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State: Fla.

## Sheriff's Ban on Masks Likely to Lead to More Comp Claims, Some Say: Top [2020-08-14]

First responders' attorneys are warning that a Florida sheriff's ban on face masks will lead to more COVID-19 sickness and more workers' compensation claims.

"This is literally unfathomable," attorney Geoff Bichler said Thursday, two days after Marion County Sheriff Billy Woods announced that his employees are now forbidden from wearing face coverings, despite evidence showing that masks help prevent the spread of the coronavirus.

Woods also said members of the public who enter the office wearing masks will be asked to remove the cover or leave the premises. Exceptions to the rule include deputies who work in the jail, schools, hospitals or the courthouse, according to a Florida news report.

The sheriff said he issued the rule to help facilitate oral and visual communication at a time that law enforcement actions have come under fire around the country.

"In light of the current events, when it comes to the sentiment and/or hatred toward law enforcement in our country today, this is being done to ensure there is clear communication and for identification purposes of any individual walking into a lobby," Woods told the newspaper.

The sheriff also said that despite urging from federal health officials and epidemiologists that masks significantly reduce the spread of the virus, other reports suggest they do not.

The edict comes as Florida continues to see a surge in new infections. On Tuesday, the state set a new record for deaths, with 276. New COVID cases reached almost 8,000 on Tuesday, down from a peak of 15,300 in mid-July but 10 times the daily numbers in April and May, according to news and health department reports.

Marion County, with a population of about 366,000, is in the central part of the state, not far from the sprawling metropolis of Orlando. Marion also set a record this week, with 13 deaths on Tuesday. Some 200 inmates and 36 employees at the county jail have tested positive, along with several patrol officers. A nurse there recently died, news reports have said.

Bichler, known for his outspoken advocacy for first responders, called the sheriff's mask order "shocking and nothing less than a dereliction of duty."

Bichler said actions like Woods' underscore the need for presumption legislation aimed at making it easier for COVID-sickened frontline workers to qualify for compensation benefits and paid time off. Some first responders have said their claims have been denied, forcing them to burn through their personal vacation time or miss paid workdays in order to quarantine and recover.

Some 14 states around the country have adopted some degree of presumption for essential workers during the pandemic. Florida regulators have directed a state agency to favorably consider claims brought by state-employed frontline workers.

Workers' comp attorney Kenneth Hesser, of Ocala, who has represented first responder claimants in Marion County, predicted that the mask ban would lead to an uptick in comp claims against the Sheriff's Office. Those claims are likely to be opposed by the law enforcement agency and its insurance trust, he said.



“There's often a circle-the-wagons mentality on that,” he said.

Bichler agreed and said that, based on the actions of some other public safety agencies in the state, the sheriff's department will probably fight most claims.

The Florida Office of Judges of Compensation Claims reports that only three claims have been filed against the Marion County sheriff this year. Two were not virus-related, but the nature of the third claim was not clear from the online records.

That could suggest that some deputies are reluctant to file reports of injury for fear of reprisal, Bichler said.

Data from the Florida Division of Workers' Compensation, posted this week, shows a huge jump in the statewide number of COVID-related claims in June, as infections soared across the state. The largest share of COVID claims this year have been filed by protective service workers, which includes law officers and other first responders.

Protective service workers filed 4,345 claims through the end of July — about 37% of all virus-related claims, the state data show.

About 34% of those claims have been denied, a slightly lower rate than that for health care workers. In Marion County, 50 workers have filed COVID claims, but the report did not indicate how many of those were from first responders.

Some law enforcement agencies in the state have been hit harder than others. The Miami Police Department last month reported that 151 employees have been quarantined. In nearby Broward County, more than 280 sheriff's workers have tested positive, reports indicate.

Elsewhere in the country, the sentiment over masks has varied widely and has become politically charged. Some states and some cities have required masks, while others have not. In Georgia, the governor issued an order attempting to block the City of Atlanta's requirement that people in public places wear masks.

The Marion County sheriff and the Florida Sheriffs' Association declined to comment about Woods' mask ban. The Florida Fraternal Order of Police could not be reached. The Florida Sheriffs' Risk Management Fund, which provides comp coverage for Marion County, also could not be reached.