



CITY OF BEVERLY HILLS

455 NORTH REXFORD DRIVE • BEVERLY HILLS, CALIFORNIA 90210

Lili Bosse, Mayor

August 11, 2022

The Honorable Chris Holden
Chair, Assembly Appropriations Committee
California State Assembly, 41st District
1021 O. St, Suite 8220
Sacramento, CA 95814

Re: **SB 1127 (Atkins): Workers' compensation: liability presumptions**
City of Beverly Hills – OPPOSE

Dear Chair Holden,

On behalf of the City of Beverly Hills, I write to inform you of our respectful **OPPOSITION** to SB 1127 (Atkins), a measure which would fundamentally alter longstanding rules and timeframes for determining eligibility for workers' compensation claims and as drafted would dramatically increase systemic friction and litigation.

SB 1127 reduces the timeline for employers to make a decision about covering a claimed injury, but it does not harmonize any of the other statutes and regulations that prevent employers from complying with the new timeline. The bill changes the rules for all claims – including public and private sector employers – but the provisions as they apply to public employers are especially challenging. Specifically, presumption statutes apply to injuries and illnesses such as heart, cancer, and PTSD that are complex in causation and sometimes difficult for workers to connect to employment. That is, in fact, why the legislature has historically chosen to impose a presumption that shifts the legal burden of proof away from employees and instead requires an employer to prove that the claimed injury was not caused by employment. Presumptions already impose a difficult task by requiring employers to prove that the injury was not caused by employment. This requires a more thorough investigation that cannot be completed in 90 days, let alone 75.

In addition, this measure proposes new and unprecedented penalties with the all claims covered including COVID-19 presumption applies to every employer in the state. Such penalties would apply in situations where “liability has been unreasonably rejected for claims of injury” and would be five times the amount of benefits unreasonably delayed, up to \$100,000. These claims – most of which are for public sector public safety employees and are funded by taxpayers – would, as proposed, now have a higher standard of evidence

because of the presumption, an objectively inadequate timeline to investigate claims, and now massive penalties for getting that process wrong.

Current laws in California already provide for a fair and equitable system for all workers, but SB 1127 would make taxpayer funded presumption claims dangerous to investigate, and levies unprecedented penalties on employers. For these reasons, the City of Beverly Hills must respectfully **OPPOSE SB 1127**. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Lili Bosse".

Lili Bosse
Mayor, City of Beverly Hills

Cc: Chair and Members, Assembly Committee on Appropriations
The Honorable Toni Atkins, Senator, 39th District
The Honorable Ben Allen, Senator, 26th District
The Honorable Richard Bloom, Assemblymember, 50th District
Andrew K. Antwih, Shaw Yoder Antwih Schmelzer & Lange