

# COVID-19 Legislation

*New Laws: SB 1159, AB 685, AB 1867*

## SB 1159

Signed 9/17/20. Adds three Labor Code sections: [§3212.86](#) codifying Executive Order N-62-20, for positive tests or diagnosis between 3/19 and 7/5/2020; [§3212.87](#), creating industrial presumption of COVID infection for work 7/6/20 -1/1/23 for first responders (EMTs, firefighters, sworn peace officers engaged in active law enforcement activities), medical professionals & custodial employees working in a health facility who come in contact with COVID patients, and providers of patient care or support for home-health agencies (working outside of their own home); [§3212.88](#), for work 7/6/20-1/1/23, employees at an employer with 5 or more employees, who test positive during a COVID-19 outbreak at their specific location (defined as, in a 14 day period, 4+ tests at a location with ≤100 employees, or 4% of employees at a location with >100 employees).

## AB 685

Signed 9/17/20, provides for employee notice of potential COVID-19 exposure, shut-down of work sites by OSHA, and OSHA reporting requirements of COVID infections regardless of whether exposed at work.

## AB 1867

Signed 9/9/20. Adds Labor Code sections creating a COVID-19 paid sick leave benefit for food workers, health care workers, and first responders. The benefit is generally up to 80 hours (or less, depending on the employee's work schedule) with a maximum of \$511 per day or \$5,110 total to any one employee. Adds law permitting food workers to wash hands at least every 30 minutes.

## SB 1159 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) Other than for first responders, healthcare workers, or custodial staff at medical facilities who come into contact with COVID patients, the positive test must also come during an outbreak at the work location (§3212.88).
  - 3) 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 (45 for §3212.88) to accept or deny; can still deny based on evidence discovered later.
- ◇ Injured worker entitled to medical, disability, and death benefits (State claim waived if no heir).
- ◇ Employee must use any COVID-specific paid sick leave before receiving TD benefits. No waiting period for TD.

CWCI COVID claims info

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

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