



SB 1159 - Workers' Compensation Key Points

Out of two different workers' compensation bills regarding contracting COVID-19 at a worksite, the Administration passed SB 1159. The bill takes effect immediately upon signature and applies to incidents that occurred after July 6, 2020.

The key provisions of SB 1159 are as follows:

- Establishes a presumption of compensability for employees who contract COVID-19 from any employer that experiences an "outbreak" of COVID-19 cases at a particular work location.
- Defines an "outbreak" as follows:
 - For employers with 4-100 employees, 4 or more employees who worked at a specific work location contracted the disease within a 14-day period.
 - For employers with more than 100 employees, 4% or more of the employees who worked at a specific work location contracted the disease within a 14-day period.
- Specifies that this presumption is rebuttable, and the evidence to rebut the presumption includes, but is not limited to, evidence of measures in place to prevent transmission of COVID-19 and evidence of an employee's nonoccupational exposure to COVID-19.
- Provides that an employer who is aware of an employee testing positive shall report to their claims administrator, in writing via electronic mail or facsimile, within 30 business days of the effective date of this section, all of the data required below:
 - The date that the employee tests positive, which is the date the specimen was collected for testing.
 - The specific address or addresses of the employee's specific place of employment during the 14-day period preceding the date of the employee's positive test.
 - The highest number of employees who reported to work at the employee's specific place of employment in the 45-day period preceding the last day the employee worked at each specific place of employment.
 - An employer or other person acting on behalf of an employer who intentionally submits false or misleading information or fails to submit information when reporting is subject to a civil penalty in the amount of up to ten thousand dollars (\$10,000) to be assessed by the Labor Commissioner.
- Provides that the presumptions established by the bill sunset on January 1, 2023.