



THE NEWEST THREAT BY COVID-19

BY: SCOTT A. O'MARA

The New York Times has published an article written by Knvul Sheikh. This was published on 12/27/2023 and reflects that the COVID-19 variants are now becoming more abundant with another common strain called JN.1. This variant was found in September of 2023, and by information obtained by the writer, Sheikh, it accounted for 44% of the COVID-19 cases nationwide by mid-December of 2023. The article reflects that the speed and movement spread widely after just several months.

In the written document there is concern that the JN.1 movement is more transmittable, and is evading the immune system differently than other variants currently embedded in our society. This causes the readers to recognize that the COVID-19 variants are very strong and impacts all levels of society. There must be a particular emphasis on people that have exposures because the mandate of their employment. This would be safety personnel, whether that is a peace officer, firefighter, other safety officers that work in correctional facilities, or individuals that work in the field having physical contact with people.

The California Legislatures created a special Workers' Compensation Presumption that acknowledges COVID-19 was harshly impacting a segment of the workers that have contact with the public, these segments of workers are safety workers. This special Presumption regarding the COVID-19 allowed the safety worker faster access to medical care to cure or relieve the effects of COVID-19. This special Legislation on COVID-19 was enacted with a sunset clause ending the presumption on January 1, 2023.

The Legislative Body, and the Governor, became aware of the continued harmfulness of COVID-19 to safety workers, and other workers, and extended the sunset provision to end the presumption on January 1, 2024 by repealing of the Presumption at said time.

The ending of the Presumption on January 1, 2024, creates a change in the burden of proof placed upon the workers that are providing safety to society. Those workers with the removal of the Presumption on January 1, 2024 that developed COVID-19 outside the parameters now have to go through a higher threshold of showing the job-relatedness to COVID-19 and its variants.

The recent findings such as JN.1, and other variants that have been found in COVID, is a strong finding that the COVID-19 variants can continue to be a high risk to the public, and the safety worker. This then will cause those people that are providing protection to the general public not to have available to them the protections that they need for faster medical care for the safety workers to cure or relieve from COVID-19.

In light of the new variant, and other variants that have come along, the Legislators would be wise to go back and look at the COVID-19 and recognize that the protection that we as a society derive from is safety officers and certain medical providers. We need to keep these individuals on the frontline to provide this medical aid, and/or contain and control people or contain and control fires. Without this element of having unique safety officers available to do their work, there is going to be greater harm and destruction to our society.

It is unfortunate that the latest COVID-19 variants may not be eliminated by the current vaccine protection.

We may see further medical problems for all of society, particularly those with greater levels of exposures.

The COVID-19 Presumptions that existed in Labor Code §3212.86, §3212.87 and §3212.88 need to be reinstated so we have societal protection for our communities. It is time that the Legislators and the Governor be made aware of these changes and move forward.

If this does not occur, the cost and harm to our society is going to be great. Change is needed, protection is needed. Set forth the Presumption that was in place in Labor Code §3212.86, §3212.87 and §3212.88.



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