



### California Senate Bill 1159- Information you need to know

Please be advised that Governor Newsom signed into law Senate Bill 1159 on September 17, 2020. The law establishes a rebuttal presumption that illness or death related to COVID-19 is an occupational injury and therefore eligible for worker's compensation benefits. It specifically applies to employees who suffer illness or death on or after July 6, 2020 through January 1, 2023. This bill contains five sections. Three of the five sections apply to the handling of claims and reporting.

- Date of Injury is the last day the employee performed labor or services at the employer's place of employment at the direction of the employer
- If determined compensable, the employee shall be eligible for all benefits applicable under workers' compensation
- Employees must exhaust all paid sick leave benefits offered specifically in response to COVID-19 before obtaining temporary disability benefits (T.D.) under Labor Code 4850 benefits
- The three day waiting period is eliminated
- The Death without Dependents Unit will not collect death benefits from COVID-19 cases without dependents.

The bill further provides an obligation on the part of the employer to report COVID-19 claims to their claims administrator (Tokio Marine). Failure to do so could subject the employer to a Civil Penalty of up to \$10,000. This law also applies to employees who are not claiming their COVID-19 condition is work related. This law does not cover employees who work from home. The employer reporting a non-work related COVID-19 incident must do so anonymously without disclosing the name of the employee.

#### **Reporting Requirements**

- The date the employee tested positive for COVID-19
- All positive tests from 9/17/20 forward are to be reported within three days to Tokio Marine
- Any retro reporting for positive tests between 7/6/20 and 9/17/20 are to be reported to Tokio Marine within 30 days of 9/17/20.
- The specific address of the employer's place of employment during the last 14-day period prior to testing positive.
- If the employer has more than one job site at which the employee was directed to work by the employer, then all addresses must be disclosed within the same 14 day period prior to testing.
- The retro reporting changes the requirement of reporting the highest number of employees at the place of business from a 45-day window before the testing to only reporting the highest employee count between 7/6/20 and 9/17/20.
- Employers with less than five employees at each location do not have to report and are not subject to any penalty for failing to report. However, if the employer has multiple locations, this reporting requirement *may* apply in certain instances.
- This reporting does not constitute a claim, unless the employee chooses to file a claim.

**Questions:** please contact Patricia Woolsey, Assistant Claims Manager at 626-590-8101