



June 11, 2020

The Honorable Lorena Gonzalez  
 California State Assembly  
 State Capitol, Room 2114  
 Sacramento, CA 95814

**Re: AB 196 (Gonzalez): Workers’ Compensation: COVID-19: Essential Occupations And Industries – OPPOSE**

Dear Assembly Member Gonzalez:

On behalf of the above business organizations in the Inland Empire, we write to express our opposition to your bill AB 196, which would create a conclusive presumption (non-rebuttable) that contraction of COVID-19 by all “essential workers” arose out of and in the course of the employment, and would extend that presumption following termination of service for a period of 90 days.

This bill significantly increases workers’ compensation costs for employers by “conclusively” presuming (non-rebuttable) that contraction of COVID-19 by all “essential workers” is a workplace injury. Establishes an extremely concerning precedent for expanding presumptions into the private sector for COVID-19 issues, which the Workers’ Compensation Insurance Rating Bureau (WCIRB) recently estimated will add billions in costs to California’s workers’ compensation system.

On May 6, 2020, Governor Newsom issued an Executive Order establishing a rebuttable presumption for COVID-19 for any worker who reported to work outside of the home at the direction of their employer and who tests positive for COVID-19. This presumption applies from March 19, 2020 until July 5, 2020. However, by creating a conclusive presumption of industrial causation, this bill denies employers the ability to contest a claim that they believe is non-industrial. A “conclusive presumption” would clearly declare, as a matter of law that employers must provide workers’ compensation benefits for eligible employees even if the evidence clearly indicates that the infection did not occur at work.

This bill would establish a broad conclusive determination for nearly all ECI employees (except for those covered by another pending legislative proposal, AB 664). While many workers are doing important work to care for the sick, produce food and other essentials, not all workers face the same risk. Workers face a wide range of risk, from front-line, public-facing workers, to those who work in relative isolation and adequate social distancing. Therefore, any suspension of existing causation standards should be targeted to workers who face a demonstrably higher risk of exposure. A proposals that would apply a conclusive determination for COVID-19 to every ECI worker because such a policy would significantly increase the number of non-work claims shifted into the workers’ compensation system.

For the reasons stated above and others, we oppose AB 196. If you have any questions or would like to discuss our position in greater detail, please contact Luis Portillo at 909-944-2201 or by email at [lportillo@ieep.com](mailto:lportillo@ieep.com). Thank you.

Sincerely,

Janice Moore Apple Valley Chamber of Commerce	Bette Rader Beaumont Chamber of Commerce	Zeb Welborn Chino Valley Chamber of Commerce
Bobby Spiegel Corona Chamber of Commerce	Gloria Martinez Fontana Chamber of Commerce	Joshua Bonner Greater Coachella Valley Chamber of Commerce
Peggi Hazlett Greater Ontario Business Council	Cyndi Lemke Hemet San Jacinto Chamber of Commerce	Shannon Shannon Hesperia Chamber of Commerce

Andrea De Leon Highland Chamber of Commerce	Paul Granillo Inland Empire Economic Partnership	Oscar Valdepeña Moreno Valley Chamber of Commerce
Patrick Ellis Murrieta/Wildomar Chamber of Commerce	Jennifer Walker Perris Valley Chamber of Commerce	Monique Manzanares Pomona Chamber of Commerce
Robert Hufnagel Rancho Cucamonga Chamber of Commerce	John Mills Redlands Chamber of Commerce	Dori Jared-Ferranto Upland Chamber of Commerce
Mark Creffield Victor Valley Chamber of Commerce		