

Date of Hearing: June 8, 2021

ASSEMBLY COMMITTEE ON LABOR AND EMPLOYMENT

Ash Kalra, Chair

SB 549 (Jones) – As Introduced February 18, 2021

SENATE VOTE: 36-0

SUBJECT: Social workers: essential workers

SUMMARY: Requires that social workers who are deemed “essential workers” due to a declaration of a state of emergency be placed in the top tier of essential workers and be eligible for emergency materials including personal protective equipment (PPE), medicines and any and all other equipment and gear necessary to fulfill their work.

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.
- 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.
- 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.

FISCAL EFFECT: This bill is keyed non fiscal by Legislative Counsel.

COMMENTS: Note: This bill is double referred to the Assembly Human Services Committee upon passage out of this Committee.

On March 4, 2020, Governor Newsom declared a state of emergency to help the state prepare for the broader spread of COVID-19, as well make additional resources available and formalize emergency actions already underway across multiple state agencies and departments. Then, on March 19, 2020, Governor Newsom issued Executive Order N-33-20¹, creating a statewide stay at home order to protect the health and well-being of all Californians and to establish consistency across the state in an effort to slow the spread of COVID-19. Since May 29, 2020, with the

¹ Executive Order: N-33-20, Governor Newsom, March 4, 2020. <https://www.gov.ca.gov/2020/03/19/governor-gavin-newsom-issues-stay-at-home-order/>

issuance of Executive Order N-66-20², local jurisdictions around the state have been making various efforts to gradually reopen as provided for by state guidance.³

In response to Executive Order N-33-20, the California Department of Social Services issued All County Letter (ACL) 20-25⁴ on March 21, 2020 regarding the provision of “optimal child welfare and probation services” during the COVID-19 state of emergency to children and families. This ACL reminded counties that while they were required to engage in efforts to prevent the spread of COVID-19, this must be balanced with the state and counties’ “critical responsibility to ensure that children are safe from abuse and neglect and that their overall health, safety and well-being are protected.”

Thus, as a result of the COVID-19 pandemic, counties have been placed in the difficult position of balancing the health and safety needs of children and families along with those of their social workers and resource families.

According to the author, “Social workers provide a voice for those who are often unable to speak for themselves, safeguarding their well-being and ensuring they receive necessary support. Crucially, the COVID-19 pandemic and subsequent lockdowns have prevented social workers from conducting on-site visits without scarce health and safety equipment, challenging their ability to adequately care for these individuals. Despite being declared ‘essential workers’, social workers are not being prioritized as such to receive this equipment. [This bill] guarantees social workers are treated as the essential workers they are, prioritizing and enabling them to be eligible to receive emergency materials like personal protective equipment (PPE) and all other health and safety equipment necessary to fulfill their work. [This bill] includes an urgency clause to ensure social workers can get back to their regular work as soon as possible.”

Arguments in Support

SEIU California, sponsor of the bill, states “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. This bill will not prioritize county social workers over all others in the top priority tier, but rather will merely include them in this tier, so their access to these life-saving protection materials is not in question in the future”

² Executive Order: N-66-20, Governor Newsom, May 29, 2020. <https://www.gov.ca.gov/2020/05/29/governor-newsom-signs-executive-order-on-actions-in-response-to-covid-19-5-29-20/>

⁴ All County Letter 20-25, California Department of Social Services, March 21, 2020. <https://www.cdss.ca.gov/Portals/9/Additional-Resources/Letters-and-Notices/ACLs/2020/20-33.pdf>

Committee Comments

Committee staff notes that key terms in this bill are not defined. “Social worker” is not defined and leaving the term vague may present issues for implementation and enforcement. Given the scope of the social work profession, the author may wish to define the term social worker to ensure that in a future state of emergency the State’s resources are best allocated to those who are most in need of protective equipment. Additionally, the bill does not define what placing these workers in the “top tier of essential workers” means. There is no current “tiered” system in regards to essential workers receiving PPE and/or emergency materials. Currently, only the COVID-19 vaccine is being distributed to essential workers based on a tier system. Further, with the passage of SB 275 (Pan) in 2020, the Department of Public Health and the Office of Emergency Services are required to establish a PPE stockpile for essential workers in the state during a 90-day pandemic or other health emergency. Social workers should have access to this stockpile. Creating additional standards and requirements regarding PPE for this profession may be duplicative.

Prior Legislation

AB 2537 (Rodriguez) Chapter 313, Statutes of 2020 requires an employer, as defined, to maintain, beginning April 1, 2021, a stockpile of specified protective equipment for specified workers in an amount equal to three months of normal consumption.

SB 257 (Pan) Chapter 301, Statutes of 2020 requires the Department of Public Health to establish a PPE stockpile for health care workers and essential workers in the state and requires health care employers, as specified, to establish a PPE inventory that is sufficient for at least 45 days of surge consumption.

REGISTERED SUPPORT / OPPOSITION:

Support

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

Opposition

None on file.

Analysis Prepared by: Martin Vindiola / L. & E. /