

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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HOUSE BILL 1057

Short Title: WC/COVID-19 Front Line Coverage/Funds. (Public)

Sponsors: Representatives Jackson, Boles, Setzer, and R. Smith (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Health, if favorable, Judiciary, if favorable, Rules, Calendar, and Operations of the House

May 2, 2020

A BILL TO BE ENTITLED

AN ACT AMENDING THE WORKERS' COMPENSATION LAW TO CREATE A REBUTTABLE PRESUMPTION THAT FIRST RESPONDERS, HEALTH CARE WORKERS, AND ESSENTIAL SERVICE WORKERS WHO ARE INFECTED WITH THE CORONAVIRUS CONTRACTED THE DISEASE IN THE COURSE OF EMPLOYMENT, REQUIRING THAT LOCAL GOVERNMENTAL EMPLOYERS CREDIT FIRST RESPONDERS AND HEALTH CARE WORKERS FOR LEAVE TAKEN WHILE QUARANTINED, AND APPROPRIATING FUNDS TO THE OFFICE OF STATE HUMAN RESOURCES TO SETTLE STATE EMPLOYEE WORKERS' COMPENSATION CLAIMS RELATED TO THE CORONAVIRUS PANDEMIC.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** G.S. 97-53 reads as rewritten:

"§ 97-53. **Occupational diseases enumerated; ~~when due to exposure to chemicals and conditions enumerated.~~**

The following diseases and conditions only shall be deemed to be occupational diseases within the meaning of this Article:

...

(30) Pandemic infection contracted by a covered person. – A pandemic infection contracted by a covered person shall be presumed to be due to exposure in the course of the covered person's employment. The presumption may only be rebutted by clear and convincing evidence. The following definitions apply in determining eligibility for compensation under this subdivision:

a. Covered person. – Means (i) a law enforcement officer, jailer, prison guard, firefighter, or an emergency medical technician or paramedic employed by a State or local governmental employer, including a volunteer firefighter meeting the requirement of G.S. 58-84-5(3a), (ii) a health care worker, or (iii) an employee required to work during a pandemic for a business declared essential by executive order of the Governor or by order of a local governmental authority, including food service, retail, and other essential personnel.

b. Pandemic. – An outbreak of an emerging disease prevalent in the United States or the whole world.

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1           **SECTION 1.(b)** This section is effective when it becomes law and applies to claims  
2 for workers' compensation benefits filed on or after that date.

3           **SECTION 2.(a)** There is appropriated from the General Fund to the Office of State  
4 Human Resources (OSHR), Department of Administration, the sum of five million dollars  
5 (\$5,000,000) in nonrecurring funds for the 2020-2021 fiscal year to settle claims filed by State  
6 employees who contract the coronavirus in the course of State employment as provided by  
7 G.S. 97-53(30), as enacted by this act. These funds shall remain available to pay these State  
8 employee claims until December 31, 2020. After that date, OSHR may use these funds to assist  
9 State agencies with the settlement of prior outstanding workers' compensation claims.

10           **SECTION 2.(b)** This section becomes effective July 1, 2020.

11           **SECTION 3.(a)** Notwithstanding any provision of law to the contrary, the following  
12 local governmental employees shall be credited by their respective employers for any sick or  
13 vacation leave taken by the employee to comply with a quarantine related to exposure to the  
14 coronavirus:

- 15           (1) Health care workers.
- 16           (2) Law enforcement officers, jailers, prison guards, firefighters, emergency  
17           medical technicians, paramedics, and volunteer firefighters meeting the  
18           requirement of G.S. 58-84-5(3a).

19           **SECTION 3.(b)** This section is effective when it becomes law and applies to every  
20 local law enforcement agency, county, city, and political subdivision of the State.

21           **SECTION 4.** This act is effective when it becomes law.