

employment and those terms...and whether or not a subject is a term and condition of employment that is mandatorily bargainable depends on the circumstances of each case. But I would suggest that if you have a demand made by the union that they wish to have doctors selected for a list based on certain criteria that...and that those doctors would determine whether or not there...what the extent of a disability is, that that is a subject that I would think that, well, not think, I'm sure that management would have to bargain at least to some extent. They would not have to agree, but they would have to bargain in good faith. But that, I would agree with Senator Withem on one point. I'm not quite sure that's the real central crux issue here. Whether or not it's negotiable, still it would be negotiable by the bargaining representative for the union and the employee would be subject to the determination made through the bargaining process so there is some protection. But it's also my...maybe I could ask Senator Landis this question so that maybe we can get at this issue.

SPEAKER BAACK: Senator Landis.

SENATOR ASHFORD: The list of physicians that is selected, is selected by the commission, is that correct?

SENATOR LANDIS: In fact, I have misstated what was in the bill when I was previously on the floor and when we get to that section I'd like to talk about it because, in fact, it's...I talked about a list in that. That was not correct. That was a rough draft when I was referring to that.

SENATOR ASHFORD: Well, how are these physicians selected?

SENATOR LANDIS: Okay. First thing is the employee has a selection.

SENATOR ASHFORD: Okay.

SENATOR LANDIS: It can be before or after the injury.

SENATOR ASHFORD: Okay.

SENATOR LANDIS: The employee chooses from a doctor who has their records, a spouse's records, a child's records, or has given them treatment.