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Testimony of David Weil, Chair  
Workers' Compensation Section of the Connecticut Bar Association  
Appropriations Committee  
**Governor's Bill 5016, An Act Implementing the Governor's  
Recommendations Concerning General Government**  
March 8, 2012

Senator Harp, Representative Walker, Senator Kane, Representative Miner, and members of the Appropriation Committee, thank you for the opportunity to appear and comment on Governor's Bill 5016, An Act Implementing the Governor's Recommendations Concerning General Government. My name is David Weil and I am the Chair of the Workers' Compensation Section of the Connecticut Bar Association. The Section is equally comprised of Respondent's attorneys (representing employers and insurers) and Claimant's attorneys (representing injured workers). Therefore, our section members represent groups that have divergent interests. The Workers' Compensation Section **opposes** sections 83 to 93 of Governor's Bill 5016, which if passed would merge the Workers' Compensation Commission into the Department of Labor. The Section urges the Appropriations Committee to **amend** the bill by **deleting** those sections before it votes to joint favorably report the bill.

On February 16, 2012, I appeared in my individual capacity as an attorney before this committee to express concerns about the proposal to merge these two agencies. At that time, the Workers' Compensation Section was working to obtain from a CBA governing body authorization to formally oppose the merger. That authorization was granted on February 29, 2012. The position and opinions expressed in my prior written testimony are the same as those of the Section. I am attaching that statement to this testimony and represent that the Section has adopted it as its testimony on this issue.

Thank you for the opportunity to testify before you tonight. I would be pleased to answer any questions you might have.

My name is David Weil. I am a partner at Nuzzo & Roberts in Cheshire. I have been a practicing attorney for almost 23 years. I practice exclusively before the Workers' Compensation Commission of the State of Connecticut.

Please accept this statement as my opposition to Governor's Bill No. 5016 as it pertains to changes proposed to the Workers' Compensation Act that will roll the Workers' Compensation Commission into the Department of Labor.

### Cost Savings

The stated purpose of this Bill is to comply with Governor Malloy's proposed Budget. However, as constructed this Bill does not provide any cost savings for the foreseeable future. Specifically:

- **The Workers' Compensation Commission is funded entirely by assessments from insurance companies and private industries. No taxpayer money is provided from the State of Connecticut budget.**
- No employees can be fired or laid off until 2014.
- The Workers' Compensation Commission has leases for its offices that run at least until 2014, except for the office in Middletown.
- The one office with a month to month lease would only save approximately \$105,000 from the yearly budget of the Workers' Compensation Commission.

### Efficiency

The Workers' Compensation Commission is one of the best run agencies in Connecticut.

- In 1995 the budget for the Workers' Compensation Commission was in excess of \$29,500,000. The most recent budget is less than \$22,250,000. The staff in 1995 was 191 and it is currently 112.
- The Workers' Compensation Commission hears about 45,000 cases a year and has 60,000 cases in the system. Yet there is only a 23 day wait for a hearing to take place from the date it is requested. The number of cases heard has greatly increased in the past 20 years while the time to wait for a hearing has significantly declined.

This bill creates a new level of bureaucracy that will likely reduce the efficiency of the Workers' Compensation Commission. The Workers' Compensation Chairman has his responsibilities either significantly reduced or completely stripped. Instead, the responsibility is shifted to the Labor Commissioner.

However, the Labor Commissioner does not have to be an attorney or a Workers' Compensation Commissioner which are currently requirements to be the Workers' Compensation Chairman. An understanding of the Workers' Compensation Act and the

daily running of the Workers' Compensation Commission should be a necessity for the individual running this agency.

### Workers' Compensation is Non-Partisan

For 99 years the Workers' Compensation Commission has served the workers and employers of the State of Connecticut as an adjudicative body. The Workers' Compensation Commission should not become a body controlled by the politics of the party in power.

An example of how Workers' Compensation Commission could become more politicized is found in the proposed changes to the Advisory Board. The Board has been made up of 8 individuals, 4 from labor and 4 from business. In the past the 8 members of the Board elected their Chairman. Under the proposed changes the Labor Commissioner is the Chairman. Thus whichever party is in office would have the power to control the recommendations of the Advisory Board.

### Alternatives

In the last legislative session Workers' Compensation Chairman Mastropietro was directed to provide a long-term feasibility plan to reduce costs and improve efficiency. A Committee was formulated of which I was a member. The plan that was submitted satisfies the requirements of the legislative directive and also satisfies the goals of Governor's Bill No. 5016 without causing a loss of services to the claimants and the employers.

### Summary

The proposed Bill does not reduce the size of the Workers' Compensation Commission, but instead only moves resources around and will likely reduce the efficiency of the Workers' Compensation. This will result in a failure to serve both the injured worker and the parties responsible to pay the benefits.

New statutes should not be enacted simply for the sake of change. The goal of any legislative change should be to improve the government services provided while trying to reduce costs and improve efficiency.

Finally, for 99 years the Workers' Compensation Commission has served the workers and employers of the State of Connecticut as an adjudicative body. The claimants and employers need a continuing consistency of decisions to provide equity to all parties and to facilitate the ongoing resolution of disputed issues without the need for unnecessary formal hearings (trials).

Thank you for your time and consideration.