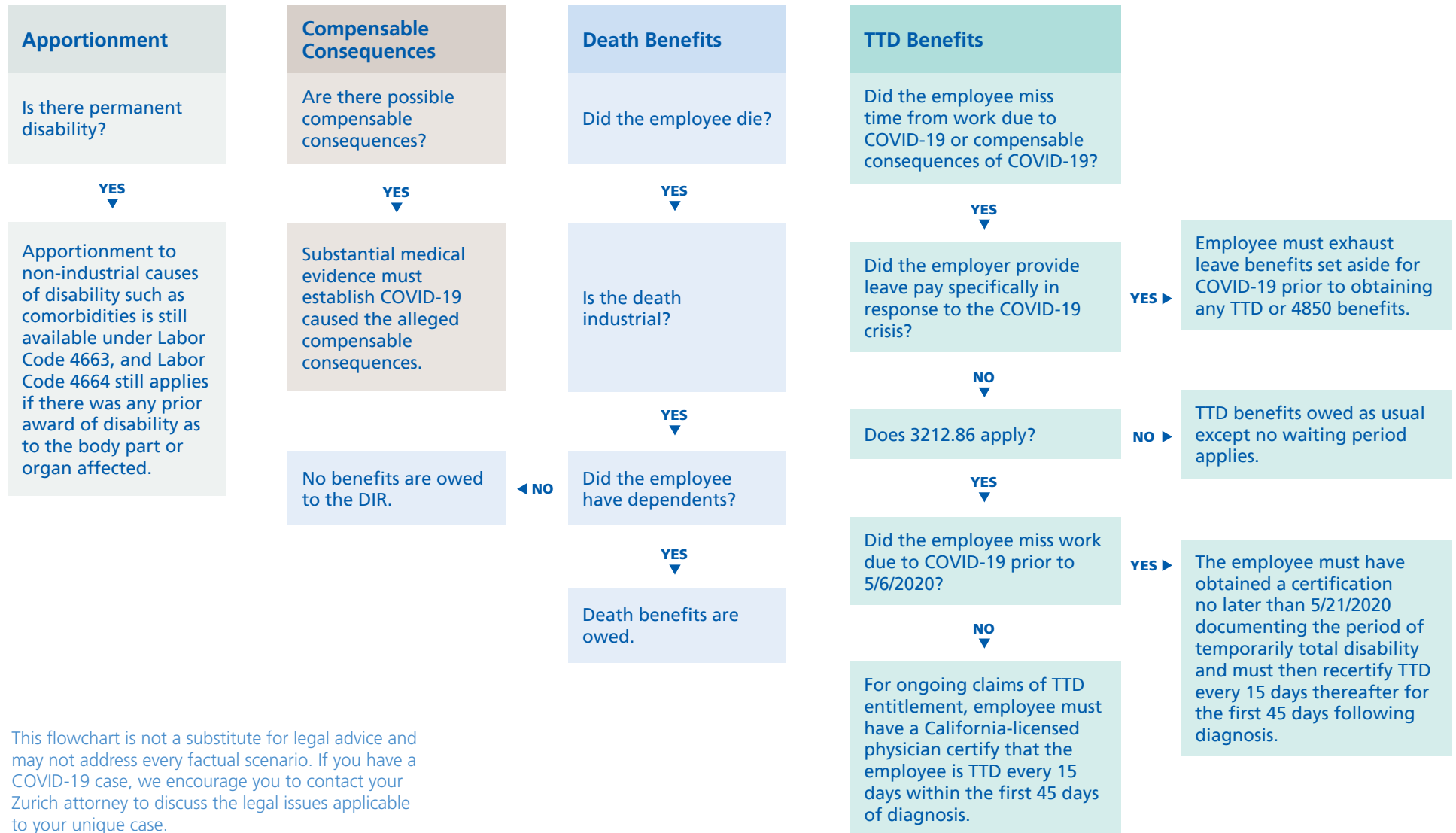
ACCEPTED
▼

Benefits are owed.

Use **BENEFITS**
(click here)

COVID-19 Presumption Flowchart - September 2020

BENEFITS (Labor Code Sections 3212.86, 3212.87, 3212.88)



This flowchart is not a substitute for legal advice and may not address every factual scenario. If you have a COVID-19 case, we encourage you to contact your Zurich attorney to discuss the legal issues applicable to your unique case.