

Message Related to California SB1159

On September 17, 2020, California's Governor signed into law Senate Bill 1159. This law, effective immediately, clarifies the disputable presumption that illness or death related to COVID-19 is an occupational injury and therefore eligible for workers' compensation benefits. Senate Bill 1159 re-establishes the presumption that an employee who tests positive for COVID-19 contracted the virus at the workplace for purposes of workers' compensation. The presumption applies if the employee contracted the virus during a workplace "outbreak" and was present in the workplace in the 14 days before the employee took the COVID-19 test.

Further, Senate Bill 1159 requires employers with more than 5 employees to notify their claims administrator whenever the employer knows or reasonably should know that an employee has tested positive for COVID-19, regardless whether the employee is filing a workers' compensation claim.

To facilitate an employer's obligation to report, CNA has created a form and established a dedicated mailbox for employers to send the required notice. If a report is required, please complete the [attached form](#) and send it to CaliforniaCovid19Reporting@cna.com.

If a third-party claims administrator (TPA) handles your workers' compensation claims, please provide any required reports to that TPA.

Please note that this reporting does not replace the actual filing of a workers' compensation claim if an employee claims that the exposure is work-related.

This alert is not intended to be, and should not be construed as, legal advice for any particular fact situation or legal advice on compliance with the reporting requirement.

If you have any questions with respect to the employers' reporting requirements pursuant to Senate Bill 1159, please contact your legal counsel or other advisors for guidance.