
SENATE COMMITTEE ON LABOR, PUBLIC EMPLOYMENT AND RETIREMENT**Senator Dave Cortese, Chair****2021 - 2022 Regular**

Bill No:	SB 549	Hearing Date:	April 5, 2021
Author:	Jones		
Version:	February 18, 2021		
Urgency:	Yes	Fiscal:	No
Consultant:	Jake Ferrera		

SUBJECT: Social workers: essential workers**KEY ISSUE**

Should the Legislature consider Social Workers to be eligible for emergency materials such as personal protective equipment and medicine if they are designated “essential workers” during a state of emergency?

ANALYSIS**Existing law:**

- 1) Defines “State of emergency” to mean the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions such as air pollution, fire, flood, storm, epidemic, riot, drought, cyberterrorism, sudden and severe energy shortage, plant or animal infestation or disease, the Governor’s warning of an earthquake or volcanic prediction, or an earthquake, or other conditions. (Government Code §8558)
- 2) Empowers the Governor to make, amend or rescind orders and regulations necessary to carry out the provisions of an Emergency Services Act. These orders and regulations shall have the force of law. (Government Code §8567)
- 3) Establishes Executive Order N-33-20, which among other things, ordered California residents to shelter-in-place to reduce the spread of COVID-19. Further declared that workers within 16 federally identified “Essential Critical Infrastructure Workers” are ordered to continue working. (Executive Order N-33-20)

This bill:

- 1) Requires that social workers who are deemed “Essential Workers” due to the declaration of a State of Emergency be placed in the top tier of essential workers and be eligible to emergency materials including personal protective equipment (PPE), medicines and any and all other equipment and gear necessary to fulfill their work.
- 2) Includes an urgency clause and will take effect immediately upon being enacted.

COMMENTS**1. Need for this bill?**

In accordance with Executive Order N-33-20, issued by Governor Newsom on March 19, 2020, the State Public Health Officer designated a list of workers within the Healthcare/Public Health to be essential. This designation meant that they fell within the federally identified “essential critical infrastructure workers” that were needed to keep crucial supply chains operating during the declared state of emergency and stay-at-home order. These critical infrastructure sectors were identified by Presidential Policy Directive 21 (PPD-21), issued on February 12, 2013, under the Obama Administration. Essential workers under this designation were ordered to continue working, despite the stay-at-home order laid out in the executive order. As social workers fell under the “Healthcare and Public Health”, they continued to provide crucial services to some of the most vulnerable members of our communities, including risking infection by continuing to provide in-person care.

A year later, difficulties for social workers continue in the wake of the COVID-19 crisis. Due to confusion and lack of consistency between federal and multiple state lists of “essential” workers, social workers have had to struggle county-by-county to secure personal protective equipment and, more recently, doses of the COVID-19 vaccine. Existing law contains protections and mandatory protective equipment requirements for many healthcare workers; however, because many social workers either do not work in a hospital setting or do not meet the definition for direct patient care, many are not covered and are not given priority to receive protective gear.

SB 549 would clarify that social workers are eligible for emergency materials if they are deemed to be “essential workers” due to the declaration of state of emergency and would place them in the top tier of essential workers. This change is certainly a step in the right direction, but potentially runs into the same problems of lack of consistency of the definition of “essential worker” and the benefits conferred on that designation. The author could consider amendments or future legislation that would add social worker to other designations within the healthcare industry, such as “direct patient care”, which would provide them more concrete statutory protections and access to protective gear.

One small change that the author could consider would be to add an explicit definition of “social worker” or anchor the term with a definition elsewhere in code. There are a number of workers that could be included in such a definition. For example, would Assistant Social Workers be covered under this definition, or only fully licensed social workers? Defining the scope of the bill will be crucial in future emergencies, as it will prevent confusion surrounding which workers are entitled to the protections under SB 549.

2. Proponent Arguments

The Service Employees International Union, the sponsor of the bill, writes in support:

“Our county social workers were deemed essential from day one of the COVID-19 pandemic, as well they should have been—the work they do is life altering and at times life saving. However, they were never prioritized as being in the “top tier” of essential workers for purposes of PPE distribution, and were often required to continue in-person engagement

with the public in enclosed spaces with multiple family members. To this end, we have had social workers fall ill and die due to work-related exposure during the course of the pandemic. Our social workers work with our most vulnerable populations, abused and neglected children, adults in need of protection, and those with immunocompromising health conditions and/or physical disabilities. They love their jobs, and are dedicated to the populations they serve; but throughout the pandemic they have been put in untenable situations where their health and safety, and the health and safety of the families to which they return, have been put in jeopardy.”

3. Opponent Arguments:

None received.

4. Prior Legislation:

SB 1159 (Hill) Chapter 85, Statutes of 2020: created a rebuttable presumption that illness or death related to COVID-19 (novel coronavirus) is an occupational injury and therefore eligible for workers’ compensation benefits.

5. Double Referral

Should SB 549 be passed out of the Senate Labor, Public Employment and Retirement Committee, the bill will be sent to the Senate Human Services Committee for hearing.

SUPPORT

SEIU California (Sponsor)
National Association of Social Workers, California Chapter

OPPOSITION

None received.

-- END --