



Labor & Employment Issues Client Alert

Pitta LLP
For Clients
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**“We believe in the ideas of family, mutuality,
the sharing of benefits and burdens
for the good of all, feeling one another’s pain,
sharing one another’s blessing
recognizing that at the heart of the matter
we are bound to each other.”**

-Mario M. Cuomo-

COVID-19 Compensation Fund

As previously reported, a bi-partisan group of federal legislators introduced the Pandemic Heroes’ Compensation Act of 2020 which would establish the COVID-19 Compensation Fund for essential workers modeled after the September 11th Victim Compensation Fund. The text of the legislation was not published until yesterday, June 10, 2020. The legislation has been assigned reference number H.R. 6909. While United States Senator Tammy Duckworth had joined her colleagues from the House of Representatives in announcing the legislation on May 14, 2020, as of the date of this writing, no bill appears to have formally been introduced in the Senate yet.

The proposed legislation establishes a victim compensation fund for all essential workers who suffered injuries and/or died from COVID-19. Under the bill, a claimant will be entitled to recover both economic (e.g. lost income and employment benefits) and non-economic losses (e.g. pain and suffering) resulting from COVID-19. A claim must be submitted within five (5) years after the end of the “eligibility period,” defined to mean the period of time during which a COVID-19 related governmental emergency order or declaration was in effect. To be eligible for compensation, a claimant would need to demonstrate that he or she:

- (1) (a) Was designated as an essential worker (pursuant to applicable governmental orders or declarations) and worked outside his or her residence during the eligibility period;
or
(b) was a family member of such an essential worker who resided with the essential worker during the eligibility period;
- (2) Expressed symptoms consistent with COVID-19; and
- (3) Suffered economic loss.

Like the September 11 Victim Compensation Fund, the COVID-19 Compensation Fund would be administered by a Special Master appointed by the Attorney General. The bill does not specify amounts of compensation. The Special Master will have the authority to determine the amount of compensation to which a claimant is entitled based upon the harm suffered by the claimant. The legislation directs the Special Master, however, to reduce any such compensation by any collateral sources of compensation that the claimant receives or is entitled to receive as a result of suffering from COVID-19. The COVID-19 Compensation Fund would be permanently closed one year after the Special Master determines that no additional claims may be filed.

It is unclear at this point how quickly, if at all, this proposal will be considered by Congress. We will continue to monitor the legislation and provide relevant updates. Given the significant experience and familiarity of the attorneys at our affiliated law firm, Pitta & Baione LLP, with the September 11th Victim Compensation Fund, after which the COVID-19 Compensation Fund is modeled, should Congress pass this bill, Pitta & Baione LLP will be particularly well suited to represent claimants before the Fund.

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