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An affiliate of the
National Education Association

WRITTEN TESTIMONY OF
MELANIE I. KOLEK, LEGAL COUNSEL
CONNECTICUT EDUCATION ASSOCIATION

BEFORE THE
COMMITTEE ON LABOR AND PUBLIC EMPLOYEES

REGARDING
HOUSE BILL #6872

"AN ACT CONCERNING REIMBURSEMENT OF WAGES AND DEPOSITION
APPEARANCES"

MARCH 3, 2015

Good afternoon Senator Gomes, Representative Tercyak and members of the Labor and Public Employees Committee.

My name is Melanie I. Kolek and I am Legal Counsel for the Connecticut Education Association, proudly representing over 43,000 teachers across our state. A majority of my practice is before the Workers' Compensation Commission. I ask that you support H.B. No. 6872 An Act Concerning Reimbursement of Wages and Deposition Appearances.

H.B. 6872 would ensure that workers' compensation claimants who are noticed to appear at a deposition during their regular workday would be reimbursed for any lost wages.

Many years ago, depositions were not allowed in Workers Compensation proceedings. Somewhere along the way, CGS 31-299 allowed depositions in advance of formal hearings (trials). In most cases, depositions take the place of live testimony by doctors who are busy and cannot always craft time out of their schedules to attend. In speaking with a representative for the Chairman of the Worker's Compensation Commission we were told the following. In practice and most of the time, respondents allow release time for claimants to attend depositions because it is the respondents who notice them. Generally, Commissioners agree that it would be inherently unfair to require claimants to take time off for this purpose. Per CGS 31-312(a), when respondents require claimants to be examined by a doctor of the respondents' choosing, the claimant is granted leave and even paid mileage. It would make sense that depositions done at the request of the respondent, even in a denied case, should not result in lost wages for the claimant.

Thank you for your time, and please contact me if you have any questions or concerns.