



MEMBER ALERT

SB 1159 - COVID-19 WORK COMP PRESUMPTION & MANDATORY EMPLOYER REPORTING REQUIREMENTS

SEPTEMBER 22, 2020

Effective September 17, 2020, there is a rebuttable presumption for COVID-19 infections as work-related when specific requirements have been met.

For our members, there are three requirements that your employees will need to meet to qualify for the presumption. One of the requirements is whether or not the employee tested positive for COVID-19 during an **outbreak** at his/her Jobsite (excludes an employee's home or residence)

An outbreak is defined as occurring if, within 14 calendar days from the employee's positive test, one of the following occurs:

- 1) Jobsites with 100 or fewer employees must have 4 positive tests
- 2) Jobsites with over 100 employees must have 4% positive tests
- 3) Jobsite was closed due to the risk of COVID-19 infection by the local or state Department of Health, CalOSHA, or a school superintendent.

In determining if a Jobsite has had an outbreak, the new statute includes **mandatory reporting requirements for employers** to report to their workers' compensation claims administrator when an employee has tested positive for COVID-19.

There are two distinct reporting periods, which we are calling the backlog period and go forward period.

Information to Report to SIA's Work Comp Dept.:

- **Backlog Reporting Period:** Report positive tests from 7/6/2020 to 9/16/2020

Reporting must be completed by October 28, 2020.

- 1) Report each positive test (cannot provide any personally identifiable information about the employee UNLESS they wish to file a workers' compensation claim)
- 2) Date of the test
- 3) Name and address of Jobsite(s) that the employee worked at within 14 calendar days from their last day worked
- 4) The date of the employee's last day worked at the jobsite(s)
- 5) The highest number of employees reporting to the same Jobsite(s) from 7/6/2020 through 9/16/2020

- **Go Forward Reporting Period:** Report positive tests from 9/17/2020 through 1/1/2023

Reporting must be completed within three (3) business days from the date the employer knew or reasonably should have known of a positive test.

- 1) Report each positive test (cannot provide any personally identifiable information about the employee UNLESS they wish to file a workers' compensation claim)
- 2) Date of the test
- 3) Name and address of Jobsite(s) that the employee worked at within 14 calendar days from their last day worked
- 4) The date of the employee's last day worked at the jobsite(s)
- 5) The highest number of employees reporting to the same Jobsite(s) during the 45-day period preceding the last day the employee worked

Reporting must be done through email or fax. SIA requests that our members report using email and to email their reports to:

Sara Gouveia, Claims Manager at sgouveia@sia-jpa.org and Opal Weiser, Sr. Director Workers' Compensation at oweiser@sia-jpa.org

We recommend that all members begin addressing your internal processes by identifying who will be responsible for monitoring positive COVID-19 tests and reporting positive tests to SIA. We also would like for each member district to provide Sara Gouveia and Opal Weiser the names and contact information of the staff member(s) chosen to monitor and report positive COVID-19 test results.

Failure to report or report timely may lead to a civil penalty of as much as \$10,000.