

## **HB 2338 -1 STAFF MEASURE SUMMARY**

### **House Committee On Business and Labor**

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**Meeting Dates:** 2/6, 2/22

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#### **WHAT THE MEASURE DOES:**

Simplifies criteria and benefit levels for death benefits due to children of worker who dies from on-the-job injury, occupational disease, or dies while permanently and totally disabled.

- No revenue impact
- Fiscal statement has been issued
- MLAC supports with the -1 amendment

#### **ISSUES DISCUSSED:**

- Number of fatalities in a year
- Number of surviving children receiving benefits
- Variable considered when determining benefits to children
- Reasoning agency used to select benefit levels proposed in measure

#### **EFFECT OF AMENDMENT:**

-1 (Requested by the Workers' Compensation Division) Requires Director to adjust amount and duration of death benefits for injuries that occurred prior to effective date. Requires Director to take from Workers' Benefit Fund to reimburse insurer or self- insured employer for difference between initial benefit and adjusted benefit. Directs insurer to adjust length of benefit for child or dependent attending post-secondary training or education if person turned 19 and received benefits prior to effective date.

#### **BACKGROUND:**

When a worker dies from an on-the-job injury, occupational disease or while permanently and totaling disabled, their surviving spouse, children and other dependents are entitled to receive benefits. Approximately 310 surviving children and dependents currently receive benefits due to the death of a worker. The benefit structure is overly complex and difficult to administer; it can result in different benefit levels for children of the same family depending on such factors as school enrollment and dependence on surviving spouse.

House Bill 2338 simplifies the criteria, making the system easier to understand and administer, and producing benefit levels that are predictable for families. The measure allows a child or dependent to receive benefits until the age of 19, and the benefit level is the same regardless of the child's dependence on the worker's surviving spouse or age at the time of the worker's death. Benefits will be paid for up to 48 months when the child is in a post-secondary education or training program through age 26. The measure applies to benefits associated with injuries or deaths that occur after the effective date of the Act; however, children and dependents in an education program will receive benefits under the structure provided in House Bill 2338 regardless of when the worker was injured or died. Children and dependents who receive benefits prior to the effective date will have their benefits adjusted subject to the Retroactive Program established in statute (ORS 656.506).