



Raised Bill 5016 (Sections 83-93)  
Public Hearing 3-8-12

**TO MEMBERS OF THE APPROPRIATIONS COMMITTEE**  
**FROM: CONNECTICUT TRIAL LAWYERS ASSOCIATION**  
**DATE: MARCH 8, 2012**

**RE: POSITION STATEMENT FOR SECTIONS 83-93 OF RAISED BILL 5016**  
**AAC IMPLEMENTING THE GOVERNOR'S RECOMMENDATIONS**  
**CONCERNING GENERAL GOVERNMENT**

On behalf of the Workers' Compensation Section of the Connecticut Trial Lawyers Association, this will inform you of our position with regard to Sections 83 to 93 of Raised Bill 5016. This legislation removes most of the personnel, administrative and financial decision-making authority from the chairman of the Worker's Compensation Commission and places them under the direct supervision and direction of the Commissioner of Labor.

The Connecticut Trial Lawyers Association understands and appreciates the Governor's efforts to reduce overlapping agencies and to enhance efficiency and we hope to work with the Governor in achieving that goal. We look forward to working with the Governor's staff and the committee to insure that injured workers and their employers have a fair, equitable and independent system to resolve injury disputes

Our primary concern with this bill is that it will remove most of the decision-making authority from the Chairman of the Workers' Compensation Commission.

Specifically, the portions of Bill 5016 which concern us the most are those sections that eliminate the ability of the Chairman of the Workers Compensation Commission to establish policy for the operation of the Commission. I refer to Section 84 of the bill which repeals the following sections from C.G.S Section 31-280(b):

(6) Chairman is to allocate the resources of the Commission to carry out its purpose;

(7) Chairman is to establish an organizational structure for the efficient and prompt operation of the Commission;

(8) Chairman is to establish policy over all matters for which the Commission has jurisdiction,

(11)(A) (C) Chairman, in consultation with the advisory board, is to set standards for medical and legal fees;

(16) Chairman is to direct and supervise all administrative affairs of the Commission.

(18) Chairman is to assign and reassign district managers and other staff to each of the Commission's district offices

Under 5016, the Commissioner of Labor will have the authority to carry out these functions. The Commissioner of Labor will have the ultimate authority to establish the policies and procedures of the Workers' Compensation Commission. Yet, the Commissioner of Labor is not required to be an attorney or to have previously served as a Workers' Compensation Commissioner, which are the current requirements to be the Chairman. We strongly believe that the person in charge of the Commission must be familiar with the Workers' Compensation Act. The Chairman, who heads the Compensation Review Board, is intimately familiar with the statutory and case law requirements as well as the "breaking issues" of concern to both employers and workers. As a working Commissioner addressing appellate and policy concerns, he is more adept to address policy and law than the Labor Commissioner.

I also refer you to Sections 85 and 86 of the bill, which repeal C.G.S Sec. 31-280a. This portion of the bill fundamentally changes the way that the Worker's Compensation Advisory Board functions.

The Advisory Board was created in 1991 to lessen the bureaucracy and to improve the transparency of the commission. Its purpose is to assist the Chairman in the performance of his duties. It has the power to make recommendations to the Chairman for Commissioner reappointments. It currently consists of four individuals representing employee organizations, one of whom is an injured worker; four individuals representing employer organizations, one of whom is a representative of a major hospital; and a ninth individual who is selected by the Board to act as an impartial chairman. All members serve without compensation.

Sections 85 and 86 remove the Board's authority to name its own chairman and now make the Labor Commissioner its Chairman. With the Labor Commissioner as its chairman, the advisory board could become politicized; the party in office would have the power to control the recommendations of the Advisory Board.

Simply put, eliminating the Chairman's authority to function independently will be detrimental to the administration of benefits and to the ultimate purpose of the Worker's Compensation Act-to return injured employees to work as soon as possible. Rather than streamline operations, consolidation will create an added layer of bureaucracy that will result in a delayed and unaccountable decision making process. In addition, it promotes the perception that there is no longer a watchdog Board that oversees functions and operations of the Commission.

Please note our concern with this portion of Bill 5016 also is shared by the Connecticut Bar Association's Workers Compensation Section, which is comprised of both Respondent and Claimant attorneys.