



NEWSLETTER TO INJURED WORKERS



"I NEVER WANT TO HURT ANY ONE OF THE WORKERS OR THE PEOPLE THAT GET THE BENEFITS."

Gov. Schwarzenegger, Sacramento Bee, Nov. 19, 2003

VETO OF POTENTIAL BOOST IN PD BENEFITS

Gov. Schwarzenegger has used his veto pen for the second consecutive year to block potential increases in permanent disability (PD) benefits.

The most recent veto was of Senate Bill 936, sponsored by Senate President pro Tem Son Perata. SB 936 would have doubled PD benefits in California by January 1, 2010.

Gov. Schwarzenegger can be contacted at 916-445-2841.

104 WEEK TD CAP MODIFIED

Injured workers who are recovering from surgery have finally received some relief in the post-SB 899 era. The previously strict 104-week limitation on temporary disability (TD) benefits has been modified.

Gov. Schwarzenegger signed AB 338 on Oct. 13, extending the TD window to five years. The bill authored by Rep. Joe Coto still only allows for 104 weeks of TD, but injured workers can now receive those amounts at non-consecutive times over the course of five years.

Also signed into law on Oct. 13, was AB 1073, authored by Rep. Pedro Nava, lifts the 24-visit cap on chiropractic, physical and occupational therapy following surgery.



**ELECTION DAY:
FEBRUARY 5, 2008**

**LAST DAY TO REGISTER TO VOTE:
JANUARY 28, 2008**



**COURT HOLDING:
APPORTIONMENT = DISCRIMINATION**

Last month, the Third District Court of Appeal validated a legal challenge, joined by the AARP, ACLU and other civil rights groups, to Gov. Schwarzenegger's workers' comp cuts. The court ordered the WCAB to restore benefits taken from a Sacramento woman based on her age.

Injured worker's advocates and civil rights groups argued that the law discriminates against women and elderly workers by reducing the compensation they would otherwise receive for a disability caused by a work injury simply because of their age, gender or other "risk factors."

Lois Vaira, 76, a receptionist for the California Tourism Department, was able to perform her job prior to her work injury but her disability compensation was reduced by 40% due to "the aging process" and underlying osteoporosis.

The court found that the prohibition against discrimination contained in Govt. Code §11135 applies to the WCAB.

**HORROR STORY
HITS CHP OFFICER**

Bill Parkin, a 40-year old resident of Galt, CA, and 10-year veteran of the California Highway Patrol (CHP) thought the State of California would back him up if he was injured on the job.



On a 115 degree summer day in July 2006, he made numerous roadside assists for stranded motorists, multiple traffic stops, responded to traffic collisions and cleared debris from the highway. He was in and out of the car all shift. The next day he woke up and could barely walk. Then, the battle began and he had to fight for medical care. His knee surgery was delayed for 8 months. During the delay, his knee worsened. He ended up with multiple surgeries involving both knees and now wonders whether he will be able to return to his CHP Officer job.

Bill Parkin put his health and safety at risk to protect the people of California. Now, he wonders why the protection that workers' compensation insurance supposedly guarantees is sorely lacking.