

**ONE HUNDREDTH LEGISLATURE - SECOND SESSION -
2008
COMMITTEE STATEMENT**

LB1082

Hearing Date: February 11, 2008

Committee On: Business and Labor

Introducer(s): (Cornett)

Title: Amend the Nebraska Workers Compensation Act to redefine injury and personal injuries

Roll Call Vote - Final Committee Action:

Placed on General File with Amendments

Vote Results:

6 Yes	Senators Cornett, Lathrop, McGill, Rogert, Wallman, White
0 No	
1 Absent	Senators Chambers
0 Present, not voting	

Proponents:

Senator Abbie Cornett
Danielle Schmersal

Representing:

District 45
National Association of Social Workers
Nebraska Chapter

Opponents:

Jack Cheloha
Daniel Fridrich

Representing:

Korby Gilbertson

City of Omaha
Nebraskans for Workers' Compensation
Equity and Fairness The Nebraska State
Chamber
Property Casualty Insurers Association of
America PCIAA

Neutral:
Mary Campbell

Glenn Morton

Representing:
Nebraska Association of Marriage and Family
Therapy
Nebraska Worker's Compensation Court

Summary of purpose and/or change:

LB 1082 would amend *Neb.Rev.Stat.* §48-151 to allow compensability for specific types of mental injuries under the Workers' Compensation Act (Act). Currently, under the Act, mental injuries are compensable only when they are tied to a compensable physical injury. This bill would allow compensability for mental injuries that do not have a physical stimulus or physical injury related to the mental claim.

The bill would limit recovery for mental injuries to those employees who are victims or witnesses to violent criminal acts and first responders, who in the course of their particular employment, such event causing the mental injury is "unexpected, unforeseen, extraordinary or unusual".

The bill would further limit recovery for mental injuries by providing that mental injuries resulting from normal employer and employee relations including personnel actions by the employer such as disciplinary actions are not compensable.

Explanation of amendments, if any:

The committee amendments (AM 2224) would consolidate and clarify the intent of LB 1082 by rewriting the bill and creating a new section within the Nebraska Workers' Compensation Act. The committee amendment would provide, section by section, as follows:

Section 1: would provide for compensability of mental injuries unaccompanied by a physical injury for employees who are witnesses or victims of violent criminal acts, and for employees who are first responders, if the employee establishes by a preponderance of the evidence that 1) the employment conditions were extraordinary and unusual for the particular employment, and 2) there is medical causation between the mental injury and the employment conditions.

Sub-Section 2: would prohibit compensability for mental injuries caused by normal employer and employee relations.

Sub-Section 3: would define "first responder" as a law enforcement officer, crime scene investigator, firefighter, paramedic or emergency medical technician.

Sections 2 and 3: would provide reference within the Act to the new language in section 1 of the bill.

Section 4: would provide the repealers.

Senator Abbie Cornett, Chairperson