

Dear Zenith Agent,

As you are probably aware, Governor Gavin Newsom issued an Executive Order on May 6, 2020, related to workers' compensation coverage for California employees who contract COVID-19. The following is a summary of the Executive Order and our guidance as it relates to our customers.

The Executive Order includes a presumption that anyone working outside their home in California from March 19, 2020, through July 5, 2020, and who is diagnosed with COVID-19 will be presumed to have contracted the disease at work. This creates a greater likelihood than before the Order was issued that responsibility for COVID-19-related costs will fall to private businesses, regardless of where the illness was contracted.

The Governor's order does allow the presumption of compensability to be rebutted and includes a number of safeguards, such as:

- \* Requiring a positive test result to affirm infection
- \* Limiting wage-replacement payments until sick leave benefits are exhausted
- \* Stating that diagnoses of COVID-19 must be made by physicians or surgeons
- \* Limiting the presumption's timeframe

Our continued belief is that infections to which the general public is equally exposed are the responsibility of health plans or the government, and not private businesses. At the same time, when the possibility of a "conclusive presumption" was raised, we were pleased that the Governor and his staff listened to the many concerns voiced and altered course.

## **Reporting COVID-19 claims**

For those of you who have received questions from our mutual customers about when to report a claim and how Zenith will handle claims, you may respond as follows:

1. Employers should report a COVID-19 claim to Zenith if their employee:

- Has a positive COVID-19 test OR a diagnosis of COVID-19 from a licensed physician or surgeon.
- AND the employee indicates they acquired the illness at work.

2. Employers need not report a claim to Zenith if the employee merely says they were (or believe they were) exposed to COVID-19, but does not meet the requirements from 1, above. Exposure alone is not a covered claim, without an injury.

3. Reporting a claim does not mean it is compensable, and it does not mean it will be delayed or denied. Zenith will address each claim on its merits. We have created a dedicated task force to manage COVID-19 claims so we are both fair and consistent.

## **How we are communicating with policyholders**

We have [sent an email today](#) to our mutual customers whose email addresses we have to outline our claims guidance. Please feel free to also share this information with your Zenith policyholders.

## **Additional actions we've taken to help you and our mutual customers**

- \* We have developed a number of Safety & Health resources to help your clients navigate through the crisis, including COVID-19 best practices guides specific to Agriculture and other industries, a sample COVID-19 Infection Prevention Program, employee training tools, templates, signs, posters, and Human Resources advice. These are available to all current policy holders by logging in to Zenith Solution Center®.
- \* Our local Safety & Health Consultants are also available to provide guidance or assistance at any time.
- \* At this time, we continue to suspend cancellations for non-payment of premium.
- \* We established a way for policyholders affected by COVID-19 to manage payroll adjustments. Please contact your Underwriter or Territorial Marketing Manager for specific details.
- \* Zenith's local leaders remain accessible to you if a need arises.

Other questions or concerns can be directed to your Zenith Regional Executive or your Zenith service team.

Our goal continues to be the company you can depend on, and we believe this is particularly important as we navigate through COVID-19 together. Our teams remain fully engaged and available for all your needs. Most importantly, stay safe!

Zenith Insurance Company