

SB 1159: COVID Reporting

A JPIA Hot Java and Hot Topics Webinar



SB 1159

- Creates three new labor code sections:
 - 1: Creates LC§ 3212.86: Mirrors the Governor's Executive Order.
 - Rebuttal presumption
 - Must have a positive test or diagnosis from a physician
 - Must be working at the work place and not at home
 - Acceptance or Denial must be done within 30 days.
 - 2: Creates LC§ 3212.87:
 - Pertains to Firefighters, Police & Healthcare Workers



SB 1159

- 3: Creates LC§ 3212.88: Employer Outbreak
 - Applies to employers with 5 or more employees
 - Requires members to report non industrial COVID-19 positive cases to the JPIA
- Outbreak defined by employer location:
 - 100 or less employees = 4 employees or more is an outbreak
 - More than 100 employees = 4% is an outbreak



SB 1159

- Retro active to July 6, 2020
- Members have 30 days (10/27/2020) to report all non-industrial positive COVID-19 cases to the JPIA
- Rebuttal presumption
- Discovery must be done within 45 days



SB-1159-Duties of the Employer

- An employee has tested positive and is NOT relating the exposure is work related the member must report:
 - **Date** the employee tested positive
 - The specific **address** or addresses the employee worked during the 14 days period preceding the positive test
 - The **highest number of employees** who reported to work at the specific **address** or addresses in a 45 day period preceding the last day the employee worked at the location
 - **DO NOT** provide any personal identifiable information regarding the employee.



SB-1159-Duties of the Employer

- This section remains in effect until 1/1/2023
- \$10,000 Civil penalty for not reporting non-industrial COVID-19 cases
- Initial reporting is retroactive to July 6, 2020



SB-1159-Duties of the JPIA

- Develop a form for our members to use for reporting
 - New form is available on the JPIA website
 - New email address has been set up for reporting cases
- The JPIA will track cases for our members
 - If the numbers meet the criteria of an Outbreak, the JPIA will be in contact with our member
 - Tracking is by employer location and a rolling 14 day period



Reminder

- Tracking is for **non-industrial** COVID-19 positive employees
- All work related COVID-19 cases are reported as any other workers' compensation claim

