



## DIOCESE OF SACRAMENTO

2110 Broadway • Sacramento, California 95818 • 916/733-0100 • Fax 916/733-0195

LAY PERSONNEL

October 5, 2020

To: Pastors, Parochial Administrators, Parish Stewards, Agency Directors, Office Managers, and School Principals

FR: Julianna Aguilera

RE: **New COVID-19 Reporting Requirements for Employers**

On September 17, 2020, Governor Gavin Newsom signed into law Senate Bill 1159 (SB 1159), which is **effective immediately for all employers**. California law now provides that certain employees, who test positive for COVID-19 at one or more of the employer's specific locations, may be presumed to have contracted the virus at that employer's workplace and may be entitled to workers' compensation benefits.

The passage of SB 1159 requires all employers to report to their Workers' Compensation claims administrator certain information once an employee tests positive for COVID-19. Even if the employer believes that the employee's positive test was not the result of a work exposure, it must still be reported to the claims administrator.

### **New Employer Duties and Reporting Requirements:**

When the employer knows or reasonably should know that an employee has tested positive for COVID-19, the employer must report to LWP Claims Solutions the following:

- Employer name
- Employee (Use an internal number or initials for identification purposes.) Unless the employee is pursuing a Workers' Compensation claim, the employee's identifying information cannot be sent to the claims administrator
- The date the employee tested positive (ie. Enter actual test date of the specimen collected, and not the result date. Test must be a Polymerase Chain Reaction (PCR) or other viral testing approved by the FDA. Serologic (antibody) testing is not a viable test for these purposes)
- The address(es) of the specific place(s) of employment during the 14-day period preceding the positive test
- Date the employee last worked at the employer's place of business
- Whether the specific place of employment was ordered to close by a local public health department, the State Department of Public Health, the Division of Occupational Safety and Health, or a school superintendent due to a risk of infection with COVID-1. If so, please provide address of location and dates of closure

For positive test results **between July 6, 2020 and September 17, 2020**, the employer must report the above information to LWP Claims Solutions by October 29, 2020, and must also include: The highest number of employees who reported to work at each specific place(s) of employment on any given workday between July 6, 2020, and September 17, 2020.

For positive test results **on or after September 18, 2020**, the employer must report the above information to LWP Claims Solutions within three (3) business days of when the employer knows (or reasonably should know) an employee tested positive for COVID-19, and must also include: The highest number of employees who reported to work at the specific place(s) of employment on any given workday in the 45-day period preceding the last day the employee worked at each specific place of employment.

**Please utilize the attached Covid-19 Occurrence Reporting Form to report any employee's positive testing which occurred July 6, 2020 and ongoing. All reporting should be sent to [covid@lwpcclaims.com](mailto:covid@lwpcclaims.com) or faxed to 408-725-0395.**

Note: If an employee desires to file their exposure as a workers' compensation claim, please file a claim in the normal manner in addition to the COVID-19 Occurrence Reporting Form. All forms and information are available online at: <https://www.scd.org/lay-personnel/workers-compensation-forms>

LWP Claims Solution will determine whether an employer is experiencing an outbreak of COVID-19 based on employer reported information, so it is very important for employers to report timely and accurately. If it is determined that an "outbreak" has occurred, the employees at that location may be eligible for Workers' Compensation benefits under this presumption.

**Please note that the new regulations include possible civil penalties up to \$10,000 for employers who fail to accurately and timely report.**

Additional details are included in the enclosed Frequently Asked Questions document.

If you have any questions or concerns, please feel free to contact me. I can be reached by phone at 916-733-0282 or by email at [jaguilera@scd.org](mailto:jaguilera@scd.org).