

SB 418 -1, -2 STAFF MEASURE SUMMARY

Senate Committee On Labor and Business

Prepared By: Whitney Perez, LPRO Analyst

Meeting Dates: 2/7, 3/7, 3/23

WHAT THE MEASURE DOES:

Requires subject employers to adopt policy allowing subject workers time off during scheduled shift to attend medical appointments related to worker's compensable injury or occupational disease claim without loss of pay, accrued leave, or any other form of employee compensation or benefit. Directs subject employers to adopt policies by December 31, 2023. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Circumstances where measure would provide paid time off
- Discussions of measure before Management-Labor Advisory Committee
- Workers' compensation system as exclusive remedy

EFFECT OF AMENDMENT:

-1 Replaces the measure. Modifies provision allowing injured worker with accepted disabling compensable injury to receive temporary disability benefits when injured worker is required to leave work for specified reasons by removing requirement that injured worker must be required to leave work for a minimum of four hours. Declares emergency, effective on passage.

-2 Replaces the measure. Modifies provision allowing injured worker with accepted disabling compensable injury to receive temporary disability benefits when injured worker is required to leave work for specified reason by removing requirement that injured worker must be required to leave work for a minimum of four hours. Exempts this provision from specified insurer or self-insured employer temporary disability benefit notice requirements. Operative on January 1, 2024. Declares emergency, effective on passage.

BACKGROUND:

The Workers' Compensation Board (board) is located within the Department of Consumer and Business Services (department). The board is composed of five members appointed by the Governor. In part, the board is responsible for reviewing appealed workers compensation claims, exercising motion jurisdiction, and providing policy advice to the director of the department.

Workers' compensation law is intended to provide medical treatment to injured workers and reasonable income benefits to injured workers and their dependents. "Compensable injury" is defined in law and, broadly, includes an accidental injury arising out of and in the course of employment requiring medical services or resulting in disability or death. "Occupational disease" is also defined in law. "Subject workers" is defined as including all workers except for those specifically excluded. Examples of specifically excluded workers are workers employed as a domestic servant in a private home, certain city firefighter and police employees, and certain sole proprietors. "Subject employer" includes every employer with one or more subject worker in Oregon.

Senate Bill 418 requires subject employers to adopt policy allowing subject workers paid time off during scheduled shift to attend medical appointments related to worker's compensable injury or occupational disease claim without loss of pay, accrued leave, or any other form of employee compensation or benefit.