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June 17, 2011

The Honorable Ted Lieu
Chair, Senate Labor and Industrial Relations Committee
State Capitol, Room 4090
Sacramento, California 95814

RE: AB 375 (Skinner) as amended May 27, 2011
Scheduled for Hearing in the Labor and Industrial Relations Committee on June 22
and June 29, 2011
Position: Oppose

Dear Senator Lieu:

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 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 the establishment of a presumption for these injuries is needed because hospital workers have an increased likelihood of exposure to MRSA, or blood-borne diseases. However, there is no evidence that hospital workers filing claims for these injuries are being denied benefits under the existing system and thus no evidence that a presumption for these injuries is justified.

Although there is a history of legal presumptions being applied to certain public employees and safety officers, AB 375 establishes a costly precedent by creating 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.

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 be afforded a presumption.

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,



Karen French
Associate Director, Legislative Affairs
State Governmental Relations

cc: Assembly Member Nancy Skinner
Members, Senate Labor and Industrial Relations Committee
President Mark G. Yudof
Provost Lawrence Pitts
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