

Good Morning SIG Members,

With the increase in COVID-19 cases, we wanted to provide you with specific information in the event an employee wishes to file a work comp claim for COVID-19.

If an employee inquires about filing a claim, please direct them to contact the AMC CallConnect 24/7 nurse triage hotline at 1-844-691-4111. The CallConnect nurse will assess each individual and direct them for either self-care or to seek treatment according to new protocols.

Up to this point, there is very specific California Labor Code and case law relating to common contagions such as a virus or flu. These are normally not covered under Worker's Compensation unless there are extenuating circumstances. We do not know yet if that will change, and each COVID-19 claim will be addressed individually. AIMS will conduct a good faith investigation on any claims for benefits related to COVID-19.

It is important to remember CAL OSHA passed two new bills effective 1/1/20 in regards to reporting serious injuries or illnesses. These changes include the definition of serious injury or illness which most likely includes COVID-19. There are also changes to the required reporting time from 8 hours of knowledge to "immediate" reporting. Late reporting to OSHA may result in a \$5,000 fine. I have attached slides from our October workshop. You can also go to the CAL OSHA website [www.dir.ca.gov](http://www.dir.ca.gov) in order to get the most up-to-date information.

For all work comp claims in which an employee is currently collecting Temporary Disability (TD) or Temporary Partial Disability (TPD) benefits, the process remains the same. AIMS will continue the TD payments until the employee is released for full duty or is released for modified duty and the District is able to accommodate.

In addition, please remember there are many areas of employment law that you should be aware of. Patti Eyres is hosting a webinar on Thursday, March 26<sup>th</sup> from 3:00 PM to 4:30 PM on "What Districts & COEs Must Know about Coronavirus: Proactive Preparation, Policy Particulars, Safety Control, and Communications." We encourage you to sign up for this important webinar.

We will continue to provide you with important information and resources through these rapidly changing times.

Please do not hesitate to contact Jaxine or myself if you have any questions, or if we may be of further assistance to you.

Thank you.

Gabbi

# Notifying OSHA

OSHA must be notified of a “serious” injury within 8 hours

A serious injury includes:

- An injury that causes death
- Amputation of a body part
- Serious disfigurement such as crushing or burn
- In-patient hospital stay for more than 24 hours other than for observation



**Failure to timely notify OSHA can result in a \$5,000 fine!!**

Only a Designated District employee should contact OSHA

OSHA Sacramento District Office:  
2424 Arden Way, Suite 160, Sacramento, CA 95825  
PH# (916) 263-2800

1. Time and date of accident
2. Employer's name, address and phone number
3. Name and job title of person reporting the accident
4. Address of site of accident or event
5. Name of person to contact at site of accident
6. Name and address of injured employee(s)
7. Nature of injury
8. Location where injured employee(s) was (were) moved to
9. List and identity of other law enforcement agencies present at the site of accident
10. Description of accident and whether the accident scene or instrumentality has been altered

**Report within 8 hours even if you do not have all information!**

# AB 1804 Effective 1/1/2020

Requires employers to *immediately* report serious occupational injury, illness or death to CAL OSHA by:

**NEW LAW!**

- Telephone or
- Through an online reporting process

**Note: Until the online reporting process is established, employers can continue to report by phone**

# AB 1805 Effective 1/1/2020

## Changes the definition of “serious injury or illness”

**NEW LAW!**

- Removes the 24-hour minimum time requirement of qualifying hospitalizations – report serious injuries even if no hospitalization
- Excludes hospitalization for medical observation or diagnostic testing
- Includes the loss of an eye
- Changes loss of a body member and replaces with amputation
- Eliminates exclusion of injury or illness caused by certain violations of the Penal Code
- Narrows exclusion of injuries caused by accidents on public streets or highways to include injuries in a construction zone

# AB 1805 Effective 1/1/2020 Cont'd

## Changes the definition of “serious injury or illness”

- Changes definition of “serious exposure” to exposure of an employee to a hazardous substance in a degree or amount sufficient to create a realistic possibility that death or serious physical harm in the future could result from the actual hazard created by the exposure
- Established that a serious violation exists when the division determines that there is a realistic possibility that death or serious injury could result from the actual hazard created by the condition alleged in the complaint

**NEW LAW!**