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SINCE 1893



June 11, 2020

The Honorable Jim Cooper  
California State Assembly  
State Capitol, Room 6025  
Sacramento, CA 95814

**Re: AB 664 (Gonzalez): Workers' Compensation: Injury: Communicable Disease – OPPOSE**

Dear Assembly Member Cooper:

On behalf of the above business organizations in the Inland Empire, we write to express our opposition to your bill AB 664, which would conclusively presume (non-rebuttable) that exposure or contraction of communicable diseases, including COVID-19, by public employers and public and private hospitals are caused by the workplace and defines required compensation to include non-workers' compensation items such as "temporary housing costs."

**This Legislation is Unnecessary in Light of the Governor's Recent Executive Order.**

Establishing a conclusive presumptions sets a dangerous precedent that prohibits the consideration relevant facts. Our system of rules and regulations is predicated on the idea that the facts of the case will drive the ultimate decision. By creating a non-rebuttable presumption, it leaves employers with no recourse regardless of what relevant information exists. Instead California should continue to follow the standard that was established in the Governor's recent Executive Order that established 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. The Governor's

EO puts the onus on the employer to rebut the presumption but allows for other information to be considered. It provides hospitals with the ability to contest a claim that they believe is non-industrial.

**AB 664 would provide coverage for exposure to COVID-19.** In general, workers’ compensation benefits are extended to “cure and relieve” the effects of an industrial injury or illness. If an employee is merely exposed to, or even tests positive for COVID-19 but is asymptomatic, then there is nothing to “cure or relieve” and access to the workers’ compensation system should not be allowed. California’s workers’ compensation system is vulnerable to gaming via litigation, and allowing access to the system for exposures, suspected exposures, physician-directed quarantines, and asymptomatic positive tests would serve little, if any, good for sick workers and their employers, but it would give enterprising attorneys an avenue to exploit our system’s known litigation weaknesses.

Beyond medical treatment, AB 664 would define “compensation” to include reimbursement for emergency equipment or personal protective equipment (PPE), reasonable living expenses, and temporary housing costs. California’s workers’ compensation system is designed to provide medical treatment, temporary disability payments to the sick and injured who cannot work, longer-term permanent disability benefits, and funds for workers who cannot return to their place of employment following their injury. Including emergency equipment, PPE, housing costs and living expenses as a benefit of the workers’ compensation system during a pandemic and then opening the system to non-industrial infections would be unprecedented and financially devastating to the system.

The private sector cannot be the safety net for this crisis. That is the role for government. For the reasons stated above and others, we oppose AB 664. 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. 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	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	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
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