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In Support of Senate Bill 489

Before the Senate Committee on Labor and Business

April 6, 2021

Chair Riley, Vice-Chair Hansell, members of the committee, thank you for the opportunity to submit testimony in support of this important yet very narrow bill to help injured workers.

The workers' compensation system in Oregon has been built and refined over the decades. Senate Bill 489 seeks to rectify three pinpointed areas in which injured workers are often surprised to find that wage loss or impairment compensation they were relying upon will not be payable, through no fault of their own.

Allow workers and insurers the same amount of time to identify and address deficiencies in work restrictions. (Page 2 lines 35-37)

Current law gives insurers an unlimited amount of time to identify deficiencies in work restrictions and to seek recovery of overpaid benefits. The law only allows work restrictions to be backdated for 14 days if there are gaps or deficiencies. Both sides should have equal time to address issues with deficient work restrictions. SB 489 removes the 14 day limitation on backdated restrictions.

Let workers know if their wage loss benefits are being cut off. (Sec 1(4)(j) on page 3)

If an injured worker receives regular wage loss payments due to the workplace injury, Senate Bill 489 simply says that the worker should receive a written notice before those payments are cut off. Under current law, no notice is required.

Employers should have the same amount of time to initiate the process of recovering an overpayment as workers have to challenge an underpayment. The amount of overpayment that can be recovered should be capped so workers receive at least some of their permanent impairment compensation. (Sec 2(16) on P. 13)

Current law gives insurers an unlimited amount of time to identify and recover an overpayment. A worker has only two years to challenge an underpayment. SB 489 allows employers two years to initiate the process of recovering overpaid benefits. Overpayments are often recovered from a worker's permanent impairment compensation. SB 489 imposes a \$5,000 cap on overpayments to insure the worker received at least some of their impairment compensation, even if the award is small.

We urge a YES vote on SB 489.