

2022 Regular Session

HOUSE BILL NO. 1072 (Substitute for House Bill No. 878 by Representative Horton)

BY REPRESENTATIVE HORTON

CIVIL SERVICE/FIRE & POL: Provides for hearing loss as an occupational disease while employed in the classified police service

1 AN ACT

2 To enact R.S. 33:2581.3, relative to the classified police service; to provide that the
3 development of hearing loss while employed in the classified police service is an
4 occupational disease; to provide for benefits to an affected employee; to create a
5 rebuttable presumption that such hearing loss developed during employment under
6 certain circumstances; to require certain persons appointed to the classified police
7 service to submit to certain audiology examinations; and to provide for related
8 matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 33:2581.3 is hereby enacted to read as follows:

11 §2581.3. Development of hearing loss during employment in the classified police
12 service; occupational disease

13 A. Any loss of hearing that is ten decibels or greater on average for the
14 frequencies that the Occupational Safety and Health Administration monitors for
15 noise exposure in the general population when adjusted for aging and that develops
16 during employment in the classified police service in the state of Louisiana shall, for
17 purposes of this Section only, be classified as a disease or infirmity connected with
18 employment. The employee affected shall be entitled to medical benefits, including
19 hearing aids, as granted by the laws of the state of Louisiana to which one suffering
20 an occupational disease is entitled, regardless of whether the employee is on duty at

1 the time he is stricken with the loss of hearing. Such loss of hearing shall be
2 presumed to have developed during employment and shall be presumed to have been
3 caused by or to have resulted from hazardous noise exposure when annual diagnostic
4 hearing testing reveals a decrease of ten decibels or more for the frequencies that the
5 Occupational Safety and Health Administration monitors for noise exposure from the
6 baseline audiological evaluation. This presumption shall be rebuttable by a
7 preponderance of evidence, and such presumption can be overcome if the evidence
8 does not establish that the nature of the work performed was the predominant and
9 major cause of the hearing loss. Such presumption shall be extended to an employee
10 following termination of service for a period of twenty-four months.

11 B. Each person selected for appointment to an entry level position in the
12 classified police service on and after August 1, 2022, shall submit to a baseline
13 audiology examination, an annual audiological examination, and a final termination
14 audiological evaluation at the end of service. The appointing authority shall develop
15 and implement policies and procedures for the administration of such examinations.
16 A person shall receive his baseline examination not later than one year after his
17 appointment.

18 C.(1) Nothing in this Section shall modify the qualifications necessary to
19 establish eligibility to receive benefits or the calculation of benefits to be paid under
20 any Louisiana public pension or retirement system, plan, or fund.

21 (2) In case of a conflict between any provision of Title 11 of the Louisiana
22 Revised Statutes of 1950, including any provision in Subpart E of Part II of Chapter
23 4 of Subtitle III of Title 11 of the Louisiana Revised Statutes of 1950, and any
24 provision of this Section, the provision of Title 11 of the Louisiana Revised Statutes
25 of 1950 shall control.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 1072 Original

2022 Regular Session

Horton

Abstract: Provides that the development of a certain amount of hearing loss while employed in the classified police service is classified as an occupational disease.

Proposed law provides that the development of hearing loss that is 10 dB HL or greater average for the frequencies that the Occupational Safety and Health Administration (OSHA) monitors for noise exposure in the general population when adjusted for aging and which develops while employed in the classified police service is classified as a disease or infirmity connected with employment. Provides that the employee is entitled to medical benefits, including hearing aids, that a person suffering an occupational disease is entitled pursuant to state law. Provides that such hearing loss is presumed to have occurred as a result of employment and to have resulted from hazardous noise exposure when annual diagnostic hearing testing reveals a decrease of 10 dB HL or more for the frequencies that (OSHA) monitors for noise exposure from the baseline audiological evaluation. Provides that the presumption is rebuttable and extends 24 months beyond termination of service. Requires each person selected for appointment to an entry level position in the classified police service to submit to a baseline audiology examination, an annual audiological examination, and a final termination audiological evaluation at the end of service.

Proposed law provides that nothing in proposed law shall modify the qualifications necessary to establish eligibility to receive benefits or the calculation of benefits to be paid under any Louisiana public pension or retirement system, plan, or fund.

(Adds R.S. 33:2581.3)