



OFFICE OF THE PRESIDENT

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April 16, 2010

The Honorable Jose Solorio
Chair, Assembly Insurance Committee
State Capitol, Room 2013
Sacramento, CA 95814

RE: AB 1994 (Skinner) as amended March 23, 2010
Scheduled for Hearing in the Assembly Insurance Committee on April 21, 2010
Position: OPPOSE

Dear Assembly Member Solorio:

I regret to inform you that the University of California (University) opposes AB 1994, which establishes a legal presumption for certain hospital employees in the workers' compensation system that any neck or back impairment, blood-borne infectious disease, MRSA or H1N1 infection is related to their employment.

The University believes that the existing laws governing the California workers' compensation system and the determination of the compensability of industrial injuries are equitable for both employees and employers. Existing workers' compensation law requires that the payment of benefits to an injured employee depend on the existence of an injury that not only occurs during the course of the employee's duties, but that the injury also arises out of their employment. Existing law calls for this standard to be liberally interpreted in favor of the employee. However, the practical impact of the creation of a presumption is that the University will have a higher burden of proof when attempting to rebut a claim that they believe to be non-work related.

Employees in a variety of occupations face inherent employment risks. In the event that any University employee, including hospital employees, suffers an injury as a result of performing their job duties, the employee files a workers' compensation claim. If it is determined that their injury or illness is caused by their employment, they are provided the benefits they are entitled to. This is a fair standard that is applied to all injuries for all other employees. AB 1994 implies that employees with specific employment related injury risks should also be afforded this type of policy change.

Proponents of AB 1994 argue that hospital workers have an increased likelihood of exposure to neck or back injuries, MRSA, H1N1, or blood-borne diseases. However, there is no evidence that hospital workers filing claims for these injuries are being denied benefits and thus no evidence that a presumption for these injuries is justified.

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There is a history of legal presumptions being applied to certain public employees and safety officers. AB 1994 would establish the first such presumption to private sector employees who face specific types of work related risks. Establishing a presumption for these injuries will likely increase the number of claims filed and thus will lead to an increase in workers' compensation costs.

The University appreciates your consideration of its concerns. Should you have any questions concerning the University's position on this bill, please do not hesitate to contact me at (916) 445-9924.

Sincerely,

Happy Chastain
Senior Legislative Director
State Governmental Relations

cc: Assembly Member Nancy Skinner
Members, Assembly Insurance Committee
President Mark G. Yudof
Provost Lawrence Pitts
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