

THE DETROIT LIONS, INC. 222 REPUBLIC DRIVE / ALLEN PARK, MICHIGAN 48101 / GENERAL OFFICE: (313) 216-4000
TICKET OFFICE: (313) 262-2006

Members of the House Commerce Committee
Michigan House of Representatives
P.O. Box 30014
Lansing, MI 48909-7514

September 26, 2011

Re: House Bill 5002 of 2011

Dear Committee Members:

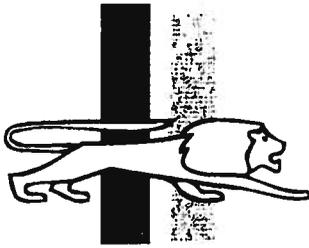
I am writing to express the strong support of The Detroit Lions, Inc. for House Bill 5002 that seeks to update the Michigan Worker's Disability Compensation Act. As a state of Michigan employer who employs in excess of one hundred and fifty full-time workers (excluding players), we believe that the current legislation is long overdue for a revision to reflect the concerns of our ever-changing society. We feel that with the appropriate changes, both Michigan employers and injured workers will benefit from a clearer set of rules for worker's compensation. The key for our organization and many others across the state is stability. We want to make sure that our employees understand the claim process and know that we will do everything we can to help them return to full-time work status in the event they are injured on the job.

We know that some injuries to our players will be inevitable due to the violent nature of the sport of football. The potential for injury is an unfortunate part of the game, but it is risk that our players accept and are well compensated for. As such, MCL 418.360 is of particular concern to our organization. Forum shopping in the state of California has become rampant amongst former professional athletes in recent days. The problem for teams like us is that insurance carriers are having great difficulty sorting out these claims, regardless of whether or not there is a reasonable basis for them to be filed in California in the first place. Our insurance carrier (Liberty Mutual) notifies us as soon as each claim comes in. At that point, we have to determine whether or not we have a defense to the jurisdiction based on the player's transactional history with the team. This determination is not always clear depending on how far back the "cumulative trauma" injury dates. It is not uncommon for us to be unable to conclusively show that our organization should not be responsible for the payment of a claim. Even more troubling is that we do not always have accurate and timely information as to claims previously settled in the state of Michigan by the much older players. Needless to say, these California claims are putting a huge strain on our organization in terms of the time required to gather the information and documentation necessary to fight these sometimes baseless claims. The end result is that our collective insurance carriers currently have a backlog of thousands of claims to resolve in California just related to the NFL,

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some dating back several decades. To think that some of those costs will not be passed along to other Michigan businesses via insurance premiums would be naïve at best.

We feel that the worker's compensation system in Michigan is more than capable of resolving any and all claims by our employees related to injuries arising out of and in the course of their employment. Until we amend section 360 to comply with the reciprocity provisions of the California statute, former professional athletes will continue to exploit this loophole and minimize the effectiveness of our state's worker's compensation process. To this end, we humbly request for this Committee and the Legislature to adopt the revisions of HB 5002 in order to help strengthen and stabilize our worker's compensation for the foreseeable future.

Sincerely,

Jonathan B. Dykema
Staff Counsel – The Detroit Lions, Inc.

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WESTERN CONFERENCE CHAMPIONS 1954 / NFC CENTRAL DIVISION CHAMPIONS 1983, 1991, 1993

