



April 11, 2008

LEGISLATIVE UPDATE (by Nancy LaCasse, School Services of California): The Legislature and the Governor continue to inch their way toward crafting a 2008-09 State Budget. All eyes are on the upcoming release of the "Governor's May Revision," which will provide the most up-to-date state revenue information and a revised expenditure plan by the Governor. The release of the May Revision will trigger serious negotiations between the Legislative Leadership and the Governor in their effort to close a \$14 billion plus shortfall.

BILL UPDATE: SELF has analyzed several bills impacting school liability and Workers' Compensation and now has approved positions. If you have comments on any of the bills, please do not hesitate to share them. We will keep you posted on the status of these bills throughout the legislative session. Letters outlining SELF's positions will be sent to the Legislature and Governor as the bills move through the process. Below is a short synopsis on the key bills SELF is actively following:

AB 2181 (Ruskin)

Title: Workers' Compensation: Return-to-Work Program

Status: Assembly Insurance

Position: **OPPOSE unless amended**

Summary: This bill would extend to Return-to-Work Program to January 1, 2015 and would require the administrative director, in consultation with the Department of Fair Employment and Housing and the Commission on Health and Safety and Workers' Compensation, no later than September 30, 2009, to develop, make available, and publish a guide covering the Return-to-Work Program requirements, containing specified information. It would also require a workers' compensation insurer to provide a copy of the guide in printed form to every insured employer within 30 days of the insurer's receipt of the employer's first claim for temporary or permanent disability indemnity benefits made under any annual policy period.

AB 2717 (Lieber)

Title: Special Education: Due Process Hearing: Burden of Proof

Status: Assembly Education

Position: **OPPOSE**

Summary: This bill would assign the burden of proof, as defined, in a special education due process hearing to the responsible educational agency, except with regard to the appropriateness of a unilateral parental placement or related services in a case where the parent or guardian is seeking tuition reimbursement for the placement or services.

AB 2987 (Benoit)

Title: Workers' Compensation: Supplemental Job Displacement Benefits

Status: Assembly Insurance

Position: **SUPPORT**

Summary: Existing law requires employers to secure the payment of workers' compensation, including medical treatment, for injuries incurred by their employees that arise out of, or in the course of, employment. Existing law provides for the payment of temporary disability indemnity payments to any injured employee under specified circumstances, and provides for payment of supplemental job displacement benefits to an injured employee if an injury causes permanent partial disability and the injured employee does not return to work for the employer within 60 days of the termination of temporary disability indemnity payments.

This bill would, instead, provide for the payment of those supplemental job displacement benefits to any injured worker if the injury causes permanent partial disability and the injured employee does not return to work for the employer within 60 days of the disability becoming permanent and stationary.

SB 1115 (Migden)

Title: Workers' Compensation: Permanent Disability Reports: Apportionment

Status: Assembly – Not yet assigned

Position: OPPOSE

Summary: Existing workers' compensation law generally requires employers to secure the payment of workers' compensation, including medical treatment, for injuries incurred by their employees that arise out of, or in the course of, employment. Existing law requires any physician who prepares a report addressing the issue of permanent disability due to a claimed industrial injury to address the issue of causation of the permanent disability, and requires that such a report include an apportionment determination to be considered complete on the issue of permanent disability.

This bill would provide that race, religious creed, color, national origin, age, gender, marital status, sex, or genetic predisposition shall not be considered to be a cause or other factor considered in any determination made pursuant to those provisions.

SB 1338 (Migden)

Title: Workers' Compensation: Medical Treatment: Predesignation of Physician

Status: 03/03/2008-Set for hearing April 23

Position: OPPOSE

Summary: Existing law, until December 31, 2009, provides an employee with the right to be treated by his or her personal physician from the date of injury if specified requirements are met, including a requirement that the physician agrees to be predesignated. This bill would delete the December 31, 2009, repeal date for those provisions pertaining to an employee's predesignation of a personal physician.

SB 1717 (Perata)

Title: Workers' Compensation: Permanent Partial Disability Benefits

Status: Not yet assigned

Position: OPPOSE

Summary: Existing law establishes a workers' compensation system, administered by the Administrative Director of the Division of Workers' Compensation, to compensate an employee for injuries sustained in the course of his or her employment. Existing law requires the payment of disability benefits to eligible individuals for injuries sustained in the course of employment that cause permanent disability, and specifies that the amount of those payments be computed in accordance with a prescribed formula.

This bill would declare the intent of the Legislature to enact legislation that would adjust the formula for determining the amount of permanent partial disability benefits to ensure that the amount of benefits provided to injured workers is adequate to comply with constitutional mandates requiring that substantial justice be afforded to all injured workers in workers' compensation cases.