

AMENDED IN SENATE JUNE 29, 2020

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

**ASSEMBLY BILL**

**No. 685**

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**Introduced by Assembly Members Reyes and Ramos**  
**(Principal coauthor: Assembly Member Waldron)**  
**(Coauthor: Assembly Member Gloria)**

February 15, 2019

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An act to add Section 6214.4 to the Business and Professions Code, and to amend Sections 317 and 395 of the Welfare and Institutions Code, relating to juveniles; 6406.9 to the Labor Code, relating to occupational safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 685, as amended, Reyes. Juveniles: Indian tribes: counsel. Occupational safety: COVID-19 exposure: notification.

Existing law requires an employer to file a report of every occupational injury or occupational illness, as defined, of each employee that results in lost time beyond the date of the injury or illness, and that requires medical treatment beyond first aid, with the Department of Industrial Relations, on a form prescribed by the department. Existing law requires an employer to immediately report a serious occupational injury, illness, or death to the Division of Occupational Safety and Health by telephone or email, as specified.

Existing law makes a violation of certain of these provisions a crime.

This bill would require a public or private employer to provide specified notifications to its employees, the Division of Occupational Safety and Health, and the State Department of Public Health, relating to the exposure of its employees to COVID-19 that the employer knew of or should have reasonably have known of, as specified. The bill would

define “exposure to COVID-19.” The bill would make it a misdemeanor if an employer violates the notification requirements of these provisions. Because a violation of these provisions would be a crime, this bill would impose a state-mandated local program.

The bill would require the Division of Occupational Safety and Health and the State Department of Public Health to make the information publicly available on their internet websites, as specified.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing federal law, the Indian Child Welfare Act of 1978, governs the proceedings for determining the placement of an Indian child when that child is removed from the custody of their parent or guardian. Existing provisions of state law govern child custody proceedings, adoption proceedings, and dependency proceedings, including termination of parental rights, the voluntary relinquishment of a child by a parent, and guardianship proceedings. Existing law recognizes that the federal Indian Child Welfare Act of 1978 applies if the subject of these proceedings is or may be an Indian child, and specifies conforming procedures in these cases with regard to the right to notice and intervention accorded to the child’s tribe and the standard of proof applied in evaluating the evidence submitted, among other things.~~

~~Existing law requires an attorney or law firm that receives or disburses trust funds to establish and maintain an Interest on Lawyers’ Trust Account (IOLTA) and to deposit in the account all client deposits or funds that are nominal in amount or are on deposit or invested for a short period of time, the interest and dividend earnings on which are to be paid to the State Bar of California to be used to fund qualified legal services projects that provide free civil legal services to indigent persons and qualified support centers that provide legal training, legal technical assistance, or advocacy support to qualified legal services projects, as specified.~~

~~This bill would require the State Bar of California to administer grants to qualified legal services projects and qualified support centers for the purpose of providing legal services to Indian tribes in child welfare matters under the federal Indian Child Welfare Act of 1978. The bill would prohibit the grants from being awarded until an appropriation of~~

not less than \$1,000,000 to the State Bar of California in the annual Budget Act is expressly identified for those purposes.

~~Existing law prescribes the circumstances upon which the court appoints counsel for a child or nonminor dependent in dependency proceedings. Existing law authorizes the court to appoint a district attorney, public defender, or other member of the bar, as specified. Existing law requires appointed counsel to have a caseload and training that ensures adequate representation of the child or nonminor dependent. Existing law requires the Judicial Council to adopt training requirements that include instruction on, among other things, cultural competency and sensitivity relating to, and best practices for, providing adequate care to lesbian, gay, bisexual, and transgender youth in out-of-home care.~~

~~This bill would require the adoption of training requirements that include instruction on the federal Indian Child Welfare Act of 1978 and cultural competency and sensitivity relating to, and best practices for, providing adequate care to Indian children in out-of-home care.~~

~~Existing law prescribes the circumstances upon which the court appoints counsel for a child in any appellate proceeding, as specified.~~

~~This bill would require the court of appeal to appoint separate counsel for a child's Indian tribe, at the request of the tribe, in any appellate proceeding involving an Indian child.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. The Legislature finds and declares all of the
- 2     following:
- 3     (a) As COVID-19 continues to ravage California, one of the
- 4     best tools available for limiting exposure and minimizing spread
- 5     is to gather thorough and accurate data.
- 6     (b) As the average age of those falling ill from COVID-19 has
- 7     become younger, it is critical to track workplace exposure and to
- 8     use that data to find ways to keep workers safe on the job.
- 9     (c) With infections and deaths disproportionately high in the
- 10    Latino, Black, and Asian-Pacific Islander communities, more
- 11    information about workplace illness and industry clusters can
- 12    inform policy makers in addressing healthcare disparities and
- 13    protecting vulnerable workers.

1 (d) Current law lacks clarity as to an employer's reporting  
2 requirements, including to their own workforce. This deficiency  
3 has led to workers and members of the public living in fear for  
4 their own safety, unaware of where outbreaks may already be  
5 occurring.

6 (e) Consistent with California's efforts to track and trace  
7 COVID-19 cases, it is imperative that positive COVID-19 tests or  
8 diagnoses be reported immediately in the occupational setting, to  
9 members of the public, and to relevant state agencies.

10 SEC. 2. Section 6409.6 is added to the Labor Code, to read:

11 6409.6. (a) If any employee is exposed to COVID-19, the  
12 employer shall take all of the following actions within 24 hours  
13 that the employer knew or reasonably should have known of  
14 exposure to the employee:

15 (1) Provide a notice to all employees at the worksite where the  
16 exposure occurred that they may have been exposed to COVID-19.  
17 This notification shall be, at a minimum, in writing in both English  
18 and the language understood by the majority of the employees.  
19 Employers shall also make every reasonable effort necessary to  
20 notify workers verbally.

21 (2) Notify the exclusive representative, if any. This notification  
22 shall be, at a minimum, in writing in both English and the language  
23 understood by the majority of the employees. Employers shall also  
24 make every reasonable effort necessary to notify the exclusive  
25 representative verbally.

26 (3) Notify all employees and the exclusive representative, if any,  
27 of options for exposed employees including COVID-19-related  
28 leave, company sick leave, state-mandated leave, supplemental  
29 sick leave, or negotiated leave provisions.

30 (4) Notify all employees and the exclusive representative, if any,  
31 on the cleaning and disinfecting plan that the employer plans to  
32 implement prior to resuming work.

33 (5) Notify the Division of Occupational Safety and Health,  
34 pursuant to subdivision (b) of Section 6409.1, of the number of  
35 employees by occupation with a COVID-19 positive test, diagnosis,  
36 order to quarantine, or death that could be COVID-19 related.

37 (6) Notify the California Department of Public Health and the  
38 appropriate local public health agency of the number of employees  
39 by occupation with a COVID-19 positive test, diagnosis, order to  
40 quarantine, or death that could be COVID-19 related.

1 (b) "Exposed to COVID-19 " means exposure to a person with  
2 any of the following:

3 (1) A positive COVID-19 test.

4 (2) A positive COVID-19 diagnosis from a licensed health  
5 provider.

6 (3) A COVID-19-related order to quarantine from a licensed  
7 health provider.

8 (4) A fatality that was or could have been caused by COVID-19.

9 (c) The Division of Occupational Safety and Health and the  
10 State Department of Public Health shall make information received  
11 pursuant to this section available on their respective internet  
12 websites in a manner that allows the public to track outbreaks,  
13 the number of COVID-19 cases reported by any workplace, and  
14 the occupation of employees involved. The State Department of  
15 Public Health shall also establish a procedure for employers to  
16 report COVID-19 cases and make this information available on  
17 its internet website.

18 (d) This section shall apply to both private and public employers.

19 (e) Failure to provide any of the required notifications shall  
20 constitute a misdemeanor and be punishable by a ten thousand  
21 dollar (\$10,000) fine.

22 SEC. 3. No reimbursement is required by this act pursuant to  
23 Section 6 of Article XIII B of the California Constitution because  
24 the only costs that may be incurred by a local agency or school  
25 district will be incurred because this act creates a new crime or  
26 infraction, eliminates a crime or infraction, or changes the penalty  
27 for a crime or infraction, within the meaning of Section 17556 of  
28 the Government Code, or changes the definition of a crime within  
29 the meaning of Section 6 of Article XIII B of the California  
30 Constitution.

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33 **All matter omitted in this version of the bill**  
34 **appears in the bill as introduced in the**  
35 **Assembly, February 15, 2019. (JR11)**  
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