

Congress of the United States
House of Representatives
Washington, DC 20515

April 14, 2020

The Honorable Nancy Pelosi
Speaker
H-232, The Capitol
Washington, D.C. 20515

The Honorable Kevin McCarthy
Minority Leader
H-204, The Capitol
Washington, D.C. 20515

Dear Speaker Pelosi and Leader McCarthy:

As you continue your negotiations to craft another legislative package to respond to the impacts of the COVID-19 pandemic, we ask that you include language supporting federal workers on the frontlines of this crisis. In particular, we urge you to include language establishing COVID-19 as a presumptive occupational illness to be covered under the Federal Employees' Compensation Act for workers at risk of coronavirus exposure from contact with patients, co-workers or the public.

This groups includes caregivers exposed to the coronavirus in Veterans Health Administration and Indian Health Service facilities, Transportation Security Officers exposed in airports, corrections officers employed in Bureau of Prison facilities, law enforcement officers, postal workers, federal firefighters, air traffic controllers, inspectors in meat and poultry plants, and numerous others serving the public on the frontlines.

Normally, liability is established when the claimant can show the disease was "proximately caused by employment". However, establishing exposure to the coronavirus from employment presents an insurmountable problem because, as the science has established, asymptomatic individuals carry and transmit the coronavirus. Since it is impossible to identify whether COVID-19 was contracted from activities arising from the workplace, a reasonable presumption needs to be established for federal workers employed in facilities or occupations where the individual is in contact with the public or patients.


The Department of Labor (DOL) has issued guidance requiring individuals to show that a diagnosis of COVID 19 was "based on established employment-related exposure", but absent legislation, DOL lacks the authority to establish a presumption to ensure that those who are deserving of wage replacement and medical benefits are not unfairly denied.

States are beginning to take action to bolster their workers' compensation programs. For example, Michigan is providing a presumption of coverage for first responders diagnosed with COVID-19 or forced to quarantine. The federal government needs to emulate the best practices of the states by taking action to protect frontline workers.

Including a provision to establish COVID-19 as a presumptive occupational illness would ensure that we are providing our federal workforce with the necessary healthcare and workplace rights they need and deserve.

Thank you for your consideration of our request. Please do not hesitate to contact our offices if you have any questions.

Sincerely,



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Member of Congress



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Member of Congress

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Member of Congress

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