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COVID-19 Updates for Employers

SB 1159 – Workers' Compensation for COVID-19 Injury – Effective Immediately

This new law establishes a rebuttable presumption that an employee who has COVID-19 contracted the disease at work for the purpose of determining eligibility for workers' compensation benefits.

The employee must test positive for COVID-19 within 14 days after working at the employee's place of employment at the employer's direction for the rebuttable presumption to apply.

For COVID cases arising on or after July 6, 2020, the positive COVID test must also occur "during a period of an outbreak at the employee's specific place of employment." An "outbreak" exists in the following circumstances:

- Between 5-100 employees at the worksite: 4 employees test positive for COVID-19 within a 14-day period.
- More than 100 employees at the worksite: 4 percent of employees who reported to the worksite test positive for COVID-19 within a 14-day period.
- The worksite is ordered to close due to COVID-19 transmission risks.

The requirement that there be an outbreak does not apply to workers' compensation claims by certain public safety and healthcare workers.

SB 1159 also requires an employer that knows or reasonably should know that an employee has tested positive for COVID-19 to report the case to their workers' compensation claims administrator in writing within three business days. An employer or other person acting on behalf of an employer who intentionally submits false or misleading information or fails to submit information is subject to a civil penalty in the amount of up to ten thousand dollars ($10,000) to be assessed by the Labor Commissioner.

AB 685 – COVID-19 Exposure Notifications to Individuals – Effective January 1, 2021

AB 685 requires public and private employers to give timely written notice to employees who may have been exposed to COVID-19 in the workplace.

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If an employer becomes aware that a person with COVID-19 was on its premises during the infectious period, the employer must provide written notification within one business day to all employees who were on-site that they may have been exposed to COVID-19. This written notice must also be provided to the employer of any subcontracted employees and any exclusive representative of employees. The employer must also provide information regarding COVID-19-related benefits to which the employee may be entitled under applicable federal, state, or local laws, and the employers' disinfection and safety plan.

Notification must also be made to the local public health department if there is a COVID-19 outbreak at the worksite.

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