



ACTIONS TO TAKE IN THE COVID-19 ENVIRONMENT

Enable Lamb to be YOUR Advocate

Frequently Asked Questions

Q: Why would we want to reserve our rights on a claim we know will be denied?

A: Lamb is suggesting that clients reserve their rights in order to be on record with the incident in case any government or other legislative body enacts something that will change the outcome of the policy.

Q: If you expect your PPP loan to make up for business loss/extra expense, should you still report those?

A: Yes, you should report a loss. The way the insurance policy reads, your loss of income or extra expense incurred doesn't have anything to do with whether or not you received a loan.

Q: Is a fundraising loss considered business income?

A: This could be depending on how the carrier is going to review. That being said, this will likely be declined by the carrier as it is a property coverage and there are virus and contagious disease exclusions on nearly all property policies.

Q: During COVID, there was excess salaries due to Hazard pay, will workers' compensation provide credit for the additional pay?

A: It would not be eligible for a workers' compensation credit. In fact, you would need to report this additional payroll on the workers' compensation policy. However, it may be considered an extra expense due to COVID-19 and should be reported as a business interruption/extra expense claim on your property policy.

Q: We are a child care program expected to reopen in phase 4 (in NYC). Does this reopening equal an "occurrence" that could give rise to a claim?

A: Yes, if you were opened at any point just prior to and during the pandemic including reopening in Phase 1 through the additional reopening phases. This in and of itself is a good reason to give the carrier notice that there is a circumstance that could give rise to a claim.

Q: If a home care worker contracts COVID-19 working in a home where a family member of the client was diagnosed positive for COVID-19, should we file a claim?

A: Yes, we think that circumstance could trigger three different policies. For example: 1) liability policy – if the client claims they or a member of their household contracted COVID-19 from the home care worker, 2) workers' compensation - if the employee contracted COVID-19 during work, 3) employment practices liability policy - it's the organization's responsibility to create a safe environment.

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Q: Do we submit a notice of occurrence if an employee has already passed away from COVID-19?

A: Yes, there should be a notice to the workers' compensation carrier.

Q: If a client in a homeless shelter is diagnosed with COVID-19, I assume that is a situation we should report.

A: Yes, please report it as a personal injury claim on your general liability policy.

Q: What constitutes a legal log of the organization's policies?

A: This has yet to be determined by case law, however we suggest that the documentation has multiple employees "signoff" so that it can be proven that more than one person was aware.

Q: Can you explain how to make payroll class modifications?

A: Refer to the webinar recording time of 11:04 to re-watch the demonstration to [Submit a Claim](#).

Q: If employees were not out working at all, but on paid leave, does this count for this possible change of code for that period of time?

A: No, only employees that have been moved to a full time telecommuting position can have the workers' compensation credit applied to their payroll exposure.

Q: If usual in-home workers were only calling clients to talk with them, rather than going in their homes to clean, does that count as telecommuting?

A: Yes, as long as the workers were working 100% from their own home according to the eligibility rules of most workers' compensation policies.

Q: What should be your next step after your insurance company denies your claim for business interruption?

A: Once the carrier denies the claim, Lamb will review your policy to confirm if it was a fair denial.

Q: Is the presumption of contracting COVID-19 in the workplace rebuttable?

A: Yes, even in states where there is a presumption of liability, it is not absolute

Q: Can you define Essential Employee for the PA workers' compensation presumption?

A: Pennsylvania defines essential employees as those employees that work in healthcare, infrastructure, manufacturing, retail, public services, financial services, defense, and construction.

Q: If we are part of a presumptive state but haven't had any workers' compensation claims, would you recommend filing a workers' compensation claim showing a potential for claims or wait until a claim occurs?

A: Not necessary on workers' compensation. Only file a claim if you're aware of a specific individual that likely sick from COVID-19.

Q: Does a reduction in vehicle usage, not a full retirement, count toward a premium credit?

A: Unfortunately, it does not. The vehicle must not be in use for 30 or more days for the insurance carrier to offer a credit for time off the road.

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Click [here](#) or on the button below to submit claims related to COVID-19.

[Submit a Claim](#)

Feel free to call your account manager for more information or assistance.

