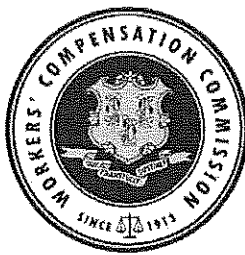


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STATE OF CONNECTICUT
WORKERS' COMPENSATION COMMISSION

Testimony of Stephen M. Morelli
Chairman, Workers' Compensation Commission
Before the Labor and Public Employees Committee

March 5, 2019

Good afternoon, Senator Kushner, Representative Porter, Senator Miner, Representative Polletta and members of the Labor and Public Employees Committee.

My name is Stephen Morelli, and I am the Chairman of the Workers' Compensation Commission. Thank you for the opportunity to offer testimony in support of HB 7241, An Act Concerning Minor and Technical Changes to the Workers' Compensation Act.

The Commission greatly appreciates you raising this Legislation and believes the proposed changes will codify current administrative practices and remove outdated statutory language.

Section 1 would change the title of Workers' Compensation Commissioner to "Administrative Law Judge." This would more accurately reflect the adjudicative functions of our present Workers' Compensation Commissioners. On a daily basis, Workers' Compensation Commissioners interpret the Workers' Compensation Act and hear and adjudicate legal disputes between claimants and respondents in accordance with Connecticut Law. These are the cases that are not resolved through the routine claim process and follow a process very similar to the one followed by our Superior Court Judges. However, the title of "Commissioner" is a misnomer as it is often associated with administrative and policy oriented responsibilities, such as those of Commissioners of executive branch agencies. This can be an area of confusion for the general public. Individuals are often under the misapprehension that a commissioner's final ruling can be altered through an administrative process, but in reality, they must be taken to a legal appeal. This title change would provide individuals with a better understanding that a decision of a Workers' Compensation Commissioner is adjudicative and derived from the fair and impartial application of our laws after an evidentiary trial based upon the merits. This title change would also ensure that all parties better understand the nature of the process upon the request of a workers' compensation hearing. It should also be noted that the majority of States already embrace using the title of "Judge or Administrative Law Judge." Simply put, the title of Administrative Law Judge far better reflects the actual role of our Connecticut Workers' Compensation Commissioners given their adjudicative role in the dispute resolution process.

Section 2 would reduce the number of times the Advisory Board of the Workers' Compensation Commission is required to meet in each calendar quarter. On November 19, 2018, the Workers' Compensation Advisory Board voted unanimously to direct the Commission to seek a statutory change to reduce the Advisory Board's meetings to at least once in each calendar quarter rather than at least twice. The board members believe that meeting at least once in each calendar quarter will be sufficient to fulfill the Advisory Board's statutory duties.

Furthermore, nothing in this proposed change would impair the ability of the Advisory Board to meet at such other times as the Advisory Board Chairman or the Chairman of the Workers' Compensation Commission deem necessary.

Section 3 would remove having a statistical director of the Workers' Compensation Commission and place the statistical division within the Commission's Management Information Systems Division. This will codify the current administrative practice of the Workers' Compensation Commission which for some time has not employed a director for the statistical division. This provision was enacted prior to the technological advancements of today's information systems. The statistical division of the Commission is currently located within the Management Information Systems (MIS) Division which is directed by a Department of Administrative Services' IT Manager. The Division efficiently and appropriately maintains and reports statistics under its current structure and therefore the Commission does not believe that it is necessary or sensible to hire a director.

Section 4 would remove outdated statutory language to more accurately reflect the role of the Second Injury Fund as it exists today. This is a Connecticut Bar Association proposal that was recommended by its Workers' Compensation Legislative Initiative Committee.

Sections 5 and 6 would remove statutory references to the sections removed under Section 4 of this legislation.

Section 7 would repeal Section 31-276a of the Connecticut General Statutes which puts the Workers' Compensation Commission and Workers' Compensation Commissioners within the Department of Labor (DOL) for administrative purposes only. This will codify and reflect the current organization and administration of the Workers' Compensation Commission. The Commission does not have a dependent administrative relationship with the Department of Labor. This change would implement a recommendation in the State Auditors' report on the Commission for Fiscal Years ending June 30, 2014 and June 30, 2015. The Commission was originally assigned within the DOL for administrative purposes under Public Act 77-614, which created an executive branch structure in which almost every independent state agency was attached in some way, to one of 22 major departments. In 1991, Public Act 91-339 was passed, centralizing administrative functions and powers of the Commission in the person and Office of the Chairman of the Workers' Compensation Commission. This incorporated twenty-three specific duties of the chairman including budgetary development and implementation. It also provided that the chairman direct and supervise all administrative affairs of the Commission. These duties conflict with the administrative functions statutorily defined under "administrative purposes only."

Section 7 would also remove outdated statutory language that creates a medical panel for use in occupational disease cases and allows a Superior Court Judge to order the destruction of ten-year-old workers' compensation agreements filed in the superior court. The repeal of this statutory language is a recommendation by the Workers' Compensation Legislative Initiative Committee of CBA. The Commission currently adjudicates occupational disease cases through monthly dockets dedicated to asbestos and the destruction of agreements filed in the Superior Court has been outdated since the Compensation Review Division, now known as the Compensation Review Board, was established to review appeals in 1980.

In conclusion, the Commission believes HB 7241 will align statutory language with modern administrative practices and promote a framework that more accurately reflects current law.

I thank you again for providing me with the opportunity to testify in support of HB 7241, and I would be happy to answer any questions that you may have.