
VETO

Bill No: SB 549
Author: Jones (R)
Amended: 6/23/21
Vote: 27

SENATE LABOR, PUB. EMP. & RET. COMMITTEE: 5-0, 4/5/21
AYES: Cortese, Ochoa Bogh, Durazo, Laird, Newman

SENATE HUMAN SERVICES COMMITTEE: 5-0, 4/20/21
AYES: Hurtado, Jones, Cortese, Kamlager, Pan

SENATE FLOOR: 36-0, 4/29/21 (Consent)
AYES: Allen, Archuleta, Atkins, Bates, Becker, Borgeas, Bradford, Caballero, Cortese, Dahle, Dodd, Durazo, Eggman, Glazer, Gonzalez, Grove, Hueso, Hurtado, Jones, Kamlager, Laird, Leyva, McGuire, Min, Newman, Nielsen, Ochoa Bogh, Pan, Portantino, Roth, Rubio, Skinner, Umberg, Wieckowski, Wiener, Wilk
NO VOTE RECORDED: Hertzberg, Limón, Melendez, Stern

SENATE FLOOR: 39-0, 8/30/21
AYES: Allen, Archuleta, Atkins, Bates, Becker, Borgeas, Bradford, Caballero, Cortese, Dahle, Dodd, Durazo, Eggman, Glazer, Gonzalez, Grove, Hertzberg, Hueso, Hurtado, Jones, Kamlager, Laird, Leyva, Limón, McGuire, Melendez, Min, Newman, Nielsen, Ochoa Bogh, Pan, Portantino, Roth, Rubio, Skinner, Umberg, Wieckowski, Wiener, Wilk
NO VOTE RECORDED: Stern

ASSEMBLY FLOOR: 73-0, 8/26/21 (Consent) - See last page for vote

SUBJECT: Social workers: essential workers

SOURCE: SEIU California

DIGEST: This bill requires social workers, if they are deemed essential workers during a state of emergency declared by the Governor, as provided, to receive emergency materials, including, but not limited to, personal protective equipment, medicines, and any and all other health and safety equipment and gear necessary to fulfill their critical work. This bill takes effect immediately as an urgency statute.

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 (GOV) 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. (*GOV 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 declares that workers within 16 federally identified “Essential Critical Infrastructure Workers” are ordered to continue working. (*Executive Order N-33-20*)

This bill:

- 1) Makes the following legislative findings and declarations:
 - a) Social workers provide valuable services to the state’s most needy citizens;
 - b) Because of the important services provided by social workers, they should be considered as part of the state’s critical workforce;
 - c) It is necessary to protect California’s most vulnerable populations, especially during a state of emergency; and
 - d) The Legislature finds and declares it necessary to protect the health and safety of social workers, and the adults, children, and families to whom they provide services.

- 2) Requires that, if social workers are deemed essential workers during a state of emergency declared by the Governor, social workers must be included in the top tier of essential workers who are eligible to receive emergency materials, including, but not limited to, personal protective equipment, medicines, and any and all other health and safety equipment and gear necessary to fulfill their critical work.
- 3) Includes an urgency provision related to social workers services being necessary to protect vulnerable populations during the ongoing crisis, as well as during a future crisis, and, therefore would take effect immediately.

Comments

Need for this bill? 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 with 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. SB 549 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.”

State Response to COVID-19 and Impacts on Safety Net Services

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-33-20, 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 4, 2020, with the issuance of Executive Order N-60-20, local jurisdictions around the state have been making various efforts to gradually reopen as provided for by state guidance.

In California, a variety of the state’s social safety net programs are administered by the 58 individual counties, meaning each county organizes and operates its own program of child protection, CalFresh, CalWORKs, and other programs, based on

local needs and resources while complying with state and federal regulations. Thus, counties are the primary government entity that interacts directly with the children and families utilizing the state's social services programs. It is California's counties, either directly or through providers, who are responsible for ensuring children and families have the interventions and services needed to protect the wellbeing of the children and help families address the issues of child abuse and neglect. The counties are also responsible for helping individuals apply for CalFresh and CalWORKs, processing the resulting applications and recertification's, and administering the programming associated with CalWORKs and CalFresh employment and training.

As a result of the COVID-19 pandemic, counties have been placed in the difficult position of balancing the needs, health and safety of children and families along with the health and safety of their county social workers and other staff. Counties have had to balance their role within the child welfare system and other safety net programs with COVID-related fears and concerns of the families they serve, their caregivers, social workers and other county employees. In response, state and federal guidance was issued to address challenges resulting from the inability to safely conduct business as usual during the pandemic. However, these flexibilities did not eliminate the need for social workers to continue interacting with the public, and serving as essential frontline workers.

Essential Workers

In accordance with Executive Order N-33-20, discussed above, the State Public Health officer designated a list of workers within the Healthcare/Public Health sphere as essential. This designation meant that they fell within the federally identified "essential critical infrastructure workers" that were needed to continue going to work during the declared state of emergency and resulting stay-at-home order. This designation allowed social workers to continue providing crucial services to some of the most vulnerable members of our communities. Depending on the specific type of services the social worker provides, and given the flexibilities mentioned above, some county social workers were able to modify their work to remote methods while others needed to continue providing in-person support and services.

According to stakeholders, a year later, difficulties for social workers continue. There has been confusion caused by a lack of consistency between federal and state lists of "essential workers." This has impacted social workers ability to access personal protective equipment and, more recently, doses of the COVID-19 vaccine – both of which have had determinations regarding access made on a county by

county level. SB 549 clarifies 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.

Related/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.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Assembly Appropriations Committee, costs of an unknown, but likely negligible, amount to the state. While this bill requires first prioritization of social workers during future distributions of emergency materials, such prioritization is ultimately contingent on the state or local governments determining specific distribution tiers. This bill does not require any additional government procurement of emergency materials; rather, this bill sets an order for distribution of existing materials.

SUPPORT: (Verified 10/12/21)

SEIU California (source)

National Association of Social Workers, California Chapter

OPPOSITION: (Verified 10/12/21)

None received

ARGUMENTS IN SUPPORT: SEIU California, the sponsor of this 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 SB 549 (Jones) Page 3 of 3 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.”

GOVERNOR'S VETO MESSAGE:

This bill would require social workers, if they are deemed essential workers during a state of emergency declared by the Governor, to be included in the first group of essential workers who are eligible to receive emergency materials and personal protective equipment (PPE).

Social workers provide vital services to children, families, and individuals and are a critical support during emergencies and disasters. It is imperative that they have the PPE necessary to do their jobs safely.

Existing law already protects and prioritizes essential workers, including social workers, for PPE distribution. Given uncertain and changing conditions in emergencies, this prioritization must be done in a manner that preserves flexibility for emergency response during a state of emergency.

ASSEMBLY FLOOR: 73-0, 8/26/21

AYES: Aguiar-Curry, Arambula, Bauer-Kahan, Berman, Bigelow, Bloom, Boerner Horvath, Bryan, Burke, Calderon, Carrillo, Cervantes, Chau, Chiu, Choi, Cooley, Cooper, Cunningham, Megan Dahle, Daly, Davies, Flora, Fong, Frazier, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Lorena Gonzalez, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Lackey, Lee, Levine, Maienschein, Mathis, Mayes, Medina, Mullin, Muratsuchi, Nazarian, O'Donnell, Patterson, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Seyarto, Smith, Stone, Ting, Valladares, Villapudua, Voepel, Waldron, Ward, Akilah Weber, Wicks, Wood, Rendon

NO VOTE RECORDED: Bennett, Chen, Kiley, Low, McCarty, Nguyen

Prepared by: Jake Ferrera / L., P.E. & R. / (916) 651-1556
10/18/21 10:39:27

**** END ****