



CORONAVIRUS/COVID-19 RESOURCES AND WHAT YOU NEED TO KNOW

Lubowicki Insurance Agency continues to closely monitor the situation of the COVID-19. Our goal is to provide you with the most accurate up-to-date information as possible.

We have been getting questions about different coverages, exclusions and policy wording so we wanted to try and help our clients understand as much as possible about coverages during this difficult time.

Q: Is there any coverage for business income if we have to shut down?

A: The news on all networks has been filled with information on the now declared pandemic of the Coronavirus or COVID-19. It is possible on your commercial property insurance to extend coverage to include coverage for loss of business income due to a closure of your business caused by a covered peril. A communicable disease like the Coronavirus may not be a covered peril, but you should not allow that assumption to keep you from taking action. First, it is critically important to report all claims and potential claims to EACH AND EVERY CARRIER whose policy might apply to your loss. This includes CGL, Personal lines, Umbrella, Excess, Workers Compensation, Specialty and any other policy you may have. Second, you need to determine whether you purchased business income coverage. If you don't find the coverage in your policy description, be sure to call our office. Third, if your business closes due to the Coronavirus, it is important to know (again) that communicable diseases typically are not a covered peril that would give rise to insurance benefits for loss of income. It doesn't matter if the loss of income is just from a downturn of business due to the loss of many customers or the actual closure of your business. However, you should still report all claims and potential claims.

Please be sure to contact our agency if you have any questions.

Below are some guides and FAQs to direct you to available resources.

Q: What Can Businesses Do Now?

A: A business should prepare for potential losses and impacts related to the Coronavirus. Some suggestions include:

- **Operations**
 - Identify services critical to ongoing operations
 - Track added expenses due to Coronavirus for accounting purposes
 - Determine if there are backups in place for critical operation functions
 - Identify critical supply chain services and examine alternatives
 - Update all staff on the increase of Cyber Risk malware due to Corona subject matter
 - Review/modify business contingency plans

- **Staff**
 - Review and implement health & safety policies in the workplace
 - Work to reduce risk and classify COVI-19 exposure via U.S. Department of Labor resource: <https://www.osha.gov/Publications/OSHA3990.pdf>
 - Provide employees with personal protections equipment (PPE)
 - Plan for employees to work from home – if possible ensure employees know of any work from home provision offered by the company and how/when it may be utilized

- Employers should take a practical approach to easing employees' concerns about Coronavirus by Reviewing the company's sick or Paid/Personal Time Off (PTO) policies and any applicable state or local sick leave policies, then be prepared to explain them.

**Do not hesitate to seek legal counsel with respect to uncertainty, discrepancy or concerns in relation to business operations and/or staffing.*

Q: What makes an illness occupational in nature and thus covered under workers' compensation?

A: As per www.independentagent.com – two tests must be satisfied before any illness qualifies as occupational and thus compensable under workers' compensation. Some states have already passed "presumption" bills that mean that COVID claims can be attributed to the employer's workplace. Refer to your business' attorney for more information:

- 1) The illness or disease must be occupational, meaning that it arose out of and was in the course and scope of employment; and
- 2) The illness or disease must arise out of or be caused by conditions peculiar** to the work.

For example, black lung disease in the coal mining industry is a disease that is **peculiar to the work of a miner. Coal miners are subject to prolonged exposure to higher-than-normal concentrations of coal dust leading to black lung disease. This makes the disease peculiar to the coal mining industry. For the complete article click [here](#).

CDC Guidance for Business and Employers to Plan and Respond

CDC is working across the Department of Health and Human Services and across the US government in the public health response to COVID-19 [Click here for CDC Guidance document](#).

OSHA-Guidance on Preparing Workplaces

The Occupational Safety and Health Act requires employers to comply with safety and health standards and regulations promulgated by OSHA or by a state with an OSHA-approved state plan. *(This is not a new legal obligation but in fact a reminder of a resource to utilize at this time.)* In addition, the Act's General Duty Clause, Section 5(a)(1) requires employers to provide their employees with a workplace free from recognized hazards likely to cause death or serious physical. [Full document can be found here](#).

For the most up-to-date information please visit the CDC website. Stay well, stay informed...and wash your hands!

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