

Date of Hearing: June 30, 2021

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Lisa Calderon, Chair

SB 549 (Jones) – As Amended June 23, 2021

**SENATE VOTE:** 36-0

**SUBJECT:** Social workers: essential workers

**SUMMARY:** Requires social workers, if deemed essential workers during a state of emergency declared by the Governor, to be included in the group of essential workers who are eligible to receive the first distribution of materials, as determined necessary by the state or local government entity. Specifically, **this bill:**

- 1) Makes Legislative findings and declarations relating to social workers, the value they provide to the state, and the services they provide to California’s most vulnerable populations; further, declares it is necessary to protect the health and safety of these workers and those they serve.
- 2) Requires social workers, if deemed essential workers during a state of emergency declared by the Governor, to be included in the group of essential workers who are eligible to receive the first distribution of emergency materials; further, provides that a state or local government entity may include additional classifications of essential workers in the first group of workers eligible for emergency materials and may establish additional levels of distribution for social workers, as specified.
- 3) Includes an urgency provision related to social workers services being necessary to protect the public peace, health, or safety, as specified.

**EXISTING LAW:**

- 1) Establishes a state and local system of child welfare services, including foster care, for children who have been adjudged by the court to be at risk of abuse and neglect or to have been abused or neglected, as specified. (Welfare and Institutions Code Section [WIC] 202)
- 2) Clarifies the purpose of provisions regarding dependent children as to provide the maximum safety and protection for children who are currently being physically, sexually, or emotionally abused, neglected, or exploited, and to ensure the safety, protection, and physical and emotional well-being of children who are at risk of harm. (WIC 300.2)
- 3) Establishes the federal “Supplemental Nutrition Assistance Program” (SNAP) pursuant to the Food Stamps Act of 1964 to provide benefits to families and individuals meeting specified criteria. (7 United States Code Section 2011)
- 4) Establishes the CalFresh program for the administration of federal SNAP benefits to eligible individuals. Provides program requirements and eligibility, as specified. (WIC 18900 et seq.)

- 5) Establishes under federal law the “Temporary Assistance for Needy Families” (TANF) program to provide aid and welfare-to-work (WTW) services to eligible families. (42 USC 601 *et seq.*)
- 6) Establishes the “California Work Opportunity and Responsibility to Kids” (CalWORKS) program within California to provide TANF funds for WTW services to eligible families. (WIC 11200 *et seq.*)
- 7) Establishes the “In-Home Supportive Services” (IHSS) program to provide supportive services, including domestic, protective supervision, personal care, and paramedical services as specified, to individuals who are aged, blind, or living with disabilities, and who are unable to perform the services themselves or remain safely in their homes without receiving these services. (WIC 12300 *et seq.*)
- 8) Defines the practice of clinical social work as a service in which a special knowledge of social resources, human capabilities, and unconscious motivation plays in determining behavior and is directed at helping people achieve more adequate, satisfying, and productive social adjustments. (Business and Professions Code Section 4996.9)
- 9) 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 Section [GOV] 8558)
- 10) 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)
- 11) Establishes a temporary order for California residents to shelter-in-place in order to reduce the spread of coronavirus; further, declares that workers within 16 federally identified “Essential Critical Infrastructure Workers” are ordered to continue working. (Executive Order N-33-20)

**FISCAL EFFECT:** Unknown

**COMMENTS:**

***Social Work in California:*** To become a licensed social worker in California, individuals may obtain a bachelor’s degree in social work (BSW), a master’s degree in social work (MSW), or sometimes both. A BSW includes classroom and field education and generalized social work practices to prepare a student to work as a social worker or attend graduate school to obtain their MSW. An MSW traditionally takes one to two years to complete, and programs include classroom and field education, though different institutions may offer different focuses, electives, and work placement/internship opportunities. An MSW is the highest level of education necessary to perform social work in California and can lead to careers in school social worker, social work supervision, and medical social work. An individual’s pay rate and salary can fluctuate depending on an individual’s level of education and the cost of living in the area where

an individual is employed, among other factors. In California, there is currently no regulation within law requiring that those employed as “social workers” have a social work degree.

In California, several public programs are administered at the local level, giving counties limited flexibility to implement state and federal regulations and operate their own programs based on local need. This structure allows counties to act as the primary government entity that interacts directly with the children and families while utilizing the state’s social services funding and supports. Some of these local systems include child welfare services (CWS), CalFresh, CalWORKs, and IHSS, among others. Throughout these programs, various types of social workers interact with some of our state’s most vulnerable populations.

At the local level, social workers play a key role in CWS and are responsible for ensuring that youth, both before and during their time in the child welfare system, are healthy and safe. These workers are tasked with investigating allegations of abuse or neglect received by child protective services, are responsible for presenting evidence of abuse or neglect to the juvenile court during the adjudication process, are entrusted with ensuring the health and safety of youth placed in the CWS system. For programs such as CalFresh and CalWORKs, some county social workers focus their time on outreach and direct assistance, while others focus on the administration of available trainings provided by the programs. For aging and disability communities, social workers provide direct contact through various services, covering investigations of elder abuse and neglect, determining IHSS eligibility, and providing regular reassessments to participants receiving care.

***Coronavirus Pandemic:*** In March of 2020, Governor Gavin Newsom declared a statewide state of emergency in response to the global COVID-19 pandemic. The California 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. With over 500,000 deaths resulting from coronavirus across our country, the impact of this virus has touched almost every aspect of everyday life. The effects of COVID-19 have added strain on California’s public programs, putting counties 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. Local governments have had to balance their role within public benefit programs with COVID-related fears and concerns of the families they serve, their caregivers, social workers, and other county employees. Although social workers were declared essential workers, those in the field had difficulty throughout the pandemic receiving the emergency materials necessary to keep them safe and healthy while interacting with the public.

***Need for this bill:*** This bill clarifies that if social workers are deemed essential workers in a state of emergency by the Governor, they are included in the group of essential workers eligible to receive the first distribution of emergency materials as determined necessary by the state or local government entity. By codifying that this classification of workers requires access to emergency materials if declared essential, while maintaining flexibilities for the Governor and local government entities, those working as social workers to provide direct services to our most vulnerable could have streamlined access to lifesaving materials. Provisions of this bill allow for the inclusion of other categories of workers in the first distribution of emergency materials, and ensures the ability to establish further levels of distribution for specified classifications of social workers to best serve those in the field.

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.”

**Double referral:** This bill passed out of the Assembly Labor and Employment Committee on June 8, 2021, with a 7-0 vote.

#### **RELATED AND PRIOR LEGISLATION:**

**SB 1159 (Hill), Chapter 85, Statutes of 2020**, created a rebuttable presumption that illness or death related to coronavirus is an occupational injury and provides those workers access to compensation benefits.

**AB 2537 (Rodriguez), Chapter 313, Statutes of 2020**, required 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**, required 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**

National Association of Social Workers, California Chapter (Co-Sponsor)  
SEIU California (Co-Sponsor)  
CA Council of Community Behavioral Health Agencies  
California Access Coalition

##### **Opposition**

None on file

**Analysis Prepared by:** Emmalynn Mathis / HUM. S. / (916) 319-2089