



EXECUTIVE ORDER 7JJJ CREATES REBUTTABLE PREUMPTION OF ELIGIBILITY FOR WORKERS' COMPENSATION

On July 24, 2020, Governor Lamont enacted Executive Order 7JJJ. The Order, in part, creates a rebuttable presumption of eligibility for workers' compensation that an employee contracted COVID-19 as an occupational disease arising out of and in the course of such employee's employment if (1) the employee initiates a claim for payment of workers' compensation benefits and (2) the employee missed a day or more of work between March 10, 2020 and May 20, 2020 due to a diagnosis of COVID-19, or due to symptoms that were diagnosed as COVID-19. Under the Order, this presumption can be rebutted only if the employer or insurer demonstrates to the workers' compensation commissioner by a preponderance of the evidence that the employment of the individual was not the cause of his or her contracting COVID-19.

Additionally, Executive Order JJJ modifies General Statutes Section 31-290a to prohibit discriminatory action by employers against employees because the employee has filed a claim for workers' compensation benefits due to COVID-19. Such prohibited discriminatory actions include discharging an employee from employment, disciplining an employee, and deliberately misinforming or dissuading an employee from filing a claim for workers' compensation benefits. Any employee against whom discriminatory action was taken as provided in Section 31-290a may bring a civil action and reinstate his or her job (if the employee was discharged), and recover payment of back wages and reestablishment of employee benefits, punitive damages, and attorney's fees. Alternatively, the employee may also file a complaint with the Workers' Compensation Commission to reinstate his or her job (if the employee was discharged), and recover payment of back wages and reestablishment of employee benefits, and attorney's fees.

The full text of Executive Order 7JJJ can be found at the following link: <https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7JJJ.pdf>

If you have any questions or need assistance with regard to Executive Order 7JJJ or Employment Law matters in general, please contact [Christopher L. Brigham](#), at (203) 786-8310 or cbrigham@uks.com, [Andrew L. Houlding](#) at (203) 786-8315 or ahoulding@uks.com, [Valerie M. Ferdon](#) at (860) 548-2607 or vferdon@uks.com, or [Jeffrey E. Renaud](#) at (860) 548-2629 or jrenaud@uks.com.

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