

Workers' Compensation Claims – COVID related statutes

- SB1159 is an urgency bill that became effective immediately on Sept. 17, 2020. This bill sets forth rebuttable presumption standards to establish workers' compensation coverage for employees who contract COVID-19. SB1159 amends existing workers' compensation laws to address the impact of employees who contract COVID-19 and the extent that such illness is considered industrial, and therefore entitles the employee to workers' compensation benefits. Recognizing the unique challenges of the pandemic, SB1159 creates a similar presumption for illness or death resulting from COVID-19, which expanded the workers' compensation rebuttable presumption to any employee who reported to their place for employment between March 19 and July 5, 2020, and who tested positive for or was diagnosed with COVID-19 within the following 14 days during this time period.

SB1159 remains in effect only until Jan. 1, 2023, after which the law will sunset and be repealed, unless extended by the Legislature.

- AB685, in response to the COVID-19 pandemic and its impact on maintaining a safe workplace, AB685 amends the Labor Code in many areas to require the EMPLOYERS to strictly adhere to occupational health and safety rules and empowers Cal/OSHA with expanded enforcement powers to many standards. Specifically, AB685 requires employer (such as the county) to comply with reporting requirements and notices to:
 - 1) potential COVID19 exposure notice to employees;
 - 2) potential COVID 19 exposure notice to exclusive representative of represented employees;
 - 3) notice of COVID-19 related benefits and employee protections;
 - 4) notice of safety plan in response to potential COVID 19 exposure.

HR/Risk Management has been noticing and County Counsel has been included in the notice distribution, though those notices are strictly confidential.

AB685 became effective Jan. 1, 2021. The expanded authority sunsets on Jan. 1, 2023, and will be repealed unless extended by the Legislature.

With the implementation of these 2 legislative bills, the county currently has 36 Workers Compensation claims**

****NOTES:**

1. It is imperative to make a distinction of Number of WC cases versus Number of Positive Exposure/COVID in the workplace data. The county satisfies the noticing responsibility. However, not all employees will file WC benefits.
2. The 36 cases are reflective of the County of Humboldt employees ONLY. This number does not include fire district employees.