

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass
Vote:	4 - 0 - 3
Yeas:	Berger, Esquivel, Holvey, Schaufler
Nays:	0
Exc.:	Edwards C., Rosenbaum, Smith P.
Prepared By:	Theresa Van Winkle, Administrator
Meeting Dates:	5/9

WHAT THE MEASURE DOES: Requires the Workers' Compensation Management-Labor Advisory Committee to study the adequacy of workers' compensation death benefits. Instructs the committee to report its findings to the Legislative Assembly by January 31, 2009.

ISSUES DISCUSSED:

- Examples of parents who filed for workers' compensation fatality benefits on behalf of their children and the legal obstacles they faced
- Discrepancy in the definition of a "dependent" in workers' compensation versus other types of programs such as financial aid for college
- Last study relating to death benefits occurred over ten years ago
- Examples of items that could be evaluated in the study, such as survivor benefits for parents

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Workers' compensation law establishes specific benefit amounts for the survivors of workers who die as a result of on-the-job injuries. Benefits are also provided to survivors of permanently and totally disabled workers upon their deaths, regardless of the cause. Benefits are tied to the state's average weekly wage with annual cost of living increases paid by the Workers' Benefit Fund. In addition, a burial benefit of up to ten times the Oregon average weekly wage is provided. Under current statute, survivor benefits are provided monthly for the spouse, dependent children, and other dependents.

SB 835 requires the Management-Labor Advisory Committee (MLAC) to conduct an evaluation of the adequacy of death benefits and report to the 75th Oregon Legislative Assembly. The evaluation is to include a review of the method of calculating benefits, burial amounts, categories of beneficiaries, and the feasibility of providing lump sum payments.