

**Side-by-Side Comparison of Unemployment and Workers' Compensation Benefits for Worker with COVID-19**

Prepared by Damien Leonard, Legislative Counsel

April 16, 2020

	<b>Unemployment Insurance</b>	<b>Workers' Compensation<sup>1</sup></b>
<b>Wage Replacement</b>	<ul style="list-style-type: none"> <li>• Approx. 57% of average weekly wage</li> <li>• Max of \$513/week</li> <li>• Federal government is providing an additional \$600/week Pandemic Unemployment Compensation benefit for benefit weeks ending 4/4/2020 through 7/25/2020</li> <li>• UI benefits are taxable income</li> </ul>	<ul style="list-style-type: none"> <li>• 66% of average weekly wage                             <ul style="list-style-type: none"> <li>○ If employee earns less than \$500/week, employee receives 90% of average weekly wage</li> </ul> </li> <li>• Maximum of \$1,353/week</li> <li>• If injury results in a permanent impairment, employee may be eligible for permanent (partial or total) disability benefits</li> <li>• WC benefits are not taxable income</li> </ul>
<b>Medical Benefits</b>	<ul style="list-style-type: none"> <li>• No                             <ul style="list-style-type: none"> <li>○ Employers of temporarily laid off workers may elect to continue the workers' health insurance in some cases</li> <li>○ Laid off workers may be able to obtain health insurance through the exchange or Medicaid</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Yes, reasonable and necessary medical treatment for a work-related disease                             <ul style="list-style-type: none"> <li>○ Other health care will need to be covered by employee's health insurance, if any</li> </ul> </li> </ul>
<b>Duration of Benefits</b>	<ul style="list-style-type: none"> <li>• Up to 26 weeks of regular benefits plus an additional 13 weeks of extended benefits that have been authorized through 12/31/2020                             <ul style="list-style-type: none"> <li>○ Individuals who exhaust UI benefits are eligible to receive Pandemic Unemployment Assistance benefits through 12/31/2020</li> <li>○ Prolonged high unemployment would eventually trigger State-federal extended benefits, which could provide additional benefits to individuals who remain unemployed</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• The period during which the employee is unable to work due to the work-related illness or injury                             <ul style="list-style-type: none"> <li>○ Temporary indemnity benefits stop when the worker is able to return to work, or reaches medical end result, even if the worker can not return to work</li> </ul> </li> </ul>

<sup>1</sup> Workers' compensation does not cover an instance in which a worker is quarantined for 14 days because they may have been exposed to COVID-19. However, the worker may be eligible to receive paid sick leave under the federal Emergency Paid Sick Leave Act or pursuant to their employer's leave policy.

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<b>Job Protection</b>	<ul style="list-style-type: none"><li>• No</li></ul>	<ul style="list-style-type: none"><li>• Limited<ul style="list-style-type: none"><li>○ If an injured worker recovers within two years of being disabled, an employer who employs 10 or more workers is required to reinstate the worker to the first available, suitable position consistent with the worker's pre-injury position and any medical restrictions</li><li>○ Employer is <u>not</u> required to hold the worker's job open or create a new position for the worker</li></ul></li></ul>
<b>Other Benefits</b>	<ul style="list-style-type: none"><li>• No</li></ul>	<ul style="list-style-type: none"><li>• Burial and funeral expenses up to max of \$10,000</li><li>• Vocational rehabilitation, if necessary to return to employment</li><li>• Mileage reimbursement for medical appointments, insurer scheduled visits, and vocational rehabilitation</li></ul>
<b>Job Search Requirement</b>	<ul style="list-style-type: none"><li>• Yes, but requirement is currently suspended because of the Pandemic</li></ul>	<ul style="list-style-type: none"><li>• Yes, but requirement is currently suspended because of the Pandemic</li></ul>