



August 11, 2020

SUMMARY OF BILL: Specifies that in a civil action claim arising from COVID-19, an employer's payment of a workers' compensation is not evidence that the disease was transmitted in the employer's workplace or that the contraction arose out of or in the course of employment. Establishes legal presumption that an employee who contracts COVID-19 has an occupational disease arising out of and in the course of employment if 10 or more employees at the same location have contracted COVID-19 and if the employee is an essential worker. Provides specific employer and insurer rebuttal.

ESTIMATED FISCAL IMPACT:

Other Fiscal Impact – Any increase in state or local government expenditures is dependent on multiple unknown factors and cannot be specifically determined. Any impacts to local governments are considered mandatory.*

Assumptions:

- Per the language of this legislation, essential workers are those working for a business that has been designated as an essential business by the federal, state, or applicable local government or those working for a business providing essential services as defined in the Governor's Executive Order No. 22, dated March 30, 2020.
- Further, it established a legal presumption that an employee who contracts COVID-19 has an occupational disease arising out of and in the course of employment if 10 or more employees at the same location have contracted COVID-19 and if the employee is an essential worker.
- Based on information provided by the Bureau of Workers' Compensation (BWC), it is estimated that any increase in claims can be accommodated within the Bureau's existing staff and resources without any increase in expenditures.
- At this time, it is not possible to determine how many state and local government employees would be eligible for claims and how much the claims would cost under these specifications.
- The increase in state or local government expenditures, if any, is dependent on multiple unknown factors and cannot be specifically determined. Any impacts to local governments are considered mandatory.

*Article II, Section 24 of the Tennessee Constitution provides that: *no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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