

SB 1159 NOTICE FOR CALIFORNIA EMPLOYERS

This is a reminder for all California Employers **with five (5) or more employees** of the upcoming reporting deadline under California Senate Bill 1159 (SB 1159) related to employees who have tested positive COVID-19 during the period July 6, 2020 and September 17, 2020. **Applicable reporting is due by Thursday, October 29, 2020.**

What is SB 1159? **SB 1159 does the following:**

- Formalizes Governor Newsom's Executive Order N-62-20 on a disputable presumption for all mandatory on-site workers for workers' compensation for confirmed COVID-19 cases between March 19, 2020, and July 5, 2020;
- Defines an "injury" under workers' compensation to include illness or death resulting from COVID-19;
- Creates a "disputable presumption" for workers' compensation for certain Essential Employees (as defined in the senate bill) and employees working at places of employment where there has been an Outbreak (as defined in the senate bill), who suffer illness or death from COVID-19 on or after July 6, 2020, through January 1, 2023, that such illness or death arose out of and in the course and scope of employment;
- Creates reporting requirements for employers to claims administrators; and
- Imposes civil penalties for employers who fail to meet the reporting requirements.

What are the reporting requirements?

- Notice that an employee tested positive;
- Date the employee tested positive;
- Address(es) of the employee's place(s) of employment during the 14 days preceding the positive test.

Your workers' compensation carrier should have provided you with a notice and a reporting form to comply with the above requirements.

For positive tests/diagnoses **between July 6, 2020, and September 17, 2020:**

- The employer must report the above information to its claims administrator (per instructions received by your applicable workers' compensation carrier) **by October 29, 2020**, and **must also include** the highest number of employees who reported to work at the diagnosed employee's place(s) of employment on any work date between July 6, 2020, and September 17, 2020. **The notice should not include any personally identifiable information about the employee unless the employee files a workers' compensation claim.**

For positive tests/diagnoses **on or after September 17, 2020:**

- the employer must report the above information to its claims administrator **within three (3) business days of when the employer knows (or reasonably should know) an employee tested positive for COVID-19**, and **must also include** the highest number of employees who reported to work at the diagnosed employee's place(s) of employment in the 45-day period preceding the last date the employee worked at each place. **The notice should not include any personally identifiable information about the employee unless the employee files a workers' compensation claim.**

EMPLOYERS WHO FAIL TO PROPERLY REPORT THIS INFORMATION TO THE CLAIMS ADMINISTRATOR COULD BE SUBJECT TO PENALTIES.

What are the penalties?

Employers who fail to report the above information, or who intentionally submit false or misleading information are subject to a \$10,000 penalty assessment by the California labor commissioner.