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7/23/20 NEW RULES FOR COVID-19; SENATE & ASSEMBLY TO MEET ON 7/29/20 FOR LEGISLATION

By Scott A. O'Mara

Starting July 27, 2020, the California Senate and Assembly will be reviewing COVID-19 problems and the Labor Code changes which are necessary to protect our society. A legislative hearing on this matter is set for July 29, 2020.

Previously, Executive Order N-62-20 was issued by Gov. Gavin Newsom on May 6, 2020. This was covered in my newsletter 2020 Issue #6. After that, an additional newsletter (2020 Issue #7) provided an update on the legislative progression of this matter, and then newsletter 2020 Issue #8 discussed the possibility that COVID-19 problems unfortunately could be insidious and progressive, and that related problems might continue throughout the lifespan of infected individuals.

On July 23, 2020, the Occupational Health and Safety Administration (OSHA) implemented standards and guidelines for California employers, and introduced a protocol which can be utilized to protect workers from devastating problems like COVID-19. OSHA set forth seven standards which have been discussed many times by medical experts and could make a substantial change in the passage of COVID-19, reducing the presence of the virus and potentially eliminating it in many situations.

These seven standards (as of 7/23/20) include the following:

- 1 — Alter the worksite to ensure that all employees are at least six feet apart, with the presence of barriers between workers in places where such spacing is not feasible.
- 2 — Allow employees ample time and enough supplies to disinfect used surfaces and areas.
- 3 — Remind employees to wash their hands in accordance with Federal guidelines and provide enough time and supplies so they can do so properly.
- 4 — Make cloth face coverings available to all employees, or allow them to use their own. If they use their own, employees should be reimbursed for the cost of purchasing said face coverings.
- 5 — Screen employees for COVID-19 symptoms before they start work, and advise them to stay home if they feel sick.
- 6 — Inform employees regarding sick leave benefits if they are unable to come to work.
- 7 — Employees and customers should wear face coverings at all times.

These standards and guidelines are repetitious of what has been discussed in the news media, and it is important that employers and employees follow same.

A vaccine undoubtedly will be available at some point, and that will help the situation. How-ever, there is some discussion that this vaccine may be required on a continuing basis — perhaps every 12 to 18 months — like the flu vaccine.

In most situations, employers would be wise to be in a position to fund the vaccine for their employees. Such a proactive role could actually lower the Workers' Compensation costs for employers and create a more stable and productive workforce.

A Senate & Assembly meeting will be occurring this week regarding the bill authored by Senator Jerry Hill of San Mateo. Therefore, it would be appropriate for you to correspond to your senators and assembly members and emphasize to them the need for this legislative enactment, as discussed in SB 1159, and emphasize also the need for this enactment not to be limited to a time period. If we ultimately find out that the vaccine actually cures or limits the COVID-19 problem, we can then go back and amend this Senate bill accordingly. But having the bill provide benefits only for a certain period of time would undermine the concept of creating a safe and productive work environment.

One important consideration which was referred to above and discussed in my 2020 Issue #8 newsletter is the possibility that COVID-19 may be an insidious and progressive disease. If this indeed turns out to be the case, infected workers should not be limited to the artificial window of having only five years to reopen their case for new and further disability.

Hopefully, the COVID-19 pandemic ultimately will follow the path of the polio crisis many years ago. While that also began with a state of panic, it ultimately was contained and controlled by an inoculation which was developed. If the same could be achieved for COVID-19, it clearly would make our society more productive.

Again, legislators should encourage employers to be proactive and pay for a vaccine for workers who seek that protection.



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