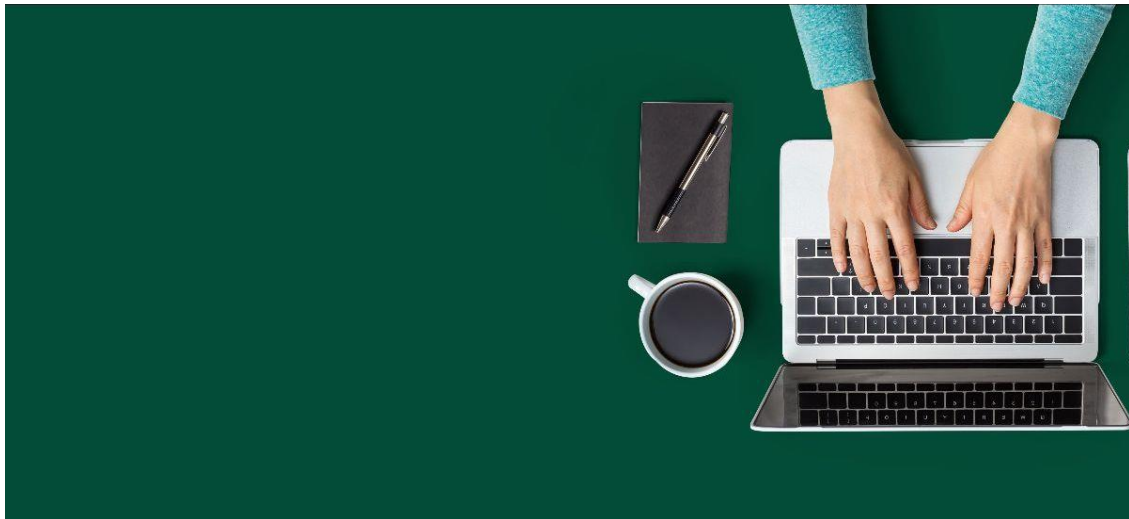


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PREFERRED EMPLOYERS
Insurance

| a Berkley Company



Dear Broker Partners,

IMPORTANT NOTICE: New regulations regarding COVID-19 employer requirements have gone into effect for California.

At Preferred Employers Insurance, we are dedicated to keeping you up-to-date and informed when critical notifications (such as these) directly impact you, your clients, and your business.

California Governor Gavin Newsom recently signed two bills into law: **SB1159** and **AB685**. These place immediate requirements on California employers and will remain effective from September 17, 2020 through January 1, 2023.

Please review this information carefully as these obligations carry severe administrative penalties (up to \$10,000) for failure to comply.

The First Bill: SB1159 – COVID-19 Workers’ Compensation Presumption Bill

Earlier this year, the Governor released Executive Order N-62-20. This provided criteria for how to handle cases of COVID-19 if an employee claims they contracted the virus while performing their job. It also created a “rebuttable” presumption for COVID-19, which means the claim of becoming infected while performing one’s job stands unless the employer has other evidence that the infection took place outside of work.

The Governor’s newest bill, SB1159, extended this “rebuttable” presumption until 1/1/2023. Another critical component of this bill requires California employers to report all known (or reasonably known) Employee positive tests for COVID-19 to their claims administrator. This obligation applies even if the employee is not making an allegation of workplace exposure.

Here are the rules for this important reporting obligation:

Positive Tests on (or after) September 17, 2020

ALL OF THE FOLLOWING must be reported to Preferred Employers Insurance within 3 business days of being notified that your employee tested positive for COVID-19:

1. **TEST RESULT:** Report that an employee tested positive. Do not identify the employee by name unless the employee claims the infection was work-related.
2. **DATE:** Report the date the employee tested positive. This is the date the test was taken.
3. **ADDRESS:** Include the address of the specific place(s) of employment where the infected employee worked during the 14-day period before testing positive.
4. **EMPLOYEE TOTAL:** First, please take note of the date your employee tested positive. Second, with that date in mind, please note the number of employees who came into work within 45 days before this date. Businesses must report the highest number of employees who came to work (at the same locations where the infected employee worked) in the 45-day period before the infected employee's last day on-the-job.

Positive Tests between July 6, 2020 and September 17, 2020

1. **TEST AMOUNTS:** Report all known positive tests by October 29, 2020.
2. **TEST RESULT:** Report that an employee tested positive. Do not identify the employee by name unless the employee claims the infection was work-related.
3. **DATE:** Report the date the employee tested positive. This is the date the test was taken.

4. **ADDRESS:** Include the address of the specific place(s) of employment where the infected employee worked during the 14-day period before testing positive.
5. **EMPLOYEE TOTAL:** First, please take note of the date your employee tested positive. Second, with that date in mind, please note the number of employees who came into work within 45 days before this date. Businesses must report the highest number of employees who came to work (at the same locations where the infected employee worked) in the 45-day period before the infected employee's last day on-the-job.

Please note these regulations only apply to businesses with 5 or more employees. All reports must be done in writing and submitted to **Preferred Employers Insurance** via email at firstreport@peiwc.com or via fax at 866-921-7313.

The Second Bill: AB685 – Employer's Written Notice for Exposed Employees

You also need to be aware of the second bill, Assembly Bill 685. This bill will be effective on January 1, 2021 and requires California businesses to notify their employees who may have been exposed to COVID-19 at their worksite within one business day. Additionally, record keeping obligations are included in this bill. We request that employers review this [link](#) so that they can review the

requirements and take appropriate steps to ensure overall OSHA compliance.

If you have any questions regarding the details of these new bills, feel free to contact our **Vice President of Claims, Eric Hansen, at (619) 471-2152 or EHansen@peiw.com**.

We hope that you, your employees, and your families are staying safe during this time.

Preferred Employers Insurance is pleased to share this material with its customers. Please note, however, that nothing in this document should be construed as legal advice or the provision of professional consulting services. This material is for general informational purposes only, and while reasonable care has been utilized in compiling this information, no warranty or representation is made as to accuracy or completeness.

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