



SENATE STANDING COMMITTEE ON LABOR

NOTICE OF PUBLIC HEARING

SUBJECT: The New York State Workers' Compensation Board's "Managed Adjudication Path" program

PURPOSE: To study the Workers' Compensation Board's "Managed Adjudication Path" program and its impact on injured workers and employers in the workers' compensation system.

February 24, 2010

10:00 a.m.

Hearing Room B

Legislative Office Building

Albany, New York 12247

The Workers' Compensation Board plans to start a statewide program to allow administrative law judges to issue proposed decisions on contested claims without first giving the parties the opportunity for a hearing. The "Managed Adjudication Path" program (MAP) would change the current practice that allows injured workers and employers to request a hearing and testify before an administrative law judge if they are unable to settle the claim through other procedures. Judges instead would be allowed to issue proposed decisions without any appearance or testimony by the parties. The plan to use MAP has raised concerns by injured workers and employers that the program would violate their due process rights to a hearing under the workers' compensation law.

The Senate Labor Committee will hold a hearing to study the Board's plan to use the Managed Adjudication Path program. Interested individuals and organizations are invited to present testimony on any of the following questions:

1. How would the MAP program impact the rights of injured workers and employers to a fair hearing in workers' compensation cases, including workers without representatives?
2. How effective are the Board's current procedures for adjudicating claims in a fair and expeditious manner, and how effective have prior procedural changes been in reducing delays in resolving cases?
3. How would MAP impact the awards and costs that the Workers' Compensation Board may order in a contested case?
4. Will the MAP program require additional staff or salary adjustments or create other costs, and if so, how will these costs be funded?

5. What efforts has the Board undertaken to consult with representatives of injured workers, employers and other stakeholders before deciding to use the MAP program on a statewide basis?

6. What, if any, additional programs are the Board planning that would change adjudication procedures in workers' compensation cases over the next 5 years, and what is the 2015 Plan?

Persons wishing to present testimony at this hearing should complete and return the enclosed reply form as soon as possible. It is important that the reply form be fully completed and returned so that persons may be notified in the event of emergency postponement or cancellation.

Oral testimony will be limited to ten minutes duration. Written testimony will also be accepted and may be sent to the contact person listed on the reply form. In preparing the order of witnesses, the Committee will attempt to accommodate individual requests to speak at particular times in view of special circumstances. These requests should be made on the attached reply form or communicated to Committee staff as early as possible. In the absence of a request, witnesses will be scheduled in the order in which reply forms are postmarked.

Ten copies of any prepared testimony should be submitted at the hearing registration desk. The Committee would appreciate advance receipt of prepared statements. In order to further publicize the hearing, please inform interested parties of the Committee's interest in receiving written testimony from all sources.

In order to meet the needs of those who may have a disability, the Legislature, in accordance with its policy of non-discrimination on the basis of disability, as well as the 1990 Americans with Disabilities Act (ADA), has made its facilities and services available to all individuals with disabilities. For individuals with disabilities, accommodations will be provided, upon reasonable request, to afford such individuals access and admission to the Legislature's facilities and activities.

George Onorato
Chair
Senate Standing Committee on Labor

PUBLIC HEARING REPLY FORM

Persons wishing to present testimony at the public hearing on the Workers' Compensation Board's "Managed Adjudication Path" program are requested to complete this reply form as soon as possible and mail, e-mail or fax it to:

Sarah Coligan
E-mail: coligan@senate.state.ny.us
Phone: (518) 455-7902
Fax: (518) 426-6929

I plan to attend the public hearing on the Workers' Compensation Board's "Managed Adjudication Path" program to be conducted by the Senate Labor Committee on February 24, 2010, and make a public statement. My statement will be limited to 10 minutes, and I will answer any questions which may arise. I will submit a copy of my prepared statement in advance of the hearing, and will provide 10 copies of my prepared statement on the day of the hearing.

I will address my remarks to the following subjects:

I plan to attend the above hearing, but do not wish to make a public statement.

I do not plan to attend the above hearing, but will submit written testimony.

I do not plan to attend the above hearing.

I will require assistance and/or handicapped accessibility information. **Please specify the type of assistance required:**

NAME: _____

TITLE: _____

ORGANIZATION: _____

ADDRESS: _____

E-MAIL: _____

TELEPHONE: _____

FAX: _____