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BILL ANALYSIS

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Senate Fiscal Agency

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JAN 25 1988

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**House Bill 4010** (as reported without amendment)  
**Sponsor:** Representative Thomas Mathieu  
**House Committee:** Public Health  
**Senate Committee:** Human Resources and Senior Citizens

Date Completed: 12-2-87

**RATIONALE**

Over the past decade, the Legislature several times has provided special benefits to a class of State employees when one of those employees is injured as a result of being assaulted while on the job. These include: Department of Corrections employees at penal institutions (Public Act 293 of 1975); Department of Mental Health workers (Public Act 414 of 1976); Department of Social Services employees at correctional juvenile institutions (Public Act 131 of 1978); and investigators and classified employees of the Secretary of State at branch offices and driver improvement centers, including those conducting road tests. If injured as a result of an assault by a recipient of services, the worker is entitled to his or her regular salary until workers' compensation benefits begin, and then is eligible to receive supplements equal to the difference between workers' compensation benefits and the employee's regular salary. Fringe benefits are continued as long as the supplements continue. Reportedly, the rationale for these provisions is that certain employees are more vulnerable to the risk of assault. Some feel that these individuals should not have to live on reduced compensation or lose leave time because of missed work due to injuries suffered as a result of an attack. Some people believe that employees at the State's veterans' facilities should be entitled to these extra benefits to the same extent as other State employees, since they face similar dangers in dealing with recalcitrant or abusive patients.

**CONTENT**

House Bill 4010 would amend the Public Health Code to entitle a Department of Public Health (DPH) employee at a State-operated veterans' facility who was physically injured during the course of employment as the result of an assault by a recipient of services, to be paid full wages until workers' compensation benefits began and then to receive a supplement to workers' compensation benefits so that total compensation would equal the employee's weekly net wage at the time of the injury. Supplements could be paid only while the employee was on the Department payroll and receiving workers' compensation benefits and could not exceed a 100-week period. (Employees receiving workers' compensation benefits on the effective date of the bill would be covered.) Fringe benefits would remain in effect while the supplements were being paid.

Proposed MCL 333.2229

**FISCAL IMPACT**

The bill would have an indeterminate impact on Department of Public Health personnel costs. The supplemental benefit cost for a single veterans' facility

employee involved in the type of incident described in the bill could be as high as \$72,000. To date, however, there have been no such incidents.

**ARGUMENTS****Supporting Argument**

Employees at State-operated veterans' facilities are as deserving of supplements to workers' compensation benefits as those State employees previously granted supplements by the Legislature. Veterans' facility employees, too, face the risk of assault from difficult patients, and should not have to live on a reduced income while recuperating from injuries suffered in an attack on the job, or do without their wages while waiting the two weeks or more for workers' compensation benefits to begin. The Legislature already has recognized that injuries suffered due to an assault should be treated differently from other on-the-job injuries for certain State employees who may be particularly vulnerable to that hazard.

**Opposing Argument**

The Legislature should deal with this issue in a comprehensive manner and determine which State employees deserve special benefits and which do not, based on specific criteria. Piecemeal legislation likely will lead to inequitable treatment of employees. For example, Department of Social Services workers at residential facilities who are assaulted can receive the workers' compensation supplement, while case workers assaulted by clients cannot. This approach to the problem could lead to a variety of State employees' groups pursuing legislation for supplements. For example, many feel that police officers should be eligible for such supplements, as well.

**Response:** It may be true that the issue should be examined in more depth; however, the fact that veterans' facilities employees routinely must deal with institutionalized individuals should qualify them for the supplemental benefits.

**Opposing Argument**

The Legislature should not be involved in determining how State employees are compensated. The State Constitution grants that authority to the civil service system. Further, State employees now engage in collective bargaining (which was not the case when earlier bills on this topic were enacted), and disability compensation supplements might best be determined through that process.

**Response:** This is not a case of the Legislature's setting compensation levels; it merely represents an attempt to ensure that a State employee's level of compensation was met by disability supplements under certain circumstances.

H.B. 4010 (12-2-87)

In addition, when this issue arose in the collective bargaining process, employee bargaining groups were told that legislative action was necessary for such a benefit.

### ***Opposing Argument***

It is possible that offering supplements that allow a worker to collect an amount equal to his or her net wage for as long as workers' compensation benefits continue could reduce the incentive to return to work; this would increase workers' compensation costs and the DPH's costs. In addition, when a worker accepts a job, he or she is aware of the inherent risks involved with that job.

### ***Opposing Argument***

The bill is unnecessary. The DPH reports that there have been no injuries to employees at State-owned veterans' facilities that would qualify disabled workers for supplements that would be granted by the bill.

**Response:** Rather than wait for problems to arise, the Legislature should anticipate their potential and act to address them before they occur. The workers covered by the bill certainly are potential victims of assault, even if no incidents have as yet occurred.

### ***Opposing Argument***

If supplemental benefits are to be granted, they should be based on an employee's gross not the employee's net wages, since there are disparities in employees' net wages due to the different number of exemptions and deductions claimed on income tax forms.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.