

Edward T. McIntyre  
Richard W. Donohue  
James J. Accardi  
Scott T. Salmonson  
Sean P. Riordan  
James H. Seganti  
  
Lisa C. Salmonson  
Mitchell G. Schuman (Lic. Rep.)  
Allison A. Curley  
David C. Donohue  
Nancy Pavlovic  
Joseph Abrahams  
Zachary H. Dworken  
Timothy Finnegan  
Shane Farrell  
Oksana Davydova  
Dionisios Georgatos  
Ronald Schnepf

Benson Sherman (1929-2017)  
Paul R. Federman (1943-2011)  
  
Of Counsel  
Robin A. Sambur (Ret.)  
Barbara B. Levine (Ret.)



Formerly known as *Sherman, Federman, Sambur, & McIntyre, LLP*

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*\*All correspondence  
to Bay Shore office.*

**Bay Shore Office**  
8 East Main Street  
Bay Shore, NY 11706  
(631) 665-0609  
Fax (631) 665-7409

**Other Offices**  
Bronx  
Brooklyn  
Garden City  
Manhattan  
Riverhead  
White Plains

## COVID-19 & Workers' Compensation for the Court Officers Benevolent Association of Nassau County

By: Edward T. McIntyre, Esq.

As we once again deal with a surge of COVID-19, especially in our workforce, many have raised the a very good question: **Should I file a Workers' Compensation claim if I know, or have reason to believe, that I contracted the virus in the course of my duties? The very short and simple answer is, YES.** However, there are a few things that everyone should be aware of when filing a COVID-19 Workers' Compensation Claim.

**First, filing a Workers' Compensation claim for COVID-19 is primarily for your long-term health protection.** With the NYS law providing 10 days of paid sick leave for COVID-19 still in effect, the vast majority of workers will not require, nor receive, compensation for their COVID-19 diagnosis via Workers' Compensation. Only those that are absent past the original 10 days will require such payment. However, with the emergence of "Long-Haulers COVID" some will require continued medical services associated with their COVID symptoms. Workers' Compensation protects a workers' rights to medical care, without out-of-pocket expenses incurred by the worker. **This invaluable health care protection is the true focus of COVID-19 Workers' Compensation claims.**

Second, with the issuance of the new NYS Dept. of Health guidance allowing employers to force employees back to work after 5 days if the employee is "symptom free" or where their "symptoms are resolving," **if you believe that you require additional absence past the 5 days, it is imperative that you see a doctor immediately and have your continued symptoms documented and a degree of disability noted by the treating physician.** (ex: "he/she remains 100% disabled from work due to continued COVID-19 symptoms"). Be sure to advise your doctor why you believe that you caught the virus at work and be sure that your doctor includes that in their report.

As always, if you would like to discuss a potential COVID-19 Workers' Compensation Claim or have additional questions, please do not hesitate to contact my office directly at (631) 665-0609 or email me at [Etm@licomplaw.com](mailto:Etm@licomplaw.com) anytime!