

# 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

