



EXECUTIVE SUMMARY OF SB 1159

SB1159 is summarized below in three parts:

- **Executive Order:**
 - Applies to all essential workers with date of injury March 19, 2020 to July 5, 2020. **The date of injury is considered to be the LAST date on which the employee performed services at the place of employment.**
 - Expires 1/1/2023
 - Must test positive or be diagnosed with COVID- 19 within 14 days after employee performed services (a positive antibody test within 30 days of last date of employment is acceptable).
 - Diagnosis must have been **done by a licensed physician and surgeon holding an MD or D.O. degree or a state licensed P.A. or Nurse Practitioner acting under the review /supervision of a physician or surgeon within that authorized scope of practice and followed up with a ‘serologic test’ (antibody test) within 30 days.**

- **Healthcare professions:** firefighters, peace officers, fire and rescue service coordinators, and ‘home health agency direct patient care’ employees and In Home Supportive Service employees providing services outside of their own home:
 - Applies between July 6, 2020 to January 1, 2023. **The date of injury is considered to be the LAST date on which the employee performed services at the place of employment.**
 - 30 day rebuttable presumption
 - PCR test to prove presence of viral RNA within 14 days after last performing labor at place of business at employer’s direction (this test does not include serologic test)
 - Presumption extended for 14 days following last date worked following termination of employee

- **All employees** (not covered in the prior sections)
 - Applies to all employees (not covered in the prior two sections) for the period July 6, 2020 to January 1, 2023. **The date of injury is considered to be the LAST date on which the employee performed services at the place of employment.**
 - 45 day rebuttable presumption
 - PCR test to prove presence of viral RNA within 14 days after last performing labor at place of business at employer’s direction (this test does not include serologic test)

- Must test positive during an “outbreak”:
 - **Outbreak is defined as follows:**
 - If, within 14 calendar days of **One of the following** occurs at the specific place of employment:
 - If employer has **100 or fewer** employees at that specific place of employment, four (4) employees test positive for COVID-19
 - If more than 100 employees at that specific place of employment, 4% of the number of employees who reported to the specific place of employment, test positive for COVID-19.
 - **If the employee works at multiple places at the direction of his/her employer, then the specific location of where an outbreak occurred within 14 days of the positive test is to be considered the ‘outbreak’ location and all data from that particular location needs to be analyzed to determine if an outbreak occurred.**

Senate Bill 1159 created a presumption of workers’ compensation compensability. To note is that even if the presumption is found that it does not apply, the applicant still has the ability to prove by a preponderance of evidence that the injury is industrial.

The bill also includes ways an employer can rebut the presumption as follows:

- “measures in place to reduce potential transmission”;
- The employee had “non occupational risks” of infection;
- No contact with a COVID-19 patient (healthcare setting)

This section encourages safety at work and knowledge of employee activities outside work, so C&F (Crum & Forster) highly encourages that you take an active role in implementing and enforcing safety guidelines associated with COVID-19.

To view the complete Bill, please click the link below.

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB1159