



CAJPA Legislative Update

Governor Announces Executive Order on Workers' Compensation and COVID-19

Today Governor Gavin Newsom announced an [executive order](#) declaring a rebuttable workers' compensation presumption for ALL workers who test positive for COVID-19 after reporting to work at their employer's direction during the statewide shelter in place order from March 19, 2020 (date of Stay-At-Home Order) through July 5, 2020.

The rebuttable presumption deems all COVID-19 claims to be caused by employment if the employee received a confirmed diagnosis within 14 days of reporting to work outside of home-working arrangements at the employer's direction.

The executive order requires employers to determine compensability for COVID-19 claims within 30 days, and states that any award of temporary disability benefits must be recertified every 15 days, for up to 45 days. Payment of temporary disability or Labor Code 4850 benefits will be due only after "paid sick leave specifically available in response to COVID-19 have been exhausted."

The order also states that benefits are limited to statutory workers' compensation benefits and does not cover expanded benefits such as housing and living expenses, which is currently proposed in other [pending legislation](#).

With enormous sensitivity to the extraordinary public health crisis at hand, the California Association of Joint Powers Authorities (CAJPA) is deeply concerned by the expansion of presumptive injuries to non-sworn employees. Workers' compensation benefits have been and will continue to be provided to all employees who are injured or become ill due to their employment. Specific presumptive injuries and illness have historically been provided to public safety personnel who face greater risk than the general public. The expansion of presumptive injury or illness to all employees will result in unforeseen additional costs to public entities which is [estimated to total billions of dollars](#) and will surely result in other vital public services and safety nets being restricted or eliminated as a result of finite public resources.

The Department of Industrial Relations indicated that they will be issuing guidance and FAQ's in the near future. CAJPA will share those resources and guidance as they become available.

