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April 7, 2011

The Honorable Jose Solorio
Chair, Assembly Insurance Committee
State Capitol, Room 3146
Sacramento, CA 95814

***RE: AB 375 (Skinner) introduced February 14, 2010
Scheduled for Hearing in the Assembly Insurance Committee on April 13, 2011
Position: Oppose***

Dear Assembly Member Solorio:

I regret to inform you that the University of California (University) opposes AB 375, which would establish a legal presumption for certain hospital employees in the workers' compensation system that any neck or back impairment, blood-borne infectious disease, and MRSA 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 it believes to be non-work-related.

Proponents of AB 375 argue that hospital workers have an increased likelihood of exposure to neck or back injuries, MRSA, 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.

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 will file 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 375 implies that employees with specific employment-related injury risks should also be afforded this type of policy change.

There is a history of legal presumptions being applied to certain public employees and safety officers. AB 375 establishes the first such presumption to private sector employees who face specific types of

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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 Karen French at 916-445-9924.

Sincerely,

A handwritten signature in black ink, appearing to read "Karen French". The signature is fluid and cursive, with the first name "Karen" and last name "French" clearly distinguishable.

Karen French
Associate Director, Legislative Affairs

cc: Assembly Member Nancy Skinner
Members, Senate Insurance Committee
President Mark G. Yudof
Provost Lawrence Pitts
Executive Vice President Nathan Brostrom
Senior Vice President Daniel M. Dooley
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