

HB 2194 -- WORKERS' COMPENSATION
SPONSOR: Veit

This bill repeals or removes all reference to the Administrative Law Judge Review Committee.

Under the bill, the Director of the Division of Workers' Compensation (Division Director) may initiate the removal of an Administrative Law Judge (ALJ) for gross inefficiency, incapacity, neglect of duties, malfeasance, misfeasance, or nonfeasance in office; incompetence; or for any offense involving moral turpitude or oppression in office. Prior to the effective date of the removal, the Division Director shall give an ALJ a written statement that includes the reasons for removal, information on appeal rights and a form for appeal to the Labor and Industrial Relations Commission (Commission) and an opportunity to respond to the reasons for removal, to the Director of the Department of Labor and Industrial Relations.

An ALJ that has been removed has 14 days from the time they receive the written statement to provide the Commission with an objection to the determination of the Division Director relating to the removal of an ALJ, setting out the specific grounds for the objection. Upon the receipt of the objection, the Commission shall set a date for a hearing on the objection. The bill contains the protocol to be followed relating to the written notice of the hearing and the evidence to be presented at the hearing. At the conclusion of the hearing, the Commission shall make its ruling on the written objection and make the final determination that it believes the evidence warrants. The Commission shall serve a copy of its final determination on all parties to the proceedings by personal service or by registered mail.

The bill provides that all salaries of employees, including ALJs and Chief ALJs, shall be fixed by the Division. The bill repeals the position of Chief Legal Counsel.