

Requested by Senator TAYLOR

**PROPOSED AMENDMENTS TO
SENATE BILL 705**

1 On page 1 of the printed bill, delete lines 4 through 29 and delete pages
2 2 and 3 and insert:

3 **“SECTION 1.** ORS 656.210 is amended to read:

4 “656.210. (1)(a) [*When the*] **During a period of** total disability **that** is
5 [*only*] temporary, the worker shall receive [*during the period of that total*
6 *disability*] compensation equal to **80 percent of wages that are equal to**
7 **or less than the average weekly wage and 66-2/3 percent of wages that**
8 **are greater than the average weekly wage**, but not more than 133 percent
9 of the average weekly wage [*nor*] **or less than [*the amount of 90 percent of***
10 **wages a week or the amount of] \$50 a week[, *whichever amount is less*].**

11 **“(b)** Notwithstanding the limitation imposed by this subsection, an in-
12 jured worker who is not otherwise eligible to receive an increase in benefits
13 for the fiscal year in which compensation is paid shall have the benefits in-
14 creased each fiscal year by the percentage which the applicable average
15 weekly wage has increased since the previous fiscal year.

16 **“(2)(a)** For the purpose of this section, the weekly wage of workers shall
17 be [*ascertained*] **calculated:**

18 **“(A)** For workers employed in one job at the time of injury, by multiply-
19 ing the daily wage the worker was receiving by the number of days per week
20 that the worker was regularly employed; or

21 **“(B)** For workers employed in more than one job at the time of injury,

1 by adding all earnings the worker was receiving from all subject employ-
2 ment.

3 “(b) Notwithstanding paragraph (a)(B) of this subsection, the weekly wage
4 calculated under paragraph (a)(A) of this subsection shall be used for work-
5 ers employed in more than one job at the time of injury unless the insurer,
6 self-insured employer or assigned claims agent for a noncomplying employer
7 receives:

8 “(A) Within 30 days of receipt of the initial claim, notice that the worker
9 was employed in more than one job with a subject employer at the time of
10 injury; and

11 “(B) Within 60 days of the date of mailing a request for verification,
12 verifiable documentation of wages from such additional employment.

13 “(c) Notwithstanding ORS 656.005 (7)(c), an injury to a worker employed
14 in more than one job at the time of injury is not disabling if no temporary
15 disability benefits are payable for time lost from the job at injury. Claim
16 costs incurred as a result of supplemental temporary disability benefits paid
17 as provided in subsection (5) of this section may not be included in any data
18 used for ratemaking or individual employer rating or dividend calculations
19 by an insurer, a rating organization licensed pursuant to ORS chapter 737,
20 the State Accident Insurance Fund Corporation or the Department of Con-
21 sumer and Business Services if the injured worker is not eligible for perma-
22 nent disability benefits or temporary disability benefits for time lost from the
23 job at injury.

24 “(d) For the purpose of this section:

25 “(A) The benefits of a worker who incurs an injury shall be based on the
26 wage of the worker at the time of injury.

27 “(B) The benefits of a worker who incurs an occupational disease shall
28 be based on the wage of the worker at the time there is medical verification
29 that the worker is unable to work because of the disability caused by the
30 occupational disease. If the worker is not working at the time that there is

1 medical verification that the worker is unable to work because of the disa-
2 bility caused by the occupational disease, the benefits shall be based on the
3 wage of the worker at the worker's last regular employment.

4 “(e) As used in this subsection, ‘regularly employed’ means actual em-
5 ployment or availability for such employment. For workers not regularly
6 employed and for workers with no remuneration or whose remuneration is
7 not based solely upon daily or weekly wages, the Director of the Department
8 of Consumer and Business Services, by rule, may prescribe methods for es-
9 tablishing the worker's weekly wage.

10 “(3) No disability payment is recoverable for temporary total or partial
11 disability suffered during the first three calendar days after the worker
12 leaves work or loses wages as a result of the compensable injury unless the
13 worker is totally disabled after the injury and the total disability continues
14 for a period of 14 consecutive days or unless the worker is admitted as an
15 inpatient to a hospital within 14 days of the first onset of total disability.
16 If the worker leaves work or loses wages on the day of the injury due to the
17 injury, that day shall be considered the first day of the three-day period.

18 “(4) When an injured worker with an accepted disabling compensable in-
19 jury is required to leave work to receive compensable medical services for
20 the compensable injury, the worker shall receive temporary disability bene-
21 fits calculated pursuant to ORS 656.212 for the period during which the
22 worker is absent, until such time as the worker is determined to be medically
23 stationary. However, benefits under this subsection are not payable if wages
24 are paid for the period of absence by the employer. An insurer may require
25 a worker to confirm the period during which the worker is absent from work
26 to receive compensable medical services under this subsection. The notice
27 requirement under ORS 656.262 (4)(j) does not apply to temporary disability
28 benefits paid pursuant to this subsection.

29 “(5)(a) The insurer of the employer at injury or the self-insured employer
30 at injury, may elect to be responsible for payment of supplemental temporary

1 disability benefits to a worker employed in more than one job at the time
2 of injury. In accordance with rules adopted by the director, if the worker's
3 weekly wage is determined under subsection (2)(a)(B) of this section, the
4 insurer or self-insured employer shall be reimbursed from the Workers' Ben-
5 efit Fund for the amount of temporary disability benefits paid that exceeds
6 the amount payable pursuant to subsection (2)(a)(A) of this section had the
7 worker been employed in only one job at the time of injury. Such re-
8 imbursement shall include an administrative fee payable to the insurer or
9 self-insured employer pursuant to rules adopted by the director.

10 “(b) If the insurer or self-insured employer elects not to pay the supple-
11 mental temporary disability benefits for a worker employed in more than one
12 job at the time of injury, the director shall [*either*] administer and pay the
13 supplemental benefits directly or [*shall*] assign responsibility to administer
14 and process the payment to a paying agent selected by the director.

15 “(6) The director shall adopt rules for the payment and reimbursement of
16 supplemental temporary disability benefits under this section.

17 **“SECTION 2. The amendments to ORS 656.210 by section 1 of this**
18 **2025 Act apply to claims filed on or after January 1, 2026.”**

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