



MONTANA MUNICIPAL INTERLOCAL AUTHORITY RISK MANAGEMENT BULLETIN

Please distribute to all appropriate personnel.

Date: 3/23/2020

To: MMIA Member Cities and Towns

Re: Workers' Compensation and COVID-19

MMIA staff have received several inquiries asking whether or not member employees are covered under Workers' Compensation if they contract COVID-19. The short answer: it depends.

If an employee feels they have been exposed to COVID-19 while in the course and scope of their employment, they may file a claim. For the claim to be accepted, according to Montana Code Annotated 39-71-119 (5), a worker would have to demonstrate that their job is the primary cause of the condition. In other words, they would need to demonstrate their job put them at greater risk for infection than the risk they already have as a member of the general population. Employees can ask themselves: "If not for my job, would I have been exposed to the virus and contracted the condition?"

For the majority of employees, it will be difficult to establish the risk at work as significantly greater than the risk of exposure outside of work. The two exceptions may be emergency service workers/first responders and health care providers. If these employees can identify a specific source or event while performing the duties of their job that resulted in their exposure to, and contraction of COVID-19, the claim may be compensable under Montana law.

MMIA evaluates claims and determines compensability based on the facts of each claim. If you have additional questions, please contact Ann Komac, Claims Manager at 406-495-7011 or 1-800-635-3089 ext. 121.