



INSURANCE BROKERAGE

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CA AB 1159 just became [California work comp](#) [1]'s "newest normal".

The new law not only provides protection to people who contract COVID-19 at work but also engages employers to help prevent workplace COVID-19 outbreaks. This means that safety training and loss control protocols will need to morph to address sickness (COVID in particular), in addition to accidents, more than ever before.

VANTREO is here to help with COVID-19 related safety protocols, tracking technology, and/or loss control procedures. Just let us know how we can assist...[reply here](#) [2].

About AB 1159

Signed into law by Governor Newsom on 9/17/2020, this law applies retroactively to July 6, 2020 and will remain effective through 2022.

Fines up to \$10,000.00 may be imposed by the Labor Commissioner if it is found that an employer has intentionally submitted false or misleading information or fails to submit information regarding COVID-19 cases, regardless of whether they are work related or not.

Employers are expected to maintain a solid system for tracking employee health particularly around COVID-19. [\(Overview of sample system\)](#) [3]

Regardless of whether an employee falls into one of the categories outlined below, if he/she alleges a COVID-19 positive diagnosis is work related, the employer must provide the employee with a DWC-1 Claim Form and report the claim to their work comp carrier within 24 hours of knowledge.

Frontline and Healthcare Workers - Labor Code 3212.87

A frontline worker is defined as Firefighter, Peace Officer, employees who provide direct patient care and who work at a health facility, custodial employees in contact with COVID-19 patients and who work at a health facility, EMT's, employees who provide direct patient care for a home health agency and providers of in-home supportive services, when provided outside their own home or residence.

COVID-19 is presumed to be work related for Frontline and Healthcare workers if an employee worked at the employer's place of business at the employer's direction on or after July 6, 2020 AND the employee tested positive for COVID-19 within 14 days after working at the employers location AND is one of the defined Frontline or Healthcare workers defined below.

There is a 30-day timeframe to determine if COVID meets the above standard.

All Employees other than Frontline and Healthcare Workers - Labor Code 3212.88

This section applies to any employee other than Frontline workers and Healthcare workers who test positive during an "outbreak" at the employer's place of business if the employer has 5 or more employees.

COVID-19 is presumed work related if an employee worked at the employer's place of business at the employer's direction on or after July 6, 2020 and the following two elements are met:

- The employee tested positive for COVID-19 within 14 days after working at the employers location, and
- The positive test occurred during an "outbreak" at the employer's specific location

An "**outbreak**" is defined as a COVID-19 occurrence at a specific employment location **within a 14-day period** AND meets one of the following:

- If an employer has 100 employees or less at a specific location and **4 or more employees test positive** for COVID-19;
- If an employer has more than 100 employees at a specific location and **4% of the employees test positive** for COVID-19;
- The local public health department, State Dept. of Public Health or OSHA or school superintendent orders the specific place of employment to close due to risk of COVID-19 infection

A specific location or place of employment is a building, store, facility or agricultural field where an employee performs work at the employer's direction. An employee's home is not considered a specific place of employment unless the employee provides home health care services to a client at the employee's home. An employee may have more than one specific

place of employment if they worked in multiple locations within the 14-day period before their positive test.

There is a 45-day timeframe to determine if COVID meets the above standard.

Employer Reporting Requirements for "Outbreaks"

When an employer knows or reasonably should know that an employee has tested positive for COVID-19, a report must be sent to the work comp insurance carrier include all of the following:

- The fact that an employee has tested positive, regardless if work related or not.
- Employers should not include any personal information regarding the employee who tested positive for COVID-19 unless the employee asserts it is work related or files a claim form.
- The date the specimen was collected for the employee's COVID-19 test.
- The specific address or location of the employee's place(s) of employment during the 14-day period preceding the date the test specimen was collected.
- The highest number of employees who reported to work at the specific location(s) in the 45-day period before the last day the COVID-19 positive employee worked there.

Paid sick leave benefits specifically available in response to COVID-19 (FFCRA) must be exhausted before any temporary disability benefits are due.

Here's a copy of [Senate Bill 1159](#) [4]. View the 9/17/2020 [Press Release here](#) [5]. For info on the ["Must Demo" COVID-19 Employee Tracking System](#) [3].

COVID-19 regulations and guidance change. Do make sure you research the CDC and/or OSHA websites for the most current information. If in doubt with any of these guidance procedures, or if you require any additional help, please let us know. Just [reply here](#) [6].

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[2] <mailto:executiveservices@vantreo.com?subject=I%20need%20help%20with%20COVID-19%20related%20safety%20protocols%20and%20more>

[3] <http://r20.rs6.net/tn.jsp?t=iynsu8abb.0.0.qjsyr7dab.0&id=preview&r=3&p=https%3A%2F%2Fwww.vantreo.com/demo-covid-19-employee-tracking-system>

[4] <http://r20.rs6.net/tn.jsp?t=iynsu8abb.0.0.qjsyr7dab.0&id=preview&r=3&p=https%3A%2F%2Fleginfo.ca.gov/info/leginfo.html>

[5] <http://r20.rs6.net/tn.jsp?t=iynsu8abb.0.0.qjsyr7dab.0&id=preview&r=3&p=https%3A%2F%2Fwww.gov.ca.gov/newsom-signs-legislation-to-protect-californias-workforce-amid-the-covid-19-pandemic%2F>

[6] <mailto:executiveservices@vantreo.com?subject=Essential%20Mention%3A%20New%20CA%20Work%20Comp%20Insurance>