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Governor Newsom Issues Executive Order on Workers' Compensation

On May 6, 2020, Governor Newsom announced he signed an Executive Order to expand the scope of workers' compensation benefits during the COVID-19 Pandemic. This was in response to front line workers and others in the essential workforce contracting the virus and movement by the Legislature to expand workers' compensation coverage through legislation.

The Governor announced the Executive Order will do the following:

1. The Executive Order is retroactive to March 19 and extends for 60 days from today's announcement.
2. Employees working outside the home that test positive for COVID-19 or are diagnosed positive by a physician or surgeon licensed by the California Medical Board within the time period of the Executive Order are presumed to have contracted the disease at the workplace. If it is a diagnosis, the diagnosis must be confirmed by a positive test within 30 days.
3. The presumption applies to all employees directed to work outside the home by their employer. It is not limited to essential employees.
4. The presumption is rebuttable by the employer, however, the time for the employer to deny a claim is reduced from the current 90 days to 30 days.
5. The rebuttable presumption is in effect for 60 days from May 6, 2020, but coverage continues after the 60 day expiration date.

6. Temporary disability payments begin only after the employee uses all other state or federal sick leave benefits.
7. Re-testing is required every 15 days during first 45 days of temporary disability payments.
8. The Department of Industrial Relations will not require or accept a “no beneficiary” death benefit.

We suggest you reach out to your individual workers’ compensation insurance provider to determine how the Executive Order will impact your business and the procedure to follow should you have an employee test positive for COVID-19.

A link to the Executive Order can be found [here](#). For any questions regarding the Executive Order, please reach out to Louie Brown at lbrown@kscsacramento.com.

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