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A BILL
TO BE ENTITLED
AN ACT

Relating to public education; to amend Section 16-1-18.1, as last amended by Act 2023-352, 2023 Regular Session, 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, as last amended by Act 2023-352, 2023 Regular Session, 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



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

48 (3) EXECUTIVE OFFICER. The superintendent of any public
49 county school system or any public city school system; the
50 President of the Alabama Institute for the Deaf and Blind; the
51 president of any two-year school or college under the auspices
52 of the Board of Trustees of the Alabama Community College
53 System; the Superintendent of the Department of Youth Services
54 School District; the Executive Director of the Alabama School
55 of Fine Arts; the Executive Director of the Alabama High
56 School of Mathematics and Science; the President of the



57 Alabama School of Cyber Technology and Engineering; the
58 Secretary of the Senate; the Clerk of the House of
59 Representatives; the Lieutenant Governor; the Speaker of the
60 House of Representatives; the Director of the Legislative
61 Services Agency; and the chief executive officer of any other
62 employer as provided in this section.

63 (4) ON-THE-JOB INJURY. Any accident or injury to the
64 employee arising out of and in the course of employment or
65 occurring during the performance of duties or when directed or
66 requested by the employer to be on the property of the
67 employer ~~which prevents the employee from working or returning~~
68 ~~to his or her job.~~

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

- 71 a. Personal illness or doctor's quarantine.
- 72 b. Incapacitating personal injury.
- 73 c. Attendance upon an ill member of the employee's
74 immediate family (parent, spouse, child, foster child
75 currently in the care and custody of the employee, sibling,
76 child currently in the care and custody of the employee for
77 whom a petition for adoption has been filed); or an individual
78 with a close personal tie.
- 79 d. Death in the family of the employee (parent, spouse,
80 child, sibling, parent-in-law, son-in-law, daughter-in-law,
81 brother-in-law, sister-in-law, nephew, niece, grandchild,
82 grandparent, uncle, or aunt).
- 83 e. Death, injury, or sickness of another individual who
84 has unusually strong personal ties to the employee, such as a



85 person who stood in loco parentis.

86 f. Attendance upon an adopted child, who is three years
87 of age or younger.

88 (b) Sick leave for employees.

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

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

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

101 (c) Sick leave accumulation and transfers.

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



113 sick leave as authorized in subdivision (b)(1). As pertains to
114 receiving retirement credit for accrued sick leave, the
115 ~~Teacher's~~Teachers' Retirement System Board of Control may
116 adopt policies and procedures necessary to effectuate a
117 uniform policy pursuant to this section.

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

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

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



141 [injury](#).

142 b. Other notification procedures ~~and forms~~ shall be as
143 established by written policy of the employer. ~~The State~~
144 ~~Superintendent of Education shall adopt and distribute uniform~~
145 ~~injury reporting forms to the institutions under his or her~~
146 ~~supervision. The employer shall prepare the first report of~~
147 ~~injury form and the employee shall sign the completed injury~~
148 ~~report form. The employer shall then forward the~~
149 ~~employee-signed form to the Public Education Employee Injury~~
150 ~~Compensation Board.~~

151 (2) ~~PHYSICIAN CERTIFICATION.~~ The employer may require
152 medical certification from the employee's physician that the
153 employee was injured and cannot return to work as a result of
154 the injury. The executive officer, at his or her discretion,
155 may require a second opinion from another physician at the
156 expense of the employer. The employer may require a statement
157 from the physician that there is a reasonable expectation that
158 the employee will be able to return to work. A uniform
159 physician certification form shall be adopted by the State
160 Board of Education and distributed to each executive officer.

161 (3) ~~SALARY CONTINUED.~~ Upon determination by the
162 executive officer that an employee has been injured on the job
163 and cannot return to work as a result of the injury, the
164 salary and fringe benefits of the employee shall be continued
165 for a period of up to 90 working days consistent with the
166 employee's injury and the subsequent absence from work
167 resulting from the injury. This provision shall apply to the
168 temporary disability of the employee as applicable to the



169 job-related injury.

170 (4) ~~EXTENSION OF DAYS.~~The employer may adopt a written
171 policy to extend the 90-day sick leave period for on-the-job
172 injuries. Additional ~~job-~~on-the-job injury policies may be
173 adopted by the employer if the policies do not conflict with
174 ~~the~~ this section.

175 (5) ~~REIMBURSEMENT TO EMPLOYER.~~Any reasonable
176 on-the-job injury costs incurred by the employer, to hire a
177 substitute, per absent injured employee in a fiscal year shall
178 be reimbursed to the employer by the state during the next
179 succeeding fiscal year upon application by the employer to the
180 appropriate State Board of Education department on a form
181 adopted by the state board, not to exceed 90 working days. The
182 department shall subsequently submit the request to the
183 Legislature as a line-item in its budget request for
184 reimbursement to the employer, and, if approved by the
185 Legislature, shall reimburse the employer at the amount per
186 day for sick leave authorized and funded in the annual budget
187 act for public schools and colleges.

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

191 (7) ~~ADDITIONAL EXPENSES.~~Any unreimbursed medical
192 expenses and costs that the employee incurs as a result of an
193 on-the-job injury may be filed for reimbursement with the
194 State Board of Adjustment. Reimbursement to the employee shall
195 be determined by the Board of Adjustment's policies, rules,
196 and regulations which may be adopted from time to time. The



197 Board of Adjustment shall adopt appropriate rules,
198 regulations, and forms for submission by the employee.

199 (8) The executive officer, or his or her designee,
200 shall inform the employee who is injured on the job of his or
201 her rights about appearing before the Board of Adjustment and
202 ~~also about~~the applicable written policies within ~~30~~seven
203 calendar days after notification of the injury. ~~The employee's~~
204 ~~90 working days of paid injury leave provided in this section~~
205 ~~shall be extended by every working day past seven calendar~~
206 ~~days that the employer does not provide notification to the~~
207 ~~employee. The State Superintendent of Education shall adopt~~
208 ~~and distribute a uniform notice of rights to the employers~~
209 ~~under his or her supervision for distribution to injured~~
210 ~~employees.~~

211 (e) ~~Vacations and leaves of absences.~~ The employer,
212 under the rules and ~~regulations~~policies adopted from time to
213 time by the State Board of Education, may provide for paid
214 leaves of absences and vacations for its employees. Payment
215 may be from public funds. The employer may provide for leaves
216 of absence during the times the schools are, or are not, in
217 session when the teacher or employee devotes the leave to
218 instructing in or attending schools for appropriate training,
219 or when approved by the State Board of Education as beneficial
220 to the state's educational objectives. The employer may also
221 provide for the payment of any full-time teachers or employees
222 for absences during the time schools are in session when the
223 absence results from an unavoidable cause that prevents the
224 teacher or employee from discharging his or her duties. Pay



225 for the absences resulting from unavoidable causes other than
226 sickness shall not be allowed for a longer time than one week
227 during any one scholastic year.

228 (f) ~~Alabama Community College System annual leave.~~ As
229 applied to Alabama Community College System employers, any
230 employee who earns and accumulates annual leave may accumulate
231 up to 60 days of annual leave at a rate not to exceed that
232 provided in the policy established by the State Board of
233 Education.

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

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

239 §16-1A-1

240 As used in this chapter, the following terms have the
241 following meanings:

242 (1) BOARD. The Public Education Employee Injury
243 Compensation Board.

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

247 (3) EMPLOYER. All public city and county boards of
248 education; all public charter schools; the Board of Trustees
249 of the Alabama Community College System; the Board of Trustees
250 of the Alabama Institute for the Deaf and Blind; the Board of
251 Directors of the Alabama School of Fine Arts; the Board of
252 Trustees of the Alabama High School of Mathematics and



253 Science; the Board of Trustees of the Alabama School of Cyber
254 Technology and Engineering; and the Board of Trustees of the
255 Alabama School of Healthcare Sciences.

256 (4) EXECUTIVE OFFICER. The superintendent of any public
257 county school system or any public city school system; the
258 principal of any public charter school; the President of the
259 Alabama Institute for the Deaf and Blind; the president of any
260 two-year school or college under the auspices of the Board of
261 Trustees of the Alabama Community College System; the
262 Executive Director of the Alabama School of Fine Arts; the
263 Executive Director of the Alabama High School of Mathematics
264 and Science; the President of the Alabama School of Cyber
265 Technology and Engineering; the President of the Alabama
266 School of Healthcare Sciences; and the chief executive officer
267 of any other employer.

268 (5) FUND. The Public Education Employee Injury
269 Compensation Trust Fund.

270 (6) ON-THE-JOB INJURY. Any accident or injury to an
271 employee arising out of and in the course of employment or
272 occurring during the performance of duties.

273 (7) PEEHIP. The Public Education Employees' Health
274 Insurance Plan.

275 (8) PROGRAM. The Public Education Employee Injury
276 Compensation Program.

277 (9) REVIEW BOARD. The Public Education Employee Injury
278 Compensation Program Review Board, a panel composed of three
279 persons designated by the board to hear and consider claims by
280 employees who disagree with the determination by their



281 employer or its agent or service company as to the employee's
282 entitlement to compensation and medical benefits under this
283 program and to approve settlements when required by the
284 program. No member or employee of the board may be a member of
285 the review board.

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

287 §16-1A-2

288 (a) The following policies, procedures, and rights are
289 established pertaining to employees who are injured while on
290 the job:

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

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

306 (3) Other notification procedures may be established by
307 written policy of the employer but shall not supersede
308 notification procedures established by the board or this



309 chapter.

310 (b) There is established a separate special trust fund
311 in the State Treasury to be known as the Public Education
312 Employee Injury Compensation Trust Fund. All receipts
313 collected pursuant to this chapter shall be deposited in this
314 fund and used to carry out this chapter. Monies in the fund
315 unspent or unencumbered at the end of each fiscal year shall
316 not revert to any other fund in the State Treasury but shall
317 be carried forward to the succeeding fiscal year. All monies
318 in the fund may be invested and reinvested by the board. Any
319 monetary interest that accrues in the fund shall be retained
320 in the fund from year to year.

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

322 (2) Payments made pursuant to this chapter to
323 physicians licensed to practice medicine for services to
324 injured employees shall be in accordance with the schedule of
325 maximum fees as established by PEEHIP.

326 (3) An employee must use an authorized treating
327 physician approved by the board. The board shall adopt rules
328 for selecting authorized treating physicians and shall adopt
329 rules for employees who dispute treatment by an authorized
330 treating physician.

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

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



337 (e) Sufficient appropriations to the fund for full
338 coverage shall be considered a mandate for local boards of
339 education to participate in the program pursuant to Section
340 25-5-50(d).

341 §16-1A-3

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

344 (1) One member appointed by the Governor.

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

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

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

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

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

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



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

372 (c) Initial appointments to the board shall be made by
373 the appointing authority on or before July 1, 2024.

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

378 (e) The board shall have all of the following powers,
379 duties, and responsibilities:

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

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

392 (3) To provide reasonable compensation for the hearing



393 officers who hear any dispute arising under this chapter.

394 (4) To employ professional, clerical, technical, and
395 administrative staff as the board may determine necessary to
396 carry out its duties and compensate staff accordingly.

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

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

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

409 §16-1A-4

410 (a) There is established the Public Education Employee
411 Injury Compensation Program.

412 (b) Except as provided herein, the program implemented
413 pursuant to this section shall not be subject to the
414 provisions of Chapter 5 of Title 25, or its successor,
415 otherwise known as the Alabama Workers' Compensation Law or
416 any similar law.

417 (c) Payments made to physicians licensed to practice
418 medicine for services to injured employees shall be in
419 accordance with the schedule of maximum fees as established
420 under Section 25-5-313, or as otherwise permitted under



421 Section 25-5-314.

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

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

428 (e) Any regulation, policy, or program directive for
429 the conduct of utilization review, bill screenings, and
430 medical necessity determinations related to services provided
431 by physicians licensed to practice medicine shall comply with
432 the rules adopted by the Workers Compensation Medical Services
433 Board under Section 25-5-312.

434 (f) Any rules adopted by the board shall be subject to
435 the Alabama Administrative Procedure Act, and a final
436 determination as to benefits payable under the program shall
437 be subject to review by the Circuit Court in Montgomery County
438 in the manner prescribed by the Alabama Administrative
439 Procedure Act.

440 (g) Employers shall continue to make all required
441 health insurance contributions until any separation from
442 employment.

443 (h) The board shall establish procedures for employers
444 to be reimbursed by the fund for the costs of an employee's
445 compensation and benefits under this chapter.

446 (i) PEEHIP may subrogate, seek reimbursement, or seek
447 credit for any amount paid to an injured employee under the
448 program from any third party, or the employee's insurer,



449 responsible for the injury. Any action to recover shall be
450 filed in the Circuit Court of Montgomery County.

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

456 §16-1A-5

457 (a) An employer who refuses to complete and submit an
458 injury report form after timely notice of an injury by an
459 employee pursuant to this chapter shall provide notice in
460 writing of its findings of fact that support its decision. An
461 employee may challenge the employer's decision pursuant to the
462 dispute resolution provisions of this section.

463 (b) (1) The employer's executive officer or the board
464 shall refer any dispute that arises under this chapter between
465 an employee and employer or between an employee and a TPA
466 contracted with or established under this chapter to the
467 review board.

468 (2) Notwithstanding subdivision (1), if an employee,
469 employer, or TPA requests a hearing officer, the dispute shall
470 be referred to and adjudicated by a hearing officer appointed
471 from the panel of neutrals maintained by the Executive
472 Director of the Alabama State Bar Association pursuant to
473 Section 16-24C-6(e). The hearing officer shall be selected
474 using the same process provided in Section 16-24C-6(g).

475 (3) The hearing officer selected must certify that he
476 or she has experience in adjudicating workers' compensation



477 disputes or refer the matter back to the state bar association
478 to repeat the selection process. The hearing and appeals
479 process shall be the same as provided in Section 16-24C-6,
480 except that no deference is to be provided to either party and
481 the Alabama Rules of Evidence shall apply in hearings before
482 the hearing officer.

483 (4) The decision of the hearing officer may be appealed
484 to the Circuit Court of Montgomery County. The court shall
485 review any decision pursuant to Section 41-22-20.

486 (5) The statute of limitations for a dispute under this
487 subsection is two years from the date of the injury or the
488 date of the last temporary total disability payment or the
489 last date of payment for medical benefits.

490 (c) The decision of the review board or hearing officer
491 shall be based on a preponderance of the evidence as contained
492 in the record of the hearing, except in cases involving
493 injuries which have resulted from gradual deterioration or
494 cumulative physical stress disorders, which shall be deemed
495 compensable only upon a finding of clear and convincing proof
496 that the injuries arose out of and in the course of the
497 employee's employment. For the purposes of this section,
498 "clear and convincing" shall mean evidence that, when weighed
499 against evidence in opposition, will produce in the mind of
500 the trier of fact a firm conviction as to each essential
501 element of the claim and a high probability as to the
502 correctness of the conclusion. Proof by clear and convincing
503 evidence requires a level of proof greater than a
504 preponderance of the evidence or the substantial weight of the



505 evidence, but less than beyond a reasonable doubt.

506 (d) The Alabama Rules of Civil Procedure shall govern
507 the methods of discovery, except that the following
508 limitations to pre-hearing discovery shall apply:

509 (1) Two depositions for each side shall be permitted
510 without leave of court. No additional depositions shall be
511 permitted except with leave of court for good cause shown,
512 including, but not limited to, a claim by the employee for
513 permanent total disability.

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

516 (3) No more than 25 interrogatories, with each subpart
517 to be considered a question, shall be permitted without leave
518 of court for good cause shown.

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

523 (5) Copies of records obtained by one party shall be
524 furnished by certified mail to the other party not less than
525 21 days prior to the hearing, unless the party offering the
526 records can establish unusual circumstances justifying
527 admission of the records.

528 (6) The party not offering the records of a physician's
529 treatment shall have the right to depose the physician whose
530 records of treatment are to be offered by any other party.

531 (g) A hearing officer may award a legal fee of up to 15
532 percent of the compensation awarded in a contested case. This



533 amount is discretionary and will only be awarded if requested
534 by legal counsel for the employee. The award shall be deducted
535 from compensation otherwise payable to the employee pursuant
536 to rules adopted by board.

537 §16-1A-6

538 (a) The costs of the program, including administration
539 costs, shall be paid from the fund. The total amount to be
540 expended pursuant to the program shall not exceed the amount
541 provided for in annual appropriations.

542 (b) The program shall begin accepting on-the-job injury
543 claims on an implementation date declared and published by the
544 board in consultation with the Board of Adjustment but not
545 later than October 1, 2025.

546 (c) The program created by this chapter shall be the
547 sole remedy for employees who incur an on-the-job injury on or
548 after the implementation date established in subsection (b).
549 The Board of Adjustment shall have sole jurisdiction over
550 on-the-job injury claims for injuries occurring before the
551 implementation date in subsection (b).

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

555 Section 3. This act shall become effective immediately.

556