



Date: September 22, 2011  
To Whom It May Concern:  
Re: Update of Workers Compensation Act

This is to express my strong support for HB 5002 to provide better clarification and understanding of employers' and employees' rights and responsibilities under the program.

I have almost 20 years experience as a Senior HR Generalist, and have worked with the requirements of employers' responsibilities to injured workers for the major portion of my career in Human Resources. I am a strong advocate that employers are responsible to provide a safe and positive workplace for employees because that is the only way that a company can remain competitive, and because it is the right thing to do. My personal and professional views converge that great companies do the right things, and provide great opportunities for great employees. I also believe strongly that the majority of people in our country understand that "getting ahead" is, and should be, the direct result of working hard and giving one's best efforts toward the success of the job and the organization. As a senior HR leader, it is my honor to serve my employees to have the opportunity to provide for their families through meaningful employment and to achieve satisfaction from contributing to the economic success of our communities. As a result, I support the intent of programs which are available to assist individuals who have received injury due to their work activities. I work closely with employees to assure they receive proper, proactive and full-treatment – and am grateful when employees who are injured in the course of their work activities, are able to return to full-time work status.

The companies that I have worked for through the years (including my current one), have always worked hard to provide every possible benefit available, as we consider our employees the only reason the company has the ability to be successful, and subsequently, I myself, have the opportunity to be employed in a career I value.

I believe strongly that the Work Comp Act should be reviewed and clarified where possible, particularly with regard to an employer's on-going responsibility to provide benefits for employee(s) whose injuries or rehabilitation are questionable or undetermined.

2 areas of particular concern should be clarified:

1 – an employer should not be required to provide on-going benefits for an employee who was terminated for proven just cause. For example, employers' liability for wage replacement should end if it is proven that the employee is no longer employed due to their own behavior – in essence, if they "choose" to not be "available for work" by failure to comply with employment requirements they were able to meet, why should the employer have to continue wage benefits?

2 – If an employee’s injury is the result of normal aging (for example, normal degenerative arthritis), the employer should not be held responsible for on-going wage benefits that equal the employee’s earning ability as when their natural physical capabilities enabled them to do the job. As an employer, I constantly evaluate whether an employee is physically able to do the job. If the physical inability to do the job is the result of the work itself, that seems more reasonably compensable to me. But if the physical inability to do the work is the result of something that would have happened whether they are in the job or not, it seems unreasonable to expect the employer to pay for the “inability to do the job” simply because the employee got older.....the equivalent of (the employer) being “guilty until proven innocent.”

Additionally, I believe employees must be held responsible to report injuries properly/timely (as it stands, an employer is going to end up owning the WC injury, even if the employee did not report the injury properly....), account for other activities outside of work that may have been the cause of injury, for attempting to find other employment, even if it is different than their previous job and other activities which make the employee equally accountable for TRYING to get back to normal. The current system allows for too many gray areas that allows the few ill-intended employees to take advantage of good employers who would be willing to do the right thing, but end up being the only party responsible to solve the problem. I do understand the employer has the greatest burden, if the injury is caused by work – but I do not believe the current act provides sufficient fair and clear guidance to protect the intent of the act.

I am happy to provide further information if desired.

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