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THE INCREASE IN HOMELESSNESS AND THE CORRESPONDING RISE IN INFECTIOUS DISEASES CONSTITUTE A MAJOR PROBLEM; SAFETY WORKERS MUST HAVE SPECIAL PROTECTION

By Scott A. O'Mara

Gov. Gavin Newsom, in his 2/9/19 State of the State address, commented:

“There’s another urgent moral issue we must confront: the homelessness epidemic. So many of California’s homeless — whether they’re families, veterans, victims of rent spikes, or survivors fleeing domestic violence — are invisible and left behind by our society. Too many on the streets are suffering from bipolar disorder, schizophrenia or paranoia. Many are self-medicating with drug or alcohol as a consequence. Our homelessness crisis has increasingly become a public health crisis. Last year, there was a Hepatitis A outbreak in San Diego. Recently, there was an outbreak of Syphilis in Sonoma. And now, typhus in Los Angeles. Typhus. That’s a Medieval disease.”

The acknowledgment of these problems by our Governor constitutes a recognition of what the public servants in our community deal with on a daily basis, and even more so now with the contact they have with the increasing homeless population. This may involve responding to an emergency situation to save or protect a homeless person, or taking action to save or protect our society as a whole from exposure to a serious public safety health issue. The growth of the homeless population is representative of the increase in diseases resulting from bacterial infections caused by exposures to pathogenic microorganisms in human blood. These blood-borne infectious diseases indicate the reality of the dangerous exposures faced by law enforcement personnel, firefighters and officers who work in correctional facilities.

This urgent moral issue addressed by the Governor emphasizes the need to protect our safety workers because of their greater exposure to these public health risks, and their greater likelihood of developing communicable bloodborne infectious diseases. The threshold for establishing such diseases are work-related pursuant to the presumption is lowered for safety workers if the infection develops or manifests during the worker's employment or within 90 days following the termination of employment; or within a maximum period of 60 months post-employment in the case of staphylococcus aureus or tuberculosis. Also, the 90-day and 60-month extensions may be extended even further, dependent upon the factual pattern of an individual case.

The fact pattern of each case is unique, and a review of the substantial evidence in all cases is paramount for safety officers and their families to receive the protection they need and deserve in the form of treatment, payment for time off work, and compensation for any residual impairment. Also, if the safety worker's condition reaches the point where he/she can no longer continue to work, protection is needed in the form of an industrial disability retirement. In all cases, the protection needed should not be delayed, and the development of substantial evidence should be done at the earliest point of the case. If workers do not have an understanding of the particulars of their Workers' Compensation case, potential retirement, and the legal impact of their rights, this empowers the defendants to deny their case. The Labor Code extends special protection to many safety officers if they develop tuberculosis, a blood-borne infectious disease, or a methicillin-resistant staphylococcus aureus skin infection. Protect you and your family with the knowledge of the special protection provided by the Labor Code.



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NOTICE: Making a false or fraudulent Workers' Compensation claim is a felony subject to up to 5 years in prison or a fine of up to \$50,000 or double the value of the fraud, whichever is greater, or by both imprisonment and fine.

