



Summary of California's New Law for Workers' Compensation Claims/Reporting

On September 17, 2020, California Governor Gavin Newsom signed into law SB 1159, which amends existing workers' compensation laws to address the impact of COVID-19 on the workplace for employers. Failure to comply with this new law may result in a penalty of up to \$10,000 per violation.

New Reporting Obligations

- Significantly, this new law creates reporting obligations for an employer that “knows or reasonably should know” that an employee who has reported to the workplace has tested positive for COVID-19. Specifically, the employer must report to the claims' administrator in writing via e-mail or fax within **three (3) business days**:
 1. that an employee tested positive for COVID-19;
 2. the date the employee tested positive;
 3. the address(es) of the employee's specific place(s) of employment during the 14-day period prior to the date the employee tested positive; and
 4. the highest number of employees who reported to work at the employee's specific place of employment in the 45-day period preceding the last day the employee worked at each specific place of employment.
- To meet this timeframe, **EP is requiring the production to submit an injury report to EP that provides all four categories of information listed above immediately, but no later than 24 hours from when the production is put on notice of a positive COVID-19 diagnosis for an employee who reported to the specific place of employment.** EP is separately providing a copy of the COVID-19 Supplemental Questionnaire at this time, which is to be filled out by the production if/when the need arises along with EP's standard Injury Report Form.

Penalty for Failure to Comply with New Reporting Obligations

- Please be advised that SB 1159 imposes a **\$10,000 penalty** for employers that intentionally submit false or misleading information (or that fail to submit information) when reporting pursuant to the law.
- EP requires the cooperation of the production company to comply with this reporting requirement. **The production company is responsible under the Payroll Services Agreement for any penalties resulting from a failure to properly report the information requested by the COVID-19 Supplemental Questionnaire/Injury Report to EP.** Therefore, if the production does not provide all required information to EP within 24 hours of when the production company is put on notice of the positive COVID-19 diagnosis, the production company will be responsible for any penalties assessed as a result.