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## **STATE COMPENSATION INSURANCE FUND'S NEW POLICIES AND PROCEDURES, ASSEMBLY BILL 664 AND SENATE BILL 1159 ALL PROVIDE SUPPORT FOR ESSENTIAL WORKERS IN RESPONSE TO THE COVID-19 PANDEMIC**

**By Scott A. O'Mara**

State Compensation Insurance Fund (SCIF) has issued support for policyholders' workers impacted by COVID-19. On April 17, 2020, SCIF announced their plan to support these workers. Specifically, this plan includes:

Effective immediately, accepting any claim by an essential worker — as defined by Governor Newsom's Executive Order N-33-20 — for a diagnosed case of COVID-19 regardless of whether or not that worker can demonstrate the virus was contracted during the course of employment. The diagnosis must include a confirmed positive test for COVID-19 and must occur during the period of time between when the Governor issued his stay-at-home order and before that order is lifted. This action effectively replaces the Essential Worker Support Fund announced earlier this week as all employees who would have been covered under that fund are now entitled to full workers' compensation benefits.

The proactive role which SCIF has taken is a necessity to protect essential workers. This enactment by SCIF provides strong direction as to the necessity our society has to protect our essential workers.

As readers are aware, new legislation — Assembly Bill 664 — has been introduced by Assemblymembers Cooper, Gonzalez and Bonta to protect California firefighters, peace officers and health care workers during the ongoing COVID-19 crisis. As stated by Assemblymember Jim Cooper:

Every day our first responders and healthcare workers are on the frontlines fighting to keep us safe and healthy. These workers not only show up to protect us, but they are asked to go toward the risk while most of us are asked to stay away from it. They are heroes and should have the peace of mind that they will be taken care of if they fall ill while providing their vital services to the public.

The protection which society needs constitutes not only payment to essential workers for their time off work, but also payment for any medical care which is needed to cure or relieve the effects of their injuries. State Compensation Insurance Fund's support of policyholders' workers will entitle these people to full Workers' Compensation benefits.

Assembly Bill 664 encourages workers to be candid regarding their subjective complaints and access care immediately. Workers are entitled to compensation for the period of time they are

quarantined while waiting for a diagnostic work-up as to a positive or negative finding of COVID-19. This provides substantial protection to our society so these workers will not have to second-guess their status with respect to this dangerous virus.

Again, this protection is necessary not only for workers who have COVID-19 exposures and develop this disease, but also for the general society which is benefitting from having workers who potentially may be carrying the disease to be quarantined while they wait for a diagnostic work-up as to a positive or negative finding of COVID-19. Therefore, the coverage provided for workers during the quarantine process has major significance for all Californians.

Senate Bill 1159, introduced by Senator Hill (principal co-author Assemblymember Daly), sets forth relative to critical workers who have directly interacted with the public during the present pandemic crisis a disputable presumption that any COVID-19 diagnosis is presumed to be work-related. Again, the presumption in SB 1159 is *disputable*, unlike the presumption in AB 664 which is *indisputable*.

All three of the aforementioned actions – the new policies and procedures announced by SCIF and the two legislative bills, Assembly Bill 664 and Senate Bill 1159 – are directive of the coverage we need to have to protect all critical workers against the possible ravages of the COVID-19 pandemic as they work to protect us despite their increased exposure to this virus. Several employers – also recognizing the risks and hazards of COVID-19 – have already changed their policies and procedures to protect the protectors.

Assembly Bill 664 and Senate Bill 1159 have different parameters, yet they both indicate a move forward in response to the serious problems created by COVID-19 and the need for new policies and procedures to protect essential workers and thereby protect all of us.



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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.*

