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DESTRUCTION OF LONG TERM PROTECTION

BY: SCOTT A. O'MARA

The Coalition of California Injured Workers (CCIW) on 05/07/2026 announced the appointing of former California Attorney General and State Treasure Bill Lockyer as the new chair of its coalition. Lockyer will lead the CCIW's urgent efforts to ensure that critical protections for injured workers' are not dismantled through an opaque budget trailer bill, but rather are addressed through the transparent and deliberative regular legislative process.

Chairman Bill Lockyer stated:

The release goes on to state that the proposed changes in the Subsequent Injuries Benefits Trust Fund (SIBTF) within the budget trailer bill are a profound misstep that threatens to harm thousands of California's most vulnerable injured workers, shift immense costs onto our cities and counties, and undermine public trust.

My career has been dedicated to responsible governance and protecting the people of this state. I am honored to chair the Coalition and will vigorously advocate for the removal of these provisions from the budget bill. Reforms to the worker safety net should receive the full public scrutiny and comprehensive analysis that they deserve.

In a previous article from *Law1199.com 2026, Issue #4*, titled *Disruptive Trailer Bill 75582* it is stated by me that the SIBTF was enacted in California in 1945. The concept of the SIBTF was to allow all workers the opportunity to continue to work or return to work even if they had a prior disability before their new employment opportunity is sought. Further, in the article it states that SIBTF is designed to pay additional benefits based upon the difference between the disability caused by the most recent occupational injury and the worker's overall disability. The SIBTF is established to provide coverage when there is a disability that existed prior to a new work-related injury.

For our society as a whole allowing and encouraging workers with prior injuries to return back to work is one of societal and economic protection for the worker, the family and our community. The SIBTF protects the worker and the employer in the event of a new injury or disability when the combining prior residual disability is a totality of 70%. This is combining the prior disability and the current job-related injury or disability. This umbrella provides protection for the employer and the worker. The elements that the injured worker must prove are: (1) that the injured worker has a level of disability of 70% or greater; (2) the current work injury has caused 35% or greater of the disability; (3) different standards for preexisting disability is a limb or eye or a current job analysis that involves opposite corresponding body parts causing 85% or greater disability.

The SIBTF does not penalize the injured worker for coming back to work, does not penalize the employer for hiring the worker with a preexisting condition. The SIBTF is an economic cushion for both the worker and the employer. The new Trailer Bill 75582 now being promoted which attempts to undermine SIBTF and attacks other systems that provide protection to the injured worker and their family. The key notice is

