



# House of Representatives *State of Utah*

UTAH STATE CAPITOL COMPLEX • 350 STATE CAPITOL  
P.O. BOX 145030 • SALT LAKE CITY, UTAH 84114-5030 • (801) 538-1029

February 18, 2008

Mr. Speaker:

The Business and Labor Committee reports a favorable recommendation on **H.B. 384**, EMPLOYEE OBLIGATIONS RELATED TO WORKERS' COMPENSATION, by Representative M. Morley, with the following amendments:

1. *Page 1, Lines 26 through 27:*

26 Other Special Clauses:

27        ~~{None}~~     **This bill takes effect on July 1, 2008.**

2. *Page 4, Line 109:*

109        (ii) for just cause; and

3. *Page 4, Lines 113 through 114:*

113        (C) a violation of a reasonable, written workplace health, safety, licensure, or nondiscrimination rule that is applied in ~~{a~~

114 nondiscriminatory basis}     a manner that is reasonable and nondiscriminatory ;

4. *Page 4, Lines 115 through 117:*

115        **(b) the employee is incarcerated in a correctional facility for a period of time that would result in the termination of the employee's reemployment in accordance with a**

117 reasonable, written workplace that is applied in a ~~{nondiscriminatory basis}~~ a manner that is reasonable and nondiscriminatory ; or

Bill Number



HB0384

Action Class



H

Action Code



HCRAMD

5. Page 5, Lines 127 through 128:

127 (ii) in accordance with a reasonable, written workplace that is applied in ~~{a~~  
128 ~~nondiscriminatory basis}~~ a manner that is reasonable and nondiscriminatory .

6. Page 5, Line 146 through Page 6, Line 160:

146 (c) A reduction or termination of disability compensation under this Subsection (5)  
147 takes effect on the day determined by the commission. ~~{ the order described in~~  
148 Subsection (5)(b) is issued by the commission;  
149 except that the following is treated as an offset against future obligations of the  
150 employer or  
151 employer's insurance carrier to pay disability compensation to the employee:  
152 —(i) if the disability compensation is ordered terminated, the amount of disability  
153 compensation paid to the employee:  
154 —(A) beginning on the day on which the employee begins to receive disability  
155 compensation; and  
156 —(B) ending on the day on which the disability compensation is terminated; or }  
157 ~~{(ii)}~~ (d) If the disability compensation is ordered terminated or reduced,  
158 the employer or employer's insurance carrier shall treat any resulting overpayment  
159 as an offset against the employer or employer's insurance carrier's future obligations  
160 to pay disability compensation to the employee. ~~{ if the disability compensation is~~  
~~ordered reduced, the amount calculated by~~  
161 ~~subtracting from the amount of disability compensation paid to the employee~~  
162 ~~beginning on the~~  
163 ~~day on which the employee begins to receive disability compensation, and ending the~~  
164 ~~day on~~  
165 ~~which the disability compensation is reduced, the amount the employee would have~~  
166 ~~received~~  
167 ~~had the reduction in disability compensation been applied beginning on the day on~~  
168 ~~which the~~  
169 ~~employee begins to receive disability compensation. }~~

Bill Number



HB0384

Action Class



H

Action Code



HCRAMD

7. *Page 8, Lines 222 through 228:*

222 (e) In determining under ~~{Subsection}~~ Subsections (1) (b) and (c)  
whether an employee cannot perform other  
223 work reasonably available, the following may not be considered:  
224 (i) whether the employee is incarcerated in a facility operated by or contracting with  
a  
225 federal, state, county, or municipal government to house a criminal offender in either a  
secure  
226 or nonsecure setting; or  
227 (ii) whether the employee is not legally eligible to be employed because of a reason  
228 unrelated to the impairment or combination of impairments.

8. *Page 11, Lines 330 through 332:*

330 (f) If a preponderance of the evidence shows that successful rehabilitation is not  
331 possible, the administrative law judge shall order that the employee be paid weekly  
permanent  
332 total disability compensation benefits.

(g) If a preponderance of the evidence shows that successful rehabilitation is possible pursuant to a reemployment plan as prepared by a qualified rehabilitation provider and presented under Subsection (6)(e), an administrative law judge shall order that the employee be denied the payment of weekly permanent total disability compensation benefits regardless of whether the employee is:  
(i) incarcerated in a facility operated by or contracting with a federal, state, county, or municipal government to house a criminal offender in either a secure or nonsecure setting;  
or  
(ii) not legally eligible to be employed because of a reason unrelated to the impairment or combination of impairments.

Bill Number



HB0384

Action Class



H

Action Code



HCRAMD

9. *Page 15, Line 437:*

437 the invalid provision or application.

**Section 4. Effective date.**

**This bill takes effect on July 1, 2008.**

Respectfully,

Stephen D. Clark  
Committee Chair

Voting: 8-2-3

3 HB0384.HC1.WPD 2/18/08 10:13 am anicholson/AMN PO/AMN

*Bill Number*



HB0384

*Action Class*



H

*Action Code*



HCRAMD