



To our valued clients:

IMPORTANT INFORMATION ABOUT NEW COVID REQUIREMENTS

The passage of California's Senate Bill 1159 establishes a new set of guidelines and presumptions for Covid-19 related exposures after July 6, 2020.

The full bill is available for your review - [Senate Bill 1159](#)

Be sure to check with your Workers' Compensation attorney to find out what this new law means for you.

This initial communication is confined to the employer's new reporting requirements under SB 1159. LWP will be scheduling webinars to further review these reporting requirements, and also to discuss additional future employer responsibilities.

Please note that the new regulations include possible civil penalties up to \$10,000 for employers who fail to accurately and timely report.

Senate Bill 1159: Signed into law by Governor Gavin Newsom on September 17, 2020, California law now provides that certain employees who test positive for COVID-19 at one or more of the employer's specific locations, may be presumed to have contracted the virus at that employer's workplace and may be entitled to workers' compensation benefits.

This section of the new law requires all employers who have 5 or more employees to report to their Workers' Compensation claims administrator certain information once an employee tests positive for COVID-19. Even if the employer believes that the employee's positive test was not the result of a work exposure, it must still be reported to the claims administrator.

As part of this new law, your claims administrator (LWP Claims Solutions, Inc.) has increased our record keeping capabilities to determine whether an employer is experiencing an outbreak of COVID-19. If it is determined that an "outbreak" has occurred, the employees at that location may be eligible for Workers' Compensation benefits under this presumption.

An “outbreak” is defined as:

- (For employers with fewer than 100 employees at the location) - 4 or more employees test positive within a 14-day period
- (For Employers with more than 100 employees at the location) - 4% of the employees test positive within a 14-day period
- The specific place of employment was ordered to close by a local public health department, the State Department of Public Health, the Division of Occupational Safety and Health, or a school superintendent due to a risk of infection with COVID-1. If so, please provide address of location and dates of closure

NEW Employer Duties and Reporting Requirements:

The employer has an affirmative duty to report to the claims administrator when the employer “knows or reasonably should know” an employee tested positive for COVID-19. The employer must also provide sufficient information for the claims administrator to determine whether the incidents are considered to be part of an “outbreak.”

If employee desires to file a workers’ compensation claim, the employer must also file a claim in the normal manner.

SB 1159 outlines two different exposure periods with different reporting requirements and timelines.

Positive tests occurring between 7/6/20 and 9/17/20:

The Employer must report the following **by 10/29/20**:

- Employer name
- Employee (Use an internal number or initials for identification purposes.) Unless the employee is pursuing a Workers’ Compensation claim, the employee’s identifying information cannot be sent to the claims administrator
- The date the employee tested positive (ie. Enter actual test date of the specimen collected, and not the result date. Test must be a Polymerase Chain Reaction (PCR) or other viral testing approved by the FDA. Serologic (antibody) resting is not a viable test for these purposes)
- The address(es) of the specific place(s) of employment during the 14-day period prior to the positive test
- Date the employee last worked at the employer’s place of business
- The highest number of employees who reported to work at each specific place(s) of employment on any given workday between 7/6/20 and 9/17/20
- Whether the specific place of employment was ordered to close by a local public health department, the State Department of Public Health, the Division of Occupational Safety and Health, or a school superintendent due to a risk of infection with COVID-1. If so, please provide address of location and dates of closure

For positive tests on or after 9/18/20:

The Employer must report to the LWP Claims Solutions **within 3 business days:**

- Employer name
- Employee (Use an internal number or initials for identification purposes.) Unless the employee is pursuing a Workers' Compensation claim, the employee's identifying information cannot be sent to the claims administrator
- The date the employee tested positive (ie. Enter actual test date of the specimen collected, and not the result date. Test must be a Polymerase Chain Reaction (PCR) or other viral testing approved by the FDA. Serologic (antibody) testing is not a viable test for these purposes)
- The address(es) of the specific place(s) of employment during the 14-day period preceding the positive test
- Date the employee last worked at the employer's place of business
- The highest number of employees who reported to work at the specific place(s) of employment on any given workday in the 45-day period preceding the last day the Employee worked at each specific place of employment
- Whether the specific place of employment was ordered to close by a local public health department, the State Department of Public Health, the Division of Occupational Safety and Health, or a school superintendent due to a risk of infection with COVID-1. If so, please provide address of location and dates of closure

Please utilize the attached Covid-19 Occurrence Reporting Form to report any employee's positive testing which occurred July 6, 2020 and ongoing. All reporting should be sent to covid@lwpclaims.com or faxed to 408-725-0395.

We have also attached a Questions/Answers document that may be of interest.

Please feel free to reach out to me or any of the managers assigned to your account if you have any questions.

Sincerely,

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