WHEREAS, on November 22, 1999, the Occupational Safety and Health Administration (OSHA) proposed a draft Program Standard on Ergonomics; and

WHEREAS, under the proposed ergonomics standard, a full ergonomics program would consist of prompt care and work restriction protection (WRP); and

WHEREAS, the WRP plan would require an employer to pay a worker on modified duty at least 100 percent of pre-injury after-tax earnings for a worker unable to do any job, whereas the present typical state-based workers’ compensation system requires a benefit of replacing two-thirds of pre-injury gross wages up to a weekly cap; and

WHEREAS, the WRP plan would require the maintenance of all fringe benefits, such as health insurance and seniority which most state workers’ compensation systems do not require; and

WHEREAS, ALEC supports the prevention of workplace injuries and illnesses, assisting in the speedy return of injured and sick workers to productive employment and protecting the economic interests of the public, employees, and employers; and

WHEREAS, ALEC encourages employers to implement and conduct ongoing assessments of ergonomic programs as part of a comprehensive risk control program in each organization; and

WHEREAS, every state workers’ compensation law has mandates for managing the provision of health care for injured workers; and

WHEREAS, states will continue to legislate and regulate the choice of and qualifications for health care providers, the prevention of cost shifting from other health care areas, the prevention of over-utilization of health care services and the restriction of the employers’ obligation to those medical expenses that are reasonable and necessary for the recovery and return to work by the employee; and

WHEREAS, the OSHA mandates overlap with workers compensation limits in many states, where compensability determinations, physician selection and indemnity amounts and payment periods are the function of each state’s statutes and jurisprudence; and

NOW THEREFORE BE IT RESOLVED, that ALEC calls upon OSHA to leave workers’ compensation issues to the purview of the state legislative and administrative bodies; and

BE IT FURTHER RESOLVED, that ALEC will forward a copy of this resolution to the President of the U.S., Congressional House and Senate, Leadership, the Secretary and Assistant Secretary of Labor, the Director of the Office of Management and Budget and the Occupational Safety and Health Administration.

Adopted by the CIED Task Force and approved by the ALEC Board of Directors in 2000.