



Agenda Report

TO: City Council

DATE: April 8, 2002

THROUGH: Legislative Policy Committee (April 2, 2002)

FROM: City Manager

SUBJECT: Opposition to Assembly Bill 2125-Workers' Compensation: Lyme Disease

RECOMMENDATION:

It is recommended that the City Council:

1. Oppose Assembly Bill 2125 (Negrete McLeod), An act to add Section 3212.12 to the Labor Code, relating to Workers' Compensation.
2. Authorize the Mayor to send letters to the appropriate authorities stating Pasadena's position.

BILL SUMMARY:

AB 2125 essentially states that if a police officer develops Lyme disease or it manifests itself during a period while they are employed with the City, it is presumed that the disease arose out of and was in the course of employment. To presume that Lyme disease is contracted in the course of one's employment is an ambiguous presumption. The presumptive language makes it virtually impossible for an employer to rebut an injury claim even when, by reasonable analysis, the injury is not related to the job. The result is that employers are also found liable for a workers' compensation claim and possible disability retirement. In addition, the incidence of Lyme disease in the Los Angeles Basin is minimal.

Workers' Compensation is a no-fault system of indemnity and medical treatment for employees who are injured due to job causation. The threshold for job causation is generally very low, and the burden is on the employer to reject the claim. It has been the City's experience that presumptions of injury make it virtually impossible for the City to reject even those claims that completely lack merit. In addition, with law enforcement personnel, workers' compensation claims for disabling injuries often serve as a presumption for qualification for expensive disability retirements.

This bill would make it extremely difficult to consider non-occupational factors which could contribute to a person contracting Lyme disease.

For the above reasons, the City is opposed to AB 2125.

FISCAL IMPACT:

This fiscal impact is unknown at this time.

Respectfully submitted,

For Cynthia J. Kurtz

CYNTHIA J. KURTZ
City Manager

Approved by:

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