



April 28, 2020

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Re: Employer Rates & Liability Protection in Workers Compensation Streamlining for COVID-19

The undersigned organizations represent the nation's automotive repair and maintenance service and supply businesses designated by the Department of Homeland Security as "critical infrastructure," the vast majority of which are small businesses. We are reaching out to you today in the hopes of avoiding a serious potential problem with state workers compensation programs. As state agencies grapple with managing workers compensation claims during the COVID-19 crisis, they may need to streamline their processes as much as possible. We urge you to urge them to make clear that any factors used for streamlining, such as an employee testing positive for COVID-19, must include recognition of the fact that there is currently no way to determine exactly when or where anyone has contracted COVID-19.

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Our member companies strive to enforce CDC employer guidelines for COVID-19 and provide all available personal protective equipment to employees for their safety as well as customer safety. These employers are also taking every measure available to keep their businesses functioning and maintain payroll even when not enough consumer patronage exists to do so by conventional standards. At this point, we have no way of knowing if our members will return to normal capacity after stay-home orders are lifted or whether even that would be enough to keep them running through the end of the year. For all of these reasons, from lack of scientific basis for assignment of causation to likely inability to pay, we also urge you to urge state agencies managing aspects of workers compensation programs to *exclude* COVID-19 claims from employer experience rates.

We thank you in advance for your attention to this crucial matter and hope to work with you and your state agencies to create holistic solutions to these kinds of issues as they arise.

Sincerely,

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