

WORKERS' COMPENSATION COMPLIANCE

# Summary of legislative and regulatory changes

*July 2024*

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# Alaska

## *Senate Bill 147*

On July 12, Gov. Mike Dunleavy signed [Senate Bill 147](#). This workers' compensation reform measure encompasses provisions from [House Bill 239](#), [Senate Bill 170](#), [Senate Bill 183](#) and [Senate Bill 206](#), which are aimed at enhancing resources available to injured workers and ensuring timely benefits.

Key areas of this bill's focus include:

- **Return to work:** This bill establishes the Alaska State Workers' Rehabilitation and Return to Work (SAW/RTW) program, which will shift efforts from retraining injured workers for new careers to supporting their return to work with their current jobs or modified positions with the same employer. This legislation also creates a Vocational Rehabilitation Counselor position within the Department of Labor and Workforce Development to reduce bureaucratic hurdles.
- **Updates to reimbursement rates:** Where retraining is required, the cap on reemployment plan costs have increased for the first time since 2000, from \$13,300 to \$22,150 — a 66.5% increase.
- **Streamlines timelines and reporting:** This bill reduces administrative costs and duplicative reporting by aligning timelines as follows:
  - To ensure quicker access to necessary services, the timeline for determining a worker's eligibility for reemployment benefits has been shortened from 90 days to 30 days from the date of the injury report.
  - The period for developing a reemployment plan has been reduced from 90 days from the date of eligibility determination to 45 days, allowing injured workers to start their rehabilitation and return to work sooner.
  - The timeline for the implementation of reemployment services is shortened to 30 days from the date the reemployment plan is finalized from 60 days.
- **Workers' Compensation Benefits Guarantee Fund:** Ensures the fund retains its fiscal year-end balance, preventing delays in benefit payments. Previously, any remaining funds were swept into the state's general fund at the end of the fiscal year, often leaving the fund with an insufficient balance to make timely payments to injured workers.
- **Presumption of compensability:** Establishes a rebuttable presumption that post-traumatic stress disorder (PTSD) is compensable for diagnosed first responders, including career and volunteer firefighters, police officers, emergency medical technicians (EMTs) and correctional officers.

The provisions of this bill became effective upon signing.

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## California

### *Assembly Bill 1870*

On July 15, Gov. Gavin Newsom signed [Assembly Bill 1870](#). This bill requires employers include information that advises employees of their right to consult with a licensed attorney regarding workers' compensation law in the informational notice employers must post in a conspicuous location frequented by employees. That information must also share that, in most instances, attorney's fees will be paid on a contingency fee basis, which means the amount owed to an attorney will come from an injured employee's recovery.

This requirement becomes effective Jan. 1, 2025. The form and content of the required notice will be made available to self-insured employers and insurers by the administrative director. Insurers must provide this notice to each of their policyholders and share information concerning the requirements of this section and the penalties for a failure to post.

### *Assembly Bill 171*

Gov. Newsom, on July 2, signed [Assembly Bill 171](#) to enact statutory changes to the Budget Act of 2023. This bill deems a petition for reconsideration to have been denied by the appeals board unless it is acted upon by the appeals board within 60 days from the date a trial judge transmits a case to the appeals board. When a trial judge transmits a case to the appeals board, the trial judge must provide notice to the parties of the case and the appeals board.

This provision will be automatically repealed on July 1, 2026, and at that time, a petition for reconsideration will be deemed denied by the appeals board unless it is acted upon within 60 days from the date of filing.

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# Delaware

## *Senate Bill 306*

On July 17, Gov. John Carney signed [Senate Bill 306](#) into law. This legislation makes technical changes and updates the criteria for Delaware employers to qualify for the workplace safety program, which provides incentives for employers, such as eligibility for the safe workplace credit.

Effective upon signing, an employer is eligible for the safety program if it qualifies for the uniform experience rating plan as approved by the insurance commissioner or if it otherwise qualifies for the program based on parameters set by the insurance commissioner by regulation. Previously, an employer was eligible if its annual premium was \$3,161 or more.

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# Illinois

## *Senate Bill 3646*

On July 30, Gov. J.B. Pritzker signed [Senate Bill 3646](#) into law, also known as the Child Labor Law of 2024. This legislation covers minor workers under age 16, and sets standards for working conditions, including limiting hours of work and updating the list of jobs that minors cannot hold. Other key provisions of the bill include:

- Adds that, in the event of the work-related death of a minor engaged in work, the employer must report the death to the Illinois Department of Labor (IDOL) and to the school official who issued the minor's work certificate for that employer within 24 hours, subject to this act.
- Adds that, in the event of a work-related injury or illness of a minor that requires the employer to file a report with the Illinois Workers' Compensation Commission (IWCC) under the Workers' Compensation Act or the Workers' Occupational Diseases Act, the employer must also submit a copy of the report to the IDOL and to the school official who issued the minor's work certificate for that employer within 72 hours of the deadline by which the employer must file the report to the IWCC. The report shall be subject to the confidentiality provisions of these acts.
- To deter egregious violations, the bill updates penalty amounts as follows:
  - If a minor dies while working in violation of the act, the employer will incur a penalty that does not exceed \$60,000.
  - If a minor suffers a reportable injury or illness, the employer will incur a penalty that does not exceed \$30,000.

Under Illinois workers' compensation law, an illegally employed minor can reject his or her right to benefits if they are injured or die and file a lawsuit in circuit court. The law also increases the available death benefit by 50% for the family of an illegally employed minor who is killed in the course and scope of employment, if workers' compensation benefits are accepted.

The law is effective Jan. 1, 2025, with some provisions effective upon the bill's signing.

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# New Hampshire

## *Senate Bill 350*

Gov. Chris Sununu signed [Senate Bill 350](#) on July 3. This legislation requires employers to maintain any health insurance benefit at the value of a single employee insurance premium until a final determination is made, including any appeal, if emergency response or public safety petitions for hearing in response to a denial of workers' compensation benefits related to any claims or injury to which a presumption applies. Once claimed, the period for which the benefit is payable must not exceed 18 months.

This law becomes effective Sept. 1.

The information contained within this document is intended to provide summary level information on proposed or enacted laws related to family and medical leave. It is not intended to provide guidance on the application of these legal requirements or as an update to your company's attendance and/or leave policies. We recommend you consult with legal counsel to determine what changes, if any, should be applied to company policy.

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