

SB 1159: COVID-19 Presumption

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

As of 8/3/20, passed Senate 28-11, now pending in the Assembly Committee on Insurance.

Adds three sections to the Labor Code: 3212.86, 3212.87, and 3212.88.

§3212.86 – codifies Executive Order N-62-20, covering positive tests or diagnosis between 3/19 and 7/5/2020

§3212.87 – for work after 7/5/20, extending the presumption until 7/1/24, for first responders (firefighters, EMTs, sworn peace officers engaged in active law enforcement activities), and medical professionals & custodial employees working in a health facility who come in contact with COVID patients.

§3212.88 – for work after 7/5/20, extending the presumption until 1/1/24 for workers not covered by §3212.86 or §3212.87 and whose employer has five or more employees, but only if there are sufficient positive tests among the employees within 14 days of the employee's positive test: 5% of employees at a place of employment with 100+ employees, or 5 employees at places of employment with fewer than 100 employees.

CWCI Covid claims info

<https://www.cwci.org/CV19claims.html>

Common provisions

- ◇ Rebuttable presumption of industrial causation if:
 - 1) Tested positive within 14 days of working at place of employment (employee's home or residence doesn't count) at employer's direction. Testing must be an FDA-approved PCR test to detect viral RNA; antibody testing is insufficient.
 - 2) The date of injury is the last date the employee performed labor or services at the employee's place of employment at the employer's direction.
- ◇ Employer has 30 days to accept or deny; can still deny based on evidence discovered later.
- ◇ Injured worker entitled to medical, disability, and death benefits. If no heir the DIR will waive claim for death benefits.
- ◇ Employee must use any paid sick leave before receiving TD benefits. No waiting period for TD.
- ◇ TD certification must be within 15 days of diagnosis, and at least every 15 days thereafter for the first 45 days.
- ◇ TD certification must be by a licensed physician/surgeon. MPN and predesignation apply.
- ◇ Apportionment applies.

*§3212 et seq
address injuries
presumed
compensable.*

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