

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	6 - 0 - 0
Yeas:	Edwards, Girod, Monroe, Starr, Thomsen, Beyer
Nays:	0
Exc.:	0
Prepared By:	Patrick Brennan, Administrator
Meeting Dates:	4/18

WHAT THE MEASURE DOES: Extends exclusive remedy protections of workers' compensation statutes to partners, limited liability company partners, general partners, limited liability partners and limited partners. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Response to *Cortez* ruling
- Importance of exclusive remedy provision in workers' compensation system

EFFECT OF COMMITTEE AMENDMENT: Clarifies that exemption from liability does not apply if negligence of otherwise exempt person is substantial factor and occurs outside of the capacity that qualifies person for exemption. Deletes provision allowing measure's provisions to apply regardless of date of injury or date claim was presented.

BACKGROUND: Current law specifies that workers who are injured while doing their job cannot sue their employer in a civil action for job-related injuries if the employer provided them with workers' compensation insurance. This employer protection is referred to as the "exclusive remedy" protection, because the workers' compensation system provides the exclusive remedy for an injured worker, provided that the worker was covered by the employer's workers' compensation insurance. In 2011, the Oregon Court of Appeals ruled that this exclusive remedy protection did not apply to members of limited liability corporations that employed the injured worker because statute did not explicitly list them as eligible for the protection (*Cortez c. Nacco Materials, 2011*).

Senate Bill 678-A specifically extends the exclusive remedy protection to partners, limited liability company partners, general partners, limited liability partners and limited partners.