

WORKER'S COMPENSATION FOR FIRST RESPONSE EMPLOYEES' COVID-RELATED INJURIES

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House Bill 4822 as introduced
Sponsor: Rep. Mike Mueller
Committee: Government Operations
Revised 6-14-21

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4822 would amend the Worker's Disability Compensation Act to provide that a first response employee's injury or illness resulting from contraction of COVID-19 is a personal injury presumed to arise in the course of employment under certain circumstances.

Generally speaking, the Worker's Disability Compensation Act provides compensation to employees who are injured on the job and provides that those benefits are the employee's sole remedy for the injury. (That is, the employee cannot sue the employer for other damages.) Injuries for which benefits are provided under the act include diseases or disabilities that arise from and in the course of employment and result from causes and conditions that are characteristic of, and specific to, the employer's business.

The bill would provide that an injury or illness resulting from a *first response employee's* contraction of **COVID-19** is a personal injury¹ presumed to arise out of and in the course of employment in the absence of evidence to the contrary if the first response employee meets one or more of the following criteria:

- He or she is quarantined at the direction of his or her employer due to confirmed or suspected exposure to COVID-19.
- He or she receives a COVID-19 diagnosis from a physician.
- He or she receives a presumptive positive COVID-19 test.
- He or she receives a laboratory-confirmed COVID-19 diagnosis.

First response employee would mean an individual who is any of the following:

- A firefighter as defined in the Fire Prevention Code.²
- A law enforcement officer as defined in the Michigan Commission on Law Enforcement Standards Act.³
- Emergency medical services personnel as defined in section 20904 of the Public Health Code.⁴
- A state correctional officer as defined in the Correctional Officers' Training Act.⁵
- A local corrections officer as defined in the Local Corrections Officers Training Act.⁶

¹ See <https://www.legislature.mi.gov/documents/mcl/pdf/mcl-418-401.pdf>

² <https://www.legislature.mi.gov/documents/mcl/pdf/mcl-29-1.pdf>

³ <https://www.legislature.mi.gov/documents/mcl/pdf/mcl-28-602.pdf>

⁴ <https://www.legislature.mi.gov/documents/mcl/pdf/mcl-333-20904.pdf>

⁵ <https://www.legislature.mi.gov/documents/mcl/pdf/mcl-791-502.pdf>

⁶ <https://www.legislature.mi.gov/documents/mcl/pdf/mcl-791-532.pdf>

COVID-19 would mean the novel coronavirus identified as SARS-CoV-2 or a virus mutating from SARS-CoV-2.

Proposed MCL 418.406

FISCAL IMPACT:

House Bill 4822 could have modest fiscal implications for the state and for local units of government. Specifically, government entities that are self-insurers for workers' compensation insurance may see increased claims costs under the bill, as a result of a larger population of eligible persons. The magnitude of this impact would depend on the number of additional cases that would arise as a result of the bill, which is presently indeterminate.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.