

SB1 ENGROSSED



1 SB1
2 WQG35E5-2
3 By Senator Givhan
4 RFD: Finance and Taxation Education
5 First Read: 04-Feb-25
6 PFD: 21-May-24



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A BILL
TO BE ENTITLED
AN ACT

Relating to public education; to amend Section 16-1-18.1, Code of Alabama 1975; and to add Chapter 1A to Title 16 of the Code of Alabama 1975, creating the Public Education Employee Injury Compensation Program, the Public Education Employee Injury Compensation Trust Fund, and the Public Education Employee Injury Compensation Board; and to provide compensation to full-time public education employees who are injured on the job.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 16-1-18.1, Code of Alabama 1975, is amended to read as follows:

"§16-1-18.1

(a) ~~Definitions.~~ When used in this section, the following terms have the following meanings:

(1) EMPLOYEE. Any individual employed ~~full~~full-time as provided by law by those employers enumerated in this section, and adult bus drivers.

(2) EMPLOYER. All public city and county boards of education; the Board of Trustees of the Alabama Institute for the Deaf and Blind; the Alabama Youth Services Department



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29 District Board in its capacity as the Board of Education for
30 the Youth Services Department District; the Board of Directors
31 of the Alabama School of Fine Arts; the Board of Trustees of
32 the Alabama High School of Mathematics and Science; the Board
33 of Trustees of the Alabama School of Cyber Technology and
34 Engineering; for purposes of subsection (c) only, the Alabama
35 State Senate, the Lieutenant Governor, the Office of the
36 Senate President Pro Tempore, the Speaker of the House of
37 Representatives, the Alabama House of Representatives, the
38 Legislative Services Agency; any organization participating in
39 the Teachers' Retirement System, excluding any state
40 governmental department not listed herein; the Board of
41 Trustees of the Alabama Community College System; and for the
42 purposes of subsection (c) only, ~~all~~ or any four-year public
43 ~~institutions~~ institution of higher learning.

44 (3) EXECUTIVE OFFICER. The superintendent of any public
45 county school system or any public city school system; the
46 President of the Alabama Institute for the Deaf and Blind; the
47 president of any two-year school or college under the auspices
48 of the Board of Trustees of the Alabama Community College
49 System; the Superintendent of the Department of Youth Services
50 School District; the Executive Director of the Alabama School
51 of Fine Arts; the Executive Director of the Alabama High
52 School of Mathematics and Science; the President of the
53 Alabama School of Cyber Technology and Engineering; the
54 Secretary of the Senate; the Clerk of the House of
55 Representatives; the Lieutenant Governor; the Speaker of the
56 House of Representatives; the Director of the Legislative



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57 Services Agency; and the chief executive officer of any other
58 employer as provided in this section.

59 (4) ON-THE-JOB INJURY. Any accident or injury to the
60 employee arising out of and in the course of employment or
61 occurring during the performance of duties or when directed or
62 requested by the employer to be on the property of the
63 employer which prevents the employee from working or returning
64 to his or her job. The term does not include a mental disorder
65 or mental injury that has neither been produced nor
66 proximately caused by some physical injury to the body.

67 (5) SICK LEAVE. The absence from duty by an employee as
68 a result of any of the following:

69 a. Personal illness or doctor's quarantine.

70 b. Incapacitating personal injury.

71 c. Attendance upon an ill member of the employee's
72 immediate family (parent, spouse, child, foster child
73 currently in the care and custody of the employee, sibling,
74 child currently in the care and custody of the employee for
75 whom a petition for adoption has been filed); or an individual
76 with a close personal tie.

77 d. Death in the family of the employee (parent, spouse,
78 child, sibling, parent-in-law, son-in-law, daughter-in-law,
79 brother-in-law, sister-in-law, nephew, niece, grandchild,
80 grandparent, uncle, or aunt).

81 e. Death, injury, or sickness of another individual who
82 has unusually strong personal ties to the employee, such as a
83 person who stood in loco parentis.

84 f. Attendance upon an adopted child, who is three years

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85 of age or younger.

86 (b) Sick leave for employees.

87 (1) ~~EARNINGS.~~ The employee shall earn one sick leave
88 day per month of employment.

89 (2) ~~REASONS FOR TAKING SICK LEAVE.~~ The employee may
90 take sick leave for any of the reasons enumerated and defined
91 in this section. Sick leave taken for the purpose of attending
92 to an adopted child may be taken for a maximum of eight weeks,
93 or 320 consecutive hours. Nothing in this section shall permit
94 an employee to use sick leave that he or she has not earned or
95 has not been donated.

96 (3) ~~EMPLOYEE PAY WHILE ON SICK LEAVE.~~ Reimbursement of
97 pay for the employee per day of sick leave shall be at the
98 daily rate of pay for the employee.

99 (c) Sick leave accumulation and transfers.

100 (1) An employee may accumulate an unlimited number of
101 sick leave days. Earned sick leave days that have been accrued
102 by an employee shall be transferrable from one employer to
103 another. The executive officer of the employer shall ensure
104 that certification of the number of unused sick leave days is
105 provided to the new employer when an employee transfers
106 employment. All of the earned and unused sick leave days that
107 an employee has accumulated shall be transferred to the new
108 employer for use by the employee as provided by law. However,
109 for purposes of applying accrued sick leave as credit for
110 retirement purposes, an employee is limited to a maximum of
111 sick leave as authorized in subdivision (b) (1). As pertains to
112 receiving retirement credit for accrued sick leave, the



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113 ~~Teacher's~~Teachers' Retirement System Board of Control may
114 adopt policies and procedures necessary to effectuate a
115 uniform policy pursuant to this section.

116 (2) Employees of the Alabama State Senate, the
117 Lieutenant Governor, the Office of the Senate President Pro
118 Tempore, the Speaker of the House of Representatives, the
119 Alabama House of Representatives, and the Legislative Services
120 Agency may only accrue unlimited sick leave under this section
121 until January 1, 2013. On January 1, 2013, an employee subject
122 to this section may carry over only the actual number of sick
123 leave hours the employee has or the number allowed under
124 Section 36-26-36, whichever is greater. After January 1, 2013,
125 sick leave earned by an employee subject to this section in
126 excess of the amount determined on January 1, 2013, is subject
127 to Section 36-26-36(d).

128 (d) ~~On-the-job injury.~~ The following
129 ~~regulations~~policies, procedures, and rights are established
130 pertaining to employees who are injured while on the job:

131 (1) ~~NOTICE OF INJURY.~~ a. The employee shall ~~make proper~~
132 ~~notification~~ provide written notice of the injury to an
133 immediate supervisor, the executive officer, or to the
134 principal of the school, if applicable, within ~~24 hours~~ five
135 working days after the injury occurred, or where the employee
136 has died or is not clinically able to make notification,
137 another person who is reasonably knowledgeable may make the
138 notification of the injury within 30 days of the date of the
139 injury.

140 b. Other notification procedures ~~and forms~~ shall be as



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141 established by written policy of the employer.

142 (2) ~~PHYSICIAN CERTIFICATION.~~—The employer may require
143 medical certification from the employee's physician that the
144 employee was injured and cannot return to work as a result of
145 the injury. The executive officer, at his or her discretion,
146 may require a second opinion from another physician at the
147 expense of the employer. The employer may require a statement
148 from the physician that there is a reasonable expectation that
149 the employee will be able to return to work. A uniform
150 physician certification form shall be adopted by the State
151 Board of Education and distributed to each executive officer.

152 (3) ~~SALARY CONTINUED.~~—Upon determination by the
153 executive officer that an employee has been injured on the job
154 and cannot return to work as a result of the injury, the
155 salary and fringe benefits of the employee shall be continued
156 for a period of up to 90 working days consistent with the
157 employee's injury and the subsequent absence from work
158 resulting from the injury. This provision shall apply to the
159 temporary disability of the employee as applicable to the
160 job-related injury.

161 (4) ~~EXTENSION OF DAYS.~~—The employer may adopt a written
162 policy to extend the 90-day sick leave period for on-the-job
163 injuries. Additional ~~job-on-the-job~~ injury policies may be
164 adopted by the employer if the policies do not conflict with
165 ~~the~~ this section.

166 (5) ~~REIMBURSEMENT TO EMPLOYER.~~—Any reasonable
167 on-the-job injury costs incurred by the employer, ~~7~~ to hire a
168 substitute, ~~7~~ per absent injured employee in a fiscal year shall



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169 be reimbursed to the employer by the state during the next
170 succeeding fiscal year upon application by the employer to the
171 appropriate State Board of Education department on a form
172 adopted by the state board, not to exceed 90 working days. The
173 department shall subsequently submit the request to the
174 Legislature as a line-item in its budget request for
175 reimbursement to the employer, and, if approved by the
176 Legislature, shall reimburse the employer at the amount per
177 day for sick leave authorized and funded in the annual budget
178 act for public schools and colleges.

179 (6) ~~EMPLOYEE'S SICK LEAVE.~~ Sick leave shall not be
180 deducted from the employee's account if absence from work is
181 found to be a result of an on-the-job injury.

182 (7) ~~ADDITIONAL EXPENSES.~~ Any unreimbursed medical
183 expenses and costs, not otherwise reimbursed under Chapter 1A,
184 the Mary Anne Leonard Educators' On-The-Job Injury Act, that
185 the employee incurs as a result of an on-the-job injury may be
186 filed for reimbursement with the State Board of Adjustment.
187 Reimbursement to the employee shall be determined by the Board
188 of Adjustment's policies, rules, and regulations which may be
189 adopted from time to time. The Board of Adjustment shall adopt
190 appropriate rules, regulations, and forms for submission by
191 the employee.

192 (8) The executive officer, or his or her designee,
193 shall inform the employee who is injured on the job of his or
194 her rights about appearing before the Board of Adjustment, as
195 well as under Chapter 1A, the Mary Anne Leonard Educators'
196 On-The-Job Injury Act, and ~~also about~~ the applicable written

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197 policies within ~~30~~seven calendar days after notification of
198 the injury.

199 (e) ~~Vacations and leaves of absences.~~ The employer,
200 under the rules and ~~regulations~~policies adopted from time to
201 time by the State Board of Education, may provide for paid
202 leaves of absences and vacations for its employees. Payment
203 may be from public funds. The employer may provide for leaves
204 of absence during the times the schools are, or are not, in
205 session when the teacher or employee devotes the leave to
206 instructing in or attending schools for appropriate training,
207 or when approved by the State Board of Education as beneficial
208 to the state's educational objectives. The employer may also
209 provide for the payment of any full-time teachers or employees
210 for absences during the time schools are in session when the
211 absence results from an unavoidable cause that prevents the
212 teacher or employee from discharging his or her duties. Pay
213 for the absences resulting from unavoidable causes other than
214 sickness shall not be allowed for a longer time than one week
215 during any one scholastic year.

216 (f) ~~Alabama Community College System annual leave.~~ As
217 applied to Alabama Community College System employers, any
218 employee who earns and accumulates annual leave may accumulate
219 up to 60 days of annual leave at a rate not to exceed that
220 provided in the policy established by the State Board of
221 Education.

222 (g) ~~Policies.~~ The policies and procedures required and
223 permitted by this section shall be adopted by the employer
224 consistent with and as required by Section 16-1-30."



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225 Section 2. Chapter 1A is added to Title 16 of the Code
226 of Alabama 1975, to read as follows:

227 §16-1A-1

228 This chapter shall be known and cited as the Mary Anne
229 Leonard Educators' On-The-Job Injury Act.

230 §16-1A-2

231 As used in this chapter, the following terms have the
232 following meanings:

233 (1) BOARD. The Public Education Employee Injury
234 Compensation Board.

235 (2) EMPLOYEE. Any individual employed full-time as
236 provided by law by those employers enumerated in this section
237 and adult bus drivers.

238 (3) EMPLOYER. All public city and county boards of
239 education; all public charter schools; the Board of Trustees
240 of the Alabama Community College System; the Board of Trustees
241 of the Alabama Institute for the Deaf and Blind; the Board of
242 Directors of the Alabama School of Fine Arts; the Board of
243 Trustees of the Alabama High School of Mathematics and
244 Science; the Board of Trustees of the Alabama School of Cyber
245 Technology and Engineering; and the Board of Trustees of the
246 Alabama School of Healthcare Sciences.

247 (4) EXECUTIVE OFFICER. The superintendent of any public
248 county school system or any public city school system; the
249 principal of any public charter school; the President of the
250 Alabama Institute for the Deaf and Blind; the president of any
251 two-year school or college under the auspices of the Board of
252 Trustees of the Alabama Community College System; the



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253 Executive Director of the Alabama School of Fine Arts; the
254 Executive Director of the Alabama High School of Mathematics
255 and Science; the President of the Alabama School of Cyber
256 Technology and Engineering; the President of the Alabama
257 School of Healthcare Sciences; and the chief executive officer
258 of any other employer.

259 (5) FUND. The Public Education Employee Injury
260 Compensation Trust Fund.

261 (6) ON-THE-JOB INJURY. Any accident or injury to an
262 employee arising out of and in the course of employment or
263 occurring during the performance of duties. The term does not
264 include a mental disorder or mental injury that has neither
265 been produced nor proximately caused by some physical injury
266 to the body.

267 (7) PEEHIP. The Public Education Employees' Health
268 Insurance Plan.

269 (8) PROGRAM. The Public Education Employee Injury
270 Compensation Program.

271 (9) REVIEW BOARD. The Public Education Employee Injury
272 Compensation Program Review Board, a panel composed of three
273 persons designated by the board to hear and consider claims by
274 employees who disagree with the determination by their
275 employer or its agent or service company as to the employee's
276 entitlement to compensation and medical benefits under this
277 program and to approve settlements, including lump sum
278 settlements, as well as settlements closing some or all
279 benefits, when agreed to by the parties and permitted by the
280 program. No member or employee of the board may be a member of



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281 the review board.

282 (10) TPA. Third-party administrator or adjuster.

283 §16-1A-3

284 (a) The following policies, procedures, and rights are
285 established pertaining to employees who are injured while on
286 the job:

287 (1) The employee shall provide written notice of the
288 injury to an immediate supervisor or the executive officer
289 within five working days after the injury occurred, or where
290 the employee has died or is not clinically able to make
291 notification, another individual who is reasonably
292 knowledgeable may make the notification of the injury within
293 30 days of the date of the injury. The board may adopt rules
294 to further provide for the notice requirements under this
295 subdivision.

296 (2) The board shall adopt uniform injury reporting
297 forms. The employer shall distribute the forms to the
298 institutions under his or her supervision. The employer shall
299 prepare the first report of injury form and the employee shall
300 sign the completed injury report form. The employer shall then
301 forward the employee-signed form to the Public Education
302 Employee Injury Compensation Board.

303 (3) Other notification procedures may be established by
304 written policy of the employer but shall not supersede
305 notification procedures established by the board or this
306 chapter.

307 (b) There is established a separate special trust fund
308 in the State Treasury to be known as the Public Education



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309 Employee Injury Compensation Trust Fund. All receipts
310 collected pursuant to this chapter shall be deposited in this
311 fund and used to carry out this chapter. Monies in the fund
312 unspent or unencumbered at the end of each fiscal year shall
313 not revert to any other fund in the State Treasury but shall
314 be carried forward to the succeeding fiscal year. All monies
315 in the fund may be invested and reinvested by the board. Any
316 monetary interest that accrues in the fund shall be retained
317 in the fund from year to year.

318 (c) (1) The program shall be governed by this chapter.

319 (2) Payments shall be made by PEEHIP pursuant to this
320 chapter to physicians licensed to practice medicine or other
321 medical providers for services to injured employees and shall
322 be in accordance with the schedule of maximum fees as
323 established by PEEHIP.

324 (3) An employee must use an authorized treating
325 physician covered by PEEHIP. For employees who do not
326 participate in PEEHIP, the board shall adopt rules for
327 selecting authorized treating physicians or other medical
328 providers and shall adopt rules for employees who dispute
329 treatment by an authorized treating physician.

330 (4) Any rules adopted by the board to establish and
331 operate the program shall be subject to the Alabama
332 Administrative Procedure Act.

333 (d) Nothing in this chapter shall be construed to
334 affect any benefit to which an employee is entitled under this
335 title.

336 (e) Sufficient appropriations to the fund for full



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337 coverage shall be considered a mandate for local boards of
338 education to participate in the program pursuant to Section
339 25-5-50(d).

340 §16-1A-4

341 (a) The Public Education Employee Injury Compensation
342 Board shall be comprised of the following members:

343 (1) One member appointed by the Governor.

344 (2) One member appointed by the President Pro Tempore
345 of the Senate.

346 (3) One member appointed by Speaker of the House of
347 Representatives.

348 (4) One member appointed on an alternating basis by the
349 Minority Leaders of the Senate and the House of
350 Representatives, with the Senate Minority Leader appointing
351 first.

352 (5) One member shall be the Director of the Workers'
353 Compensation Division of the Alabama Department of Labor.

354 (b) (1) The terms of the board members shall be
355 staggered so that the initial appointees of the Speaker of the
356 House and the Minority Leader of the Senate shall serve two
357 years, with their successors serving a term of three years.
358 All other appointed members shall serve an initial term of
359 three years, and the successor shall serve a term of three
360 years. No appointed member may serve more than two consecutive
361 terms.

362 (2) A board member shall serve until his or her
363 successor is appointed.

364 (3) The appointing authorities shall coordinate their



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365 appointments to assure that the membership of the board is
366 inclusive and reflects the racial, gender, geographic, urban,
367 rural, and economic diversity of the state. The appointing
368 authorities shall coordinate to ensure that at least one
369 member of the board has experience and familiarity with
370 workers' compensation.

371 (c) Initial appointments to the board shall be made by
372 the appointing authority on or before July 1, 2025.

373 (d) Members of the board shall receive no compensation
374 but shall be reimbursed by the fund for travel and per diem
375 expenses at the same rate and in the same manner as state
376 employees.

377 (e) The board shall have all of the following duties:

378 (1) To administer the programs, including, but not
379 limited to, establishing or contracting with a TPA to oversee
380 benefits paid to employees and coordinate with PEEHIP. A
381 contract for services of a TPA shall be procured pursuant to
382 Article 5 of Chapter 4 of Title 41, without regard to
383 exemptions. The TPA, whether contracted or otherwise
384 established, shall have no business or administrative
385 relationship with any education association in Alabama,
386 directly or indirectly.

387 (2) To manage the fund to ensure that adequate funds
388 are maintained to provide all injury program benefits to
389 employees.

390 (3) To provide reasonable compensation for hearing
391 officers who hear any dispute arising under this chapter.

392 (4) To employ professional, clerical, technical, and



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393 administrative staff as the board may determine necessary to
394 carry out its duties and compensate staff accordingly.

395 (5) To secure insurance, reinsurance, or other products
396 the board deems advisable in carrying out its duties.

397 (6) To retain and compensate legal counsel to represent
398 the board, employers, the fund, the program, and TPA
399 including, but not limited to, appearing before hearing
400 officers or judges in contested cases.

401 (f) Except as otherwise required by the Health
402 Insurance Portability and Accountability Act, 42 U.S.C. §
403 1320d et seq., the board shall be subject to all applicable
404 open meetings and open records laws, shall adopt rules in
405 accordance with the Alabama Administrative Procedure Act, and
406 shall have a fiduciary duty to the fund and the program.

407 §16-1A-5

408 (a) There is established the Public Education Employee
409 Injury Compensation Program.

410 (b) (1) Except as provided in this section, the program
411 implemented pursuant to this section shall not be subject to
412 the provisions of Chapter 5 of Title 25, or its successor,
413 otherwise known as the Alabama Workers' Compensation Act.

414 (2) Notwithstanding subdivision (1), if an employee is
415 subject to this chapter then compensation, in accordance with
416 the Alabama Workers' Compensation Act, shall be paid by the
417 Public Education Employee Injury Compensation Trust Fund, as
418 established under this chapter, in accordance with the
419 statutes, provisions, defenses, and calculation methods set
420 forth in the Alabama Workers' Compensation Act and any case



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421 law interpreting the same.

422 (c) (1) For injured employees covered by PEEHIP,
423 payments made to physicians licensed to practice medicine or
424 other medical providers for services to injured employees
425 shall be paid by PEEHIP in accordance with the PEEHIP fee
426 schedule.

427 (2) For injured employees not covered by PEEHIP, the
428 board shall provide medical treatment for an on-the-job
429 injury. Payments made under this subdivision shall be in
430 accordance with the schedule of maximum fees as established
431 under Section 25-5-313, or as otherwise permitted under
432 Section 25-5-314.

433 (d) (1) All undisputed medical reimbursements or
434 payments shall be made within 25 working days of receipt of
435 claims in the form specified in Section 25-5-3.

436 (2) An amount equal to 10 percent of any unpaid balance
437 shall be added to any undisputed medical invoice which is not
438 paid within 25 working days.

439 (e) Any regulation, policy, or program directive for
440 the conduct of utilization review, bill screenings, and
441 medical necessity determinations related to services provided
442 by physicians licensed to practice medicine shall comply with
443 the rules adopted by the Workers' Compensation Medical
444 Services Board under Section 25-5-312.

445 (f) Any rules adopted by the board shall be subject to
446 the Alabama Administrative Procedure Act, and a final
447 determination as to benefits payable under the program shall
448 be subject to review by the Circuit Court in Montgomery County



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449 in the manner prescribed by the Alabama Administrative
450 Procedure Act.

451 (g) Employers shall continue to make all required
452 health insurance contributions until any separation from
453 employment.

454 (h) The board shall establish procedures for employers
455 to be reimbursed by the fund for the costs of an employee's
456 compensation and benefits under this chapter; except for
457 salary and benefits provided by employers under Section
458 16-1-18.1.

459 (i) PEEHIP and the Public Education Employee Injury
460 Compensation Trust Fund established under Section 16-1A-3, as
461 to their respective payments, may subrogate, seek
462 reimbursement, or seek credit for any amount paid to an
463 injured employee under the program from any third party, or
464 the employee's insurer, responsible for the injury. Any action
465 to recover shall be filed in the Circuit Court of Montgomery
466 County.

467 (j) Any on-the-job injuries suffered by individuals not
468 covered by this chapter, such as part-time, substitute,
469 temporary, non-full-time employees and volunteers, shall be
470 conducted in accordance with the Board of Adjustment process
471 outlined in Article 4 of Chapter 9 of Title 41.

472 §16-1A-6

473 (a) An employer who refuses to complete and submit an
474 injury report form after timely notice of an injury by an
475 employee pursuant to this chapter shall provide notice in
476 writing of its findings of fact that support its decision. An



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477 employee may challenge the employer's decision pursuant to the
478 dispute resolution provisions of this section.

479 (b) (1) The employer's executive officer or the board
480 shall refer any dispute that arises under this chapter between
481 an employee and employer or between an employee and a TPA
482 contracted with or established under this chapter to the
483 review board.

484 (2) Notwithstanding subdivision (1), if an employee,
485 employer, or TPA requests a hearing officer, the dispute shall
486 be referred to and adjudicated by a hearing officer appointed
487 from the panel of neutrals maintained by the Executive
488 Director of the Alabama State Bar Association pursuant to
489 Section 16-24C-6(e). The hearing officer shall be selected
490 using the same process provided in Section 16-24C-6(g).

491 (3) The hearing officer selected must certify that he
492 or she has experience in adjudicating workers' compensation
493 disputes or refer the matter back to the state bar association
494 to repeat the selection process. The hearing and appeals
495 process shall be the same as provided in Section 16-24C-6,
496 except that no deference is to be provided to either party and
497 the Alabama Rules of Evidence shall apply in hearings before
498 the hearing officer.

499 (4) The decision of the review board or hearing officer
500 may be appealed to the Circuit Court of Montgomery County. The
501 court shall review any decision pursuant to Section 41-22-20.

502 (5) The statute of limitations for a dispute under this
503 subsection is two years from the date of the injury or the
504 date of the last temporary total disability payment.



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505 (c) The decision of the review board or hearing officer
506 shall be based on a preponderance of the evidence as contained
507 in the record of the hearing except in cases involving
508 injuries which have resulted from gradual deterioration or
509 cumulative physical stress disorders, which shall be deemed
510 compensable only upon a finding of clear and convincing proof
511 that the injuries arose out of and in the course of the
512 employee's employment. For the purposes of this subsection,
513 "clear and convincing" means evidence that, when weighed
514 against evidence in opposition, will produce in the mind of
515 the trier of fact a firm conviction as to each essential
516 element of the claim and a high probability as to the
517 correctness of the conclusion. Proof by clear and convincing
518 evidence requires a level of proof greater than a
519 preponderance of the evidence or the substantial weight of the
520 evidence, but less than beyond a reasonable doubt.

521 (d) The Alabama Rules of Civil Procedure shall govern
522 the methods of discovery before a hearing officer, except that
523 the following limitations to pre-hearing discovery shall
524 apply:

525 (1) Two depositions for each side shall be permitted
526 without leave of the hearing officer. No additional
527 depositions shall be permitted except with leave of court for
528 good cause shown, including, but not limited to, a claim by
529 the employee for permanent total disability.

530 (2) Notwithstanding subdivision (1), each party may
531 take the deposition of every other party.

532 (3) No more than 25 interrogatories, with each subpart



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533 to be considered a question, shall be permitted without leave
534 of the hearing officer for good cause shown.

535 (4) Certified sealed copies of records of medical
536 treatment and expenses shall be authenticated in accordance
537 with Rule 44(h) of the Alabama Rules of Civil Procedure,
538 without further need for authenticating testimony.

539 (5) Copies of records obtained by one party shall be
540 furnished by certified mail to the other party not less than
541 21 days prior to the hearing, unless the party offering the
542 records can establish unusual circumstances justifying
543 admission of the records.

544 (6) The party not offering the records of treatment by
545 a physician or other medical provider shall have the right to
546 depose the physician or medical provider whose records of
547 treatment are to be offered by any other party.

548 (g) The review board or hearing officer may award a
549 legal fee of up to 15 percent of the compensation awarded in a
550 contested case. This amount is discretionary and will only be
551 awarded if requested by legal counsel for the employee. The
552 award shall be deducted from compensation otherwise payable to
553 the employee pursuant to rules adopted by board.

554 §16-1A-7

555 (a) The costs of the program, including administration
556 costs, shall be paid from the fund. The total amount to be
557 expended pursuant to the program shall not exceed the amount
558 provided for in annual appropriations.

559 (b) The program shall begin accepting on-the-job injury
560 claims on an implementation date declared and published by the



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561 board in consultation with the Board of Adjustment but not
562 later than October 1, 2026.

563 (c) The program created by this chapter shall be the
564 sole remedy for employees who incur an on-the-job injury on or
565 after the implementation date established in subsection (b).
566 The Board of Adjustment shall have sole jurisdiction over
567 on-the-job injury claims for injuries occurring before the
568 implementation date in subsection (b).

569 (d) Nothing in this chapter shall be construed as a
570 waiver by the state of its sovereign immunity under the
571 Constitution of Alabama of 2022.

572 Section 3. If any provision of this act is held invalid
573 by a court of competent jurisdiction, the invalidity shall not
574 affect the provisions that can be given effect without the
575 invalid provisions, and to this end, the provisions of this
576 act are declared to be severable.

577 Section 4. This act shall become effective immediately.

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581 Senate

582 Read for the first time and referred04-Feb-25
583 to the Senate committee on Finance
584 and Taxation Education
585
586 Read for the second time and placed12-Feb-25
587 on the calendar:
588 0 amendments
589
590 Read for the third time and passed18-Feb-25
591 as amended
592 Yeas 32
593 Nays 0
594 Abstains 0
595
596

Patrick Harris,
Secretary.

597
598
599