

**SB1 ENROLLED**



1 SB1  
2 W1VCNEE-2  
3 By Senator Givhan  
4 RFD: Finance and Taxation Education  
5 First Read: 04-Feb-25  
6 PFD: 21-May-24



## SB1 Enrolled

1 Enrolled, An Act,

2

3

4 Relating to public education; to amend Section  
5 16-1-18.1, Code of Alabama 1975; and to add Chapter 1A to  
6 Title 16 of the Code of Alabama 1975, creating the Public  
7 Education Employee Injury Compensation Program, the Public  
8 Education Employee Injury Compensation Trust Fund, and the  
9 Public Education Employee Injury Compensation Board; and to  
10 provide compensation to full-time public education employees  
11 who are injured on the job.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. Section 16-1-18.1, Code of Alabama 1975, is  
14 amended to read as follows:

15 "§16-1-18.1

16 (a) ~~Definitions.~~ When used in this section, the  
17 following terms have the following meanings:

18 (1) EMPLOYEE. Any individual employed ~~full~~full-time as  
19 provided by law, or employed as an adult bus driver, by those  
20 employers enumerated in this section; ~~and adult bus drivers.~~

21 (2) EMPLOYER. All public city and county boards of  
22 education; the Board of Trustees of the Alabama Institute for  
23 the Deaf and Blind; the Alabama Youth Services Department  
24 District Board in its capacity as the Board of Education for  
25 the Youth Services Department District; the Board of Directors  
26 of the Alabama School of Fine Arts; the Board of Trustees of  
27 the Alabama High School of Mathematics and Science; the Board  
28 of Trustees of the Alabama School of Cyber Technology and



## SBI Enrolled

29 Engineering; for purposes of subsection (c) only, the Alabama  
30 State Senate, the Lieutenant Governor, the Office of the  
31 Senate President Pro Tempore, the Speaker of the House of  
32 Representatives, the Alabama House of Representatives, the  
33 Legislative Services Agency; any organization participating in  
34 the Teachers' Retirement System, excluding any state  
35 governmental department not listed herein; the Board of  
36 Trustees of the Alabama Community College System; and for the  
37 purposes of subsection (c) only, ~~all~~ or any four-year public  
38 ~~institutions~~ institution of higher learning.

39 (3) EXECUTIVE OFFICER. The superintendent of any public  
40 county school system or any public city school system; the  
41 President of the Alabama Institute for the Deaf and Blind; the  
42 president of any two-year school or college under the auspices  
43 of the Board of Trustees of the Alabama Community College  
44 System; the Superintendent of the Department of Youth Services  
45 School District; the Executive Director of the Alabama School  
46 of Fine Arts; the Executive Director of the Alabama High  
47 School of Mathematics and Science; the President of the  
48 Alabama School of Cyber Technology and Engineering; the  
49 Secretary of the Senate; the Clerk of the House of  
50 Representatives; the Lieutenant Governor; the Speaker of the  
51 House of Representatives; the Director of the Legislative  
52 Services Agency; and the chief executive officer of any other  
53 employer as provided in this section.

54 (4) ON-THE-JOB INJURY. Any accident or injury to the  
55 employee arising out of and in the course of employment or  
56 occurring during the performance of duties or when directed or



## SBI Enrolled

57 requested by the employer to be on the property of the  
58 employer ~~which prevents the employee from working or returning~~  
59 ~~to his or her job.~~ The term does not include a mental disorder  
60 or mental injury that has neither been produced nor  
61 proximately caused by some physical injury to the body.

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

64 a. Personal illness or doctor's quarantine.

65 b. Incapacitating personal injury.

66 c. Attendance upon an ill member of the employee's  
67 immediate family (parent, spouse, child, foster child  
68 currently in the care and custody of the employee, sibling,  
69 child currently in the care and custody of the employee for  
70 whom a petition for adoption has been filed); or an individual  
71 with a close personal tie.

72 d. Death in the family of the employee (parent, spouse,  
73 child, sibling, parent-in-law, son-in-law, daughter-in-law,  
74 brother-in-law, sister-in-law, nephew, niece, grandchild,  
75 grandparent, uncle, or aunt).

76 e. Death, injury, or sickness of another individual who  
77 has unusually strong personal ties to the employee, such as a  
78 person who stood in loco parentis.

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

81 (b) Sick leave for employees.

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

84 (2) ~~REASONS FOR TAKING SICK LEAVE.~~ The employee may



## SB1 Enrolled

85 take sick leave for any of the reasons enumerated and defined  
86 in this section. Sick leave taken for the purpose of attending  
87 to an adopted child may be taken for a maximum of eight weeks,<sup>7</sup>  
88 or 320 consecutive hours. Nothing in this section shall permit  
89 an employee to use sick leave that he or she has not earned or  
90 has not been donated.

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

94 (c) Sick leave accumulation and transfers.

95 (1) An employee may accumulate an unlimited number of  
96 sick leave days. Earned sick leave days that have been accrued  
97 by an employee shall be transferrable from one employer to  
98 another. The executive officer of the employer shall ensure  
99 that certification of the number of unused sick leave days is  
100 provided to the new employer when an employee transfers  
101 employment. All of the earned and unused sick leave days that  
102 an employee has accumulated shall be transferred to the new  
103 employer for use by the employee as provided by law. However,  
104 for purposes of applying accrued sick leave as credit for  
105 retirement purposes, an employee is limited to a maximum of  
106 sick leave as authorized in subdivision (b)(1). As pertains to  
107 receiving retirement credit for accrued sick leave, the  
108 ~~Teacher's~~ Teachers' Retirement System Board of Control may  
109 adopt policies and procedures necessary to effectuate a  
110 uniform policy pursuant to this section.

111 (2) Employees of the Alabama State Senate, the  
112 Lieutenant Governor, the Office of the Senate President Pro



## SBI Enrolled

113 Tempore, the Speaker of the House of Representatives, the  
114 Alabama House of Representatives, and the Legislative Services  
115 Agency may only accrue unlimited sick leave under this section  
116 until January 1, 2013. On January 1, 2013, an employee subject  
117 to this section may carry over only the actual number of sick  
118 leave hours the employee has or the number allowed under  
119 Section 36-26-36, whichever is greater. After January 1, 2013,  
120 sick leave earned by an employee subject to this section in  
121 excess of the amount determined on January 1, 2013, is subject  
122 to Section 36-26-36(d).

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

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

135 b. Other notification procedures ~~and forms~~ shall be as  
136 established by written policy of the employer.

137 (2) ~~PHYSICIAN CERTIFICATION.~~ The employer may require  
138 medical certification from the employee's physician that the  
139 employee was injured and cannot return to work as a result of  
140 the injury. The executive officer, at his or her discretion,



## SB1 Enrolled

141 may require a second opinion from another physician at the  
142 expense of the employer. The employer may require a statement  
143 from the physician that there is a reasonable expectation that  
144 the employee will be able to return to work. A uniform  
145 physician certification form shall be adopted by the State  
146 Board of Education and distributed to each executive officer.

147 (3) ~~SALARY CONTINUED.~~ Upon determination by the  
148 executive officer that an employee has been injured on the job  
149 and cannot return to work as a result of the injury, the  
150 salary and fringe benefits of the employee shall be continued  
151 for a period of up to 90 working days consistent with the  
152 employee's injury and the subsequent absence from work  
153 resulting from the injury. This provision shall apply to the  
154 temporary disability of the employee as applicable to the  
155 job-related injury.

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

161 (5) ~~REIMBURSEMENT TO EMPLOYER.~~ Any reasonable  
162 on-the-job injury costs incurred by the employer, to hire a  
163 substitute, per absent injured employee in a fiscal year shall  
164 be reimbursed to the employer by the state during the next  
165 succeeding fiscal year upon application by the employer to the  
166 appropriate State Board of Education department on a form  
167 adopted by the state board, not to exceed 90 working days. The  
168 department shall subsequently submit the request to the



## SB1 Enrolled

169 Legislature as a line-item in its budget request for  
170 reimbursement to the employer, and, if approved by the  
171 Legislature, shall reimburse the employer at the amount per  
172 day for sick leave authorized and funded in the annual budget  
173 act for public schools and colleges.

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

177 (7) ~~ADDITIONAL EXPENSES. Any unreimbursed medical~~  
178 ~~expenses and costs,~~ For any employee not covered under Chapter  
179 1A, the Maryann Leonard Educators' On-The-Job Injury Act, any  
180 unreimbursed medical expense or cost that the employee incurs  
181 as a result of an on-the-job injury may be filed for  
182 reimbursement with the State Board of Adjustment.  
183 Reimbursement to the employee shall be determined by the Board  
184 of Adjustment's policies, rules, and regulations which may be  
185 adopted from time to time. The Board of Adjustment shall adopt  
186 appropriate rules, regulations, and forms for submission by  
187 the employee.

188 (8) ~~The~~ For any employee not covered under Chapter 1A,  
189 the Maryann Leonard Educators' On-The-Job Injury Act, the  
190 executive officer, or his or her designee, shall inform the  
191 employee who is injured on the job of his or her rights about  
192 appearing before the Board of Adjustment and ~~also about the~~  
193 applicable written policies within ~~30~~ seven calendar days after  
194 notification of the injury.

195 (e) ~~Vacations and leaves of absences.~~ The employer,  
196 under the rules and ~~regulations~~ policies adopted from time to





## SBI Enrolled

197 time by the State Board of Education, may provide for paid  
198 leaves of absences and vacations for its employees. Payment  
199 may be from public funds. The employer may provide for leaves  
200 of absence during the times the schools are, or are not, in  
201 session when the teacher or employee devotes the leave to  
202 instructing in or attending schools for appropriate training,  
203 or when approved by the State Board of Education as beneficial  
204 to the state's educational objectives. The employer may also  
205 provide for the payment of any full-time teachers or employees  
206 for absences during the time schools are in session when the  
207 absence results from an unavoidable cause that prevents the  
208 teacher or employee from discharging his or her duties. Pay  
209 for the absences resulting from unavoidable causes other than  
210 sickness shall not be allowed for a longer time than one week  
211 during any one scholastic year.

212 (f) ~~Alabama Community College System annual leave.~~ As  
213 applied to Alabama Community College System employers, any  
214 employee who earns and accumulates annual leave may accumulate  
215 up to 60 days of annual leave at a rate not to exceed that  
216 provided in the policy established by the State Board of  
217 Education.

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

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

223 §16-1A-1

224 This chapter shall be known and cited as the Maryann



## **SB1 Enrolled**

225 Leonard Educators' On-The-Job Injury Act.

226 §16-1A-2

227 As used in this chapter, the following terms have the  
228 following meanings:

229 (1) BOARD. The Public Education Employee Injury  
230 Compensation Board.

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

234 (3) EMPLOYER. All public city and county boards of  
235 education; all public charter schools; the Board of Trustees  
236 of the Alabama Community College System; the Board of Trustees  
237 of the Alabama Institute for the Deaf and Blind; the Board of  
238 Directors of the Alabama School of Fine Arts; the Board of  
239 Trustees of the Alabama High School of Mathematics and  
240 Science; the Board of Trustees of the Alabama School of Cyber  
241 Technology and Engineering; and the Board of Trustees of the  
242 Alabama School of Healthcare Sciences.

243 (4) EXECUTIVE OFFICER. The superintendent of any public  
244 county school system or any public city school system; the  
245 principal of any public charter school; the President of the  
246 Alabama Institute for the Deaf and Blind; the president of any  
247 two-year school or college under the auspices of the Board of  
248 Trustees of the Alabama Community College System; the  
249 Executive Director of the Alabama School of Fine Arts; the  
250 Executive Director of the Alabama High School of Mathematics  
251 and Science; the President of the Alabama School of Cyber  
252 Technology and Engineering; the President of the Alabama



## SBI Enrolled

253 School of Healthcare Sciences; and the chief executive officer  
254 of any other employer.

255 (5) FUND. The Public Education Employee Injury  
256 Compensation Trust Fund.

257 (6) ON-THE-JOB INJURY. Any accident or injury to an  
258 employee arising out of and in the course of employment or  
259 occurring during the performance of duties. The term does not  
260 include a mental disorder or mental injury that has neither  
261 been produced nor proximately caused by some physical injury  
262 to the body.

263 (7) PEEHIP. The Public Education Employees' Health  
264 Insurance Plan.

265 (8) PROGRAM. The Public Education Employee Injury  
266 Compensation Program.

267 (9) REVIEW BOARD. The Public Education Employee Injury  
268 Compensation Program Review Board, a panel composed of three  
269 persons designated by the board to hear and consider claims by  
270 employees who disagree with the determination by their  
271 employer or its agent or service company as to the employee's  
272 entitlement to compensation and medical benefits under this  
273 program and to approve settlements, including lump sum  
274 settlements, as well as settlements closing some or all  
275 benefits, when agreed to by the parties and permitted by the  
276 program. No member or employee of the board may be a member of  
277 the review board.

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

279 §16-1A-3

280 (a) The following policies, procedures, and rights are



## SB1 Enrolled

281 established pertaining to employees who are injured while on  
282 the job:

283 (1) The employee shall provide written notice of the  
284 injury to an immediate supervisor or the executive officer  
285 within five working days after the injury occurred, or where  
286 the employee has died or is not clinically able to make  
287 notification, another individual who is reasonably  
288 knowledgeable may make the notification of the injury within  
289 90 days of the date of the injury. The board may adopt rules  
290 to further provide for the notice requirements under this  
291 subdivision.

292 (2) The board shall adopt uniform injury reporting  
293 forms. The employer shall distribute the forms to the  
294 institutions under his or her supervision. The employer shall  
295 prepare the first report of injury form and the employee shall  
296 sign the completed injury report form. The employer shall then  
297 forward the employee-signed form to the Public Education  
298 Employee Injury Compensation Board.

299 (3) Other notification procedures may be established by  
300 written policy of the employer but shall not supersede  
301 notification procedures established by the board or this  
302 chapter.

303 (b) There is established a separate special trust fund  
304 in the State Treasury to be known as the Public Education  
305 Employee Injury Compensation Trust Fund. All receipts  
306 collected pursuant to this chapter shall be deposited in this  
307 fund and used to carry out this chapter. Monies in the fund  
308 unspent or unencumbered at the end of each fiscal year shall



## SB1 Enrolled

309 not revert to any other fund in the State Treasury but shall  
310 be carried forward to the succeeding fiscal year. All monies  
311 in the fund may be invested and reinvested by the board. Any  
312 monetary interest that accrues in the fund shall be retained  
313 in the fund from year to year.

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

315 (2) Payments shall be made by PEEHIP pursuant to this  
316 chapter to physicians licensed to practice medicine or other  
317 medical providers for services to injured employees and shall  
318 be in accordance with the schedule of maximum fees as  
319 established by PEEHIP. The board, in its sole discretion, may  
320 designate and authorize a licensed physician to perform an  
321 Independent Medical Examination, or IME, of the employee to  
322 assess an injured employee's physical or mental condition;  
323 provided, that any physician designated by the board to  
324 perform an IME shall be paid for by the board and not by  
325 PEEHIP.

326 (3) An employee must use an authorized treating  
327 physician covered by PEEHIP. For employees who do not  
328 participate in PEEHIP, the board shall adopt rules for  
329 selecting authorized treating physicians or other medical  
330 providers and shall adopt rules for employees who dispute  
331 treatment by an authorized treating physician. The board shall  
332 reimburse such injured employees for copayments and  
333 deductibles not paid for by PEEHIP; provided, that the board  
334 shall not be required to pay such copayments or deductibles  
335 for any medical treatment or attention, physical  
336 rehabilitation, medicine, medical or surgical supplies,



## SBI Enrolled

337 crutches, artificial members, or other apparatus, other than  
338 as may be reasonably necessary and otherwise owed under the  
339 Alabama Workers' Compensation Act. The board shall have the  
340 absolute discretion to select an authorized treating physician  
341 and shall not be responsible to reimburse any physician not so  
342 authorized. If the employee is dissatisfied with the initial  
343 treating physician selected by the board, and if further  
344 treatment is required, the employee may so advise the board  
345 and the employee shall be entitled to a second physician from  
346 a panel or a list of four physicians selected by the board.  
347 The intent of this subdivision is that the board and the  
348 employee shall act in compliance with Section 25-5-77.

349 (4) Any rules adopted by the board to establish and  
350 operate the program shall be subject to the Alabama  
351 Administrative Procedure Act.

352 (d) Nothing in this chapter shall be construed to  
353 affect any benefit to which an employee is entitled under this  
354 title.

355 (e) Sufficient appropriations to the fund for full  
356 coverage shall be considered a mandate for local boards of  
357 education to participate in the program pursuant to Section  
358 25-5-50(d).

359 §16-1A-4

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

362 (1) One member appointed by the Governor.

363 (2) One member appointed by the President Pro Tempore  
364 of the Senate.



## SB1 Enrolled

365 (3) One member appointed by Speaker of the House of  
366 Representatives.

367 (4) One member appointed on an alternating basis by the  
368 Minority Leaders of the Senate and the House of  
369 Representatives, with the Senate Minority Leader appointing  
370 first.

371 (5) One member shall be the Director of the Workers'  
372 Compensation Division of the Alabama Department of Workforce.

373 (b) (1) The terms of the board members shall be  
374 staggered so that the initial appointees of the Speaker of the  
375 House and the Minority Leader of the Senate shall serve two  
376 years, with their successors serving a term of three years.  
377 All other appointed members shall serve an initial term of  
378 three years, and the successor shall serve a term of three  
379 years. No appointed member may serve more than two consecutive  
380 terms.

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

383 (3) The appointing authorities shall coordinate their  
384 appointments to ensure that the membership of the board is  
385 inclusive and reflects the racial, gender, geographic, urban,  
386 rural, and economic diversity of the state. The appointing  
387 authorities shall coordinate to ensure that at least one  
388 member of the board has experience and familiarity with  
389 workers' compensation.

390 (c) Initial appointments to the board shall be made by  
391 the appointing authority on or before July 1, 2025.

392 (d) Members of the board shall receive no compensation



## SBI Enrolled

393 but shall be reimbursed by the fund for travel and per diem  
394 expenses at the same rate and in the same manner as state  
395 employees.

396 (e) The board shall have all of the following duties:

397 (1) To administer the programs, including, but not  
398 limited to, establishing or contracting with a TPA to oversee  
399 benefits paid to employees and coordinate with PEEHIP. A  
400 contract for services of a TPA shall be procured pursuant to  
401 Article 5 of Chapter 4 of Title 41, without regard to  
402 exemptions. The TPA, whether contracted or otherwise  
403 established, shall have no business or administrative  
404 relationship with any education association in Alabama,  
405 directly or indirectly.

406 (2) To manage the fund to ensure that adequate funds  
407 are maintained to provide all injury program benefits to  
408 employees.

409 (3) To provide reasonable compensation for hearing  
410 officers who hear any dispute arising under this chapter.

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

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

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

420 (f) Except as otherwise required by the Health





## SBI Enrolled

421 Insurance Portability and Accountability Act, 42 U.S.C. §  
422 1320d et seq., the board shall be subject to all applicable  
423 open meetings and open records laws, shall adopt rules in  
424 accordance with the Alabama Administrative Procedure Act, and  
425 shall have a fiduciary duty to the fund and the program.

426 §16-1A-5

427 (a) There is established the Public Education Employee  
428 Injury Compensation Program.

429 (b) (1) Except as provided in this section, the program  
430 implemented pursuant to this section shall not be subject to  
431 the provisions of Chapter 5 of Title 25, or its successor,  
432 otherwise known as the Alabama Workers' Compensation Act.

433 (2) Notwithstanding subdivision (1), if an employee is  
434 subject to this chapter then compensation, in accordance with  
435 the Alabama Workers' Compensation Act, shall be paid by the  
436 Public Education Employee Injury Compensation Trust Fund, as  
437 established under this chapter, in accordance with the  
438 statutes, provisions, defenses, and calculation methods set  
439 forth in the Alabama Workers' Compensation Act and any case  
440 law interpreting the same.

441 (c) (1) For injured employees covered by PEEHIP,  
442 payments made to physicians licensed to practice medicine or  
443 other medical providers for services to injured employees  
444 shall be paid by PEEHIP in accordance with the PEEHIP fee  
445 schedule. The board shall reimburse such injured employees for  
446 copayments and deductibles not paid for by PEEHIP; provided,  
447 that board shall not be required to pay such copayments or  
448 deductibles for any medical treatment or attention, physical



## SB1 Enrolled

449 rehabilitation, medicine, medical or surgical supplies,  
450 crutches, artificial members, or other apparatus, other than  
451 as may be reasonably necessary and otherwise owed under the  
452 Alabama Workers' Compensation Act.

453 (2) For injured employees not covered by PEEHIP, the  
454 board shall provide payments for medical treatment for an  
455 on-the-job injury. The liability of the board for payment of  
456 services rendered by physicians, as well as any other medical  
457 services, shall not exceed the maximum fees established under  
458 Section 25-5-313. Employees shall not be liable to physicians,  
459 or for any other medical services, for any amount in excess of  
460 the schedule of maximum fees established under Section  
461 25-5-313, and consistent with Section 25-5-314. This language  
462 shall not prohibit the board from negotiating any rates, fees,  
463 or levels of reimbursement which shall be mutually agreed upon  
464 between the physicians, hospitals, any other healthcare  
465 providers, and the board.

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

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

472 (e) Any regulation, policy, or program directive for  
473 the conduct of utilization review, bill screenings, and  
474 medical necessity determinations related to services provided  
475 by physicians licensed to practice medicine shall comply with  
476 the rules adopted by the Workers' Compensation Medical



## SB1 Enrolled

477 Services Board under Section 25-5-312.

478 (f) Any rules adopted by the board shall be subject to  
479 the Alabama Administrative Procedure Act, and a final  
480 determination as to benefits payable under the program shall  
481 be subject to review by the Circuit Court in Montgomery County  
482 in the manner prescribed by the Alabama Administrative  
483 Procedure Act.

484 (g) Employers shall continue to make all required  
485 health insurance contributions until any separation from  
486 employment.

487 (h) The board shall establish procedures for employers  
488 to be reimbursed by the fund for the costs of an employee's  
489 compensation and benefits under this chapter; except for  
490 salary and benefits provided by employers under Section  
491 16-1-18.1.

492 (i) PEEHIP and the Public Education Employee Injury  
493 Compensation Trust Fund established under Section 16-1A-3, as  
494 to their respective payments, may subrogate, seek  
495 reimbursement, or seek credit for any amount paid to an  
496 injured employee under the program from any third party, or  
497 the employee's insurer, responsible for the injury. Any action  
498 to recover shall be filed in the Circuit Court of Montgomery  
499 County.

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



## SB1 Enrolled

505 §16-1A-6

506 (a) An employer shall complete an injury report upon  
507 timely notice of an injury in accordance with this chapter. An  
508 employer who refuses to complete and submit an injury report  
509 form after timely notice of an injury by an employee pursuant  
510 to this chapter shall provide notice in writing of its  
511 findings of fact that support its decision. An employee may  
512 challenge the employer's decision pursuant to the dispute  
513 resolution provisions of this section.

514 (b) (1) The employer's executive officer or the board  
515 shall refer any dispute that arises under this chapter between  
516 an employee and employer or between an employee and a TPA  
517 contracted with or established under this chapter to the  
518 review board.

519 (2) Notwithstanding subdivision (1), if an employee,  
520 employer, or TPA requests a hearing officer, the dispute shall  
521 be referred to and adjudicated by a hearing officer appointed  
522 from the panel of neutrals maintained by the Executive  
523 Director of the Alabama State Bar Association pursuant to  
524 subdivision (3). The hearing officer shall be selected using  
525 the process provided in subdivision (3).

526 (3) The Alabama State Bar shall create and maintain a  
527 roster of attorneys with significant experience in workers'  
528 compensation disputes. Upon a request pursuant to subdivision  
529 (2), the Executive Director of the Alabama State Bar, on a  
530 random and rotating basis, shall select a panel of five from  
531 the roster and send the names to the parties. The parties may  
532 select a hearing officer from the panel. If the parties cannot



## SB1 Enrolled

533 agree, the parties shall select the hearing officer by a  
534 process of alternating strikes in which the employee shall be  
535 provided the first strike and the employer the last strike. No  
536 deference is to be provided to either party and the Alabama  
537 Rules of Evidence shall apply in hearings before the hearing  
538 officer.

539 (4) The decision of the hearing officer may be appealed  
540 to the Circuit Court of Montgomery County. The court shall  
541 review any decision pursuant to Section 41-22-20. Review by  
542 the court shall be limited to the record on appeal and shall  
543 not include a trial de novo. In reviewing pure findings of  
544 fact, the finding of the hearing officer shall not be reversed  
545 if that finding is supported by substantial evidence. The cost  
546 of transcript preparation shall initially be paid by the  
547 appealing party; such cost shall thereafter be taxed against  
548 the losing party in the circuit court.

549 (5) The statute of limitations for a dispute under this  
550 subsection is two years from the date of the injury, the date  
551 of last diagnosis for occupational disease, or the date of the  
552 last temporary total disability payment.

553 (c) The decision of the review board or hearing officer  
554 shall be based on a preponderance of the evidence as contained  
555 in the record of the hearing except in cases involving  
556 injuries which have resulted from gradual deterioration or  
557 cumulative physical stress disorders, which shall be deemed  
558 compensable only upon a finding of clear and convincing proof  
559 that the injuries arose out of and in the course of the  
560 employee's employment. For the purposes of this subsection,



## SB1 Enrolled

561 "clear and convincing" means evidence that, when weighed  
562 against evidence in opposition, will produce in the mind of  
563 the trier of fact a firm conviction as to each essential  
564 element of the claim and a high probability as to the  
565 correctness of the conclusion. Proof by clear and convincing  
566 evidence requires a level of proof greater than a  
567 preponderance of the evidence or the substantial weight of the  
568 evidence, but less than beyond a reasonable doubt.

569 (d) The Alabama Rules of Civil Procedure shall govern  
570 the methods of discovery before a hearing officer, except that  
571 the following limitations to pre-hearing discovery shall  
572 apply:

573 (1) Two depositions for each side shall be permitted  
574 without leave of the hearing officer. No additional  
575 depositions shall be permitted except with leave of court for  
576 good cause shown, including, but not limited to, a claim by  
577 the employee for permanent total disability.

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

580 (3) No more than 25 interrogatories, with each subpart  
581 to be considered a question, shall be permitted without leave  
582 of the hearing officer for good cause shown.

583 (4) Copies of records obtained by one party shall be  
584 furnished to the other party by digital or electronic means  
585 not less than 21 days prior to the hearing, unless the party  
586 offering the records can establish unusual circumstances  
587 justifying admission of the records.

588 (5) The party not offering the records of treatment by



## SB1 Enrolled

589 a physician or other medical provider shall have the right to  
590 depose the physician or medical provider whose records of  
591 treatment are to be offered by any other party.

592 (g) The review board or hearing officer may award a  
593 legal fee of up to 15 percent of the compensation awarded in a  
594 contested case. This amount is discretionary and will only be  
595 awarded if requested by legal counsel for the employee and  
596 agreed to by the employee. The award shall be deducted from  
597 compensation otherwise payable to the employee pursuant to  
598 rules adopted by the board.

599 §16-1A-7

600 (a) The costs of the program, including administration  
601 costs, shall be paid from the fund. The total amount to be  
602 expended pursuant to the program shall not exceed the amount  
603 provided for in annual appropriations.

604 (b) The program shall begin accepting on-the-job injury  
605 claims on an implementation date declared and published by the  
606 board in consultation with the Board of Adjustment but not  
607 later than October 1, 2026.

608 (c) The program created by this chapter shall be the  
609 sole remedy for employees who incur an on-the-job injury on or  
610 after the implementation date established in subsection (b).  
611 The Board of Adjustment shall have sole jurisdiction over  
612 on-the-job injury claims for injuries occurring before the  
613 implementation date in subsection (b).

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



## **SB1 Enrolled**

617           Section 3. If any provision of this act is held invalid  
618 by a court of competent jurisdiction, the invalidity shall not  
619 affect the provisions that can be given effect without the  
620 invalid provisions, and to this end, the provisions of this  
621 act are declared to be severable.

622           Section 4. This act shall become effective immediately.  
623





**SB1 Enrolled**

624  
625  
626  
627  
628  
629  
630  
631  
632  
633  
634  
635  
636  
637  
638  
639  
640  
641  
642  
643  
644  
645  
646  
647  
648  
649  
650  
651  
652  
653  
654  
655  
656  
657  
658  
659  
660  
661

---

President and Presiding Officer of the Senate

---

Speaker of the House of Representatives

SB1  
Senate 18-Feb-25  
I hereby certify that the within Act originated in and passed  
the Senate, as amended.

Patrick Harris,  
Secretary.

---

House of Representatives  
Amended and passed: 08-Apr-25

---

Senate concurred in House amendment 15-Apr-25

---

By: Senator Givhan