

1998 SESSION

HOUSE SUBSTITUTE

985558198

HOUSE JOINT RESOLUTION NO. 186

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Labor and Commerce
on February 11, 1998)

(Patron Prior to Substitute—Delegate Davies)

Requesting the Workers' Compensation Commission to study ways to expedite the receipt of workers' compensation benefits for employees injured on the job.

WHEREAS, under the terms of the Virginia Workers' Compensation Act (the "Act") both employer and employee surrender former rights and gain certain advantages; and

WHEREAS, the Act imposes a legal obligation to financially compensate an employee or his dependents for injury or death arising out of and in the course of employment, without regard to fault as to the cause of the injury or death; and

WHEREAS, any unnecessary delay in providing an employee or his dependents with the compensation they are entitled to under the law is unconscionable and is antagonistic to the legislative intent of the Act; and

WHEREAS, unnecessary delays in providing an employee or his dependents with compensation to which an employee is entitled can lead to unnecessary loss of property, further health problems, family discord and strife, and personal financial crisis; and

WHEREAS, such delays could be avoided by eliminating the causes of time-consuming administrative process at the Commission, incurred in determining such matters as employer liability allotment in the case of leased employees; and

WHEREAS, the unacceptable delays may be avoided by encouraging employers to make voluntary payments as currently permitted under the Act; and

WHEREAS, such unacceptable delays may also be the result of the limited resources of the Workers' Compensation Commission, and the present case load may warrant the addition of more staff and personnel to expedite claims and ease the suffering caused by unnecessary delay; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Workers' Compensation Commission be requested to study ways to expedite the receipt of workers' compensation benefits for employees injured on the job. Such study shall include recommendations that will serve to provide benefits in a more timely manner to injured employees, including (i) encouraging voluntary payments by employers and (ii) increasing the effectiveness of the Workers' Compensation Commission staff and personnel to better handle the increasing caseload.

All agencies of the Commonwealth shall provide assistance to the Workers' Compensation Commission for this study, upon request.

The Workers' Compensation Commission shall complete its work in time to submit its findings and recommendations to the Governor and the 1999 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

HOUSE
SUBSTITUTE

HJ186H1