

ON SEPTEMBER 17, 2020,
CALIFORNIA GOVERNOR
NEWSOM SIGNED INTO LAW SB
1159, RELATING TO COVID-19 IN
THE WORKPLACE. IT WAS
URGENCY LEGISLATION, WHICH
TOOK EFFECT UPON SIGNING,
AND ITS REPORTING
OBLIGATIONS ARE NOW A
REQUIREMENT.

SB 1159 COVID PRESUMPTION

SB 1159 provides two new workers' compensation presumptions for employees who test positive for COVID-19 on or after July 6, 2020.

The new law requires certain ongoing reporting and investigation obligations of the employer. The reporting will require capturing information regarding any employee whom the employer learns tests positive for COVID-19, even if the employee does not believe the virus results from a work exposure.

The statute does not compel the employee to disclose private health information and therefore such information should not be solicited from the employee. But, if the agency knows or reasonably should know that an employee has tested positive for COVID-19, including if the agency learns of the positive test either from the employee or other reliable sources, such as Public Health contact tracing, the report to Risk Management is required.



COVID-19 Rebuttable Workers' Compensation Presumptions:

A workers' compensation presumption means that a condition is assumed to have been caused by a workplace exposure unless the employer proves otherwise. The new law provides two separate presumptions for employees who have tested positive for COVID-19 on or after July 6, 2020:

1. A rebuttable presumption for employees who provide direct patient care at a healthcare facility, healthcare custodial staff who have been in contact with COVID-19 patients, active safety members (fire and law enforcement), and in-home supportive service providers when they provide the services outside of their own homes (Lab. Code, § 3212.87).
2. A rebuttable presumption for all other employees required to report to work and whose "specific place(s) of employment" have experienced an "outbreak" within 14 days of the positive test (Lab. Code, § 3212.88).

OUTBREAK DEFINED:

- 5 or more employees.
- "Four or Four" Rule:
 - Less than 100 or fewer people at a location, four (4) employees must test positive for COVID-19 in a 14-day period,
 - OR, more than 100 employees at a specific place of employment, 4% of the employees at a particular facility testing positive for COVID-19 in a 14-day period. That outbreak must occur within 14 days of the applicant's positive test.

Regardless of whether the employee falls into the Safety or Health Care Worker Presumption, tracking of all employees for possible outbreak must be kept.



1) RETROSPECTIVELY
REPORT ALL
EMPLOYEES TESTING
POSITIVE BETWEEN
JULY 6, 2020 AND
SEPTEMBER 17, 2020 TO
SEDGWICK BY OCTOBER
17, 2020 - THIS IS NOT
SPECIFIC TO
EMPLOYEES WHO
ALLEGE A WORK-
RELATED EXPOSURE.

EMPLOYER'S RESPONSIBILITIES

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- 2) REPORT ALL POSITIVE TESTS THAT OCCUR FROM SEPTEMBER 18 FORWARD TO SEDGWICK WITHIN THREE BUSINESS DAYS.
- **IMPORTANT:** IN ADDITION TO REPORTING THE POSITIVE TEST, IF THE EMPLOYEE CLAIMS THEY CONTRACTED COVID AT WORK, PROVIDE A DWC-1 CLAIM FORM AND ONCE IT IS COMPLETED AND RETURNED, REPORT THE CLAIM TO SEDGWICK THROUGH THE GLOBAL INTAKE PORTAL.



**3) REPORT THE HIGHEST
NUMBER OF EMPLOYEES
WHO REPORTED TO WORK
AT THE EMPLOYEE'S
SPECIFIC PLACE
OF EMPLOYMENT IN THE
45 DAYS PRECEDING THE
LAST DAY THE EMPLOYEE
WORKED AT EACH
SPECIFIC PLACE OF
EMPLOYMENT**

EMPLOYER'S RESPONSIBILITIES



AGENCY REPORTING REQUIREMENTS

EMAIL TO RISK.MANAGEMENT@VENTURA.ORG

EMPLOYER RESPONSIBILITY #1:

- Compile information for all employees testing positive between July 6-September 17, 2020, send to Risk Management by October 17th
 - Spreadsheets or use of the Positive Test Notification Form can be used

EMPLOYER RESPONSIBILITY #2:

- September 18, 2020 forward use the “COVID-19 Positive Test Notification Form” to report any employee with a positive test
 - Must be reported within 3 Business Days

For Positive Tests July 6-September 17, Spreadsheets Need to Contain:

- Employee Name (last, first)
- Employee #
- Agency
- Date of Knowledge of + Test
- Date of + Test Collected
- Date of + Test Result
- Date last Worked Before + Test
- Work from Home? Y/N
- Specific Work Location if NOT Home (separate line for each location)
- Highest attendance rate 45 days prior to test result (Best estimate for past, keep track going forward)



COVID-19 Positive Test Notification

Email report to: Risk.Management@ventura.org

Questions: (805) 654-3197 – voice mail messages will be returned as soon as possible

Date: _____ Agency: _____

Employee Name: _____ Employee Number: _____

Employee Email Address: _____

Employee Phone Number: _____

Supervisor Name, Email Address, and Phone Number:

Has employee expressed interest in filing a workers' compensation claim? YES / NO

Date supervisor learned of the COVID-19 positive test: _____

Date of COVID-19 test: _____

Date employee last worked before COVID-19 test taken: _____

Did employee work at a County facility at any time within 14 days of the COVID-19 test?

YES / NO – if NO, skip the next two questions

Specific work location(s), including name and address, where employee worked for the 14 days before the COVID-19 test.

Maximum number of employees working at that/each location within 45 days of the testing.

Report Prepared by: _____ Phone: _____