



March 2, 2020

The Honorable Julie Kushner, Co-Chairperson
The Honorable Robyn Porter, Co-Chairperson
Labor and Public Employees Committee
State of Connecticut General Assembly
Legislative Office Building Room 3800
Hartford, CT 06106-1562

Re: Connecticut Trial Lawyers Association
Position with respect to Legislative Proposals
Presented on March 3, 2020 Public Hearing

Dear Chairperson Julie Kushner:
Chairperson Robyn Porter:

Thank you for the opportunity to provide written remarks and testimony before the March 3, 2020 Public Hearing. The positions I present are in my capacity as the Chairman of the Connecticut Trial Lawyers Association Workers Compensation Section (CTLA).

RSB 351:

**AN ACT CONCERNING MINOR AND TECHNICAL CHANGES TO THE
WORKERS' COMPENSATION ACT**

CTLA supports **RSB 351** for the technical changes it has made. The hallmark of **RSB 351** are the **Section 1** changes where "Workers Compensation Commissioners" will be changed to "Administrative Law Judges".

The time is apropos for this nomenclature change. For decades Workers Compensation Commissioners held dual roles as administrators and adjudicators of all claims within where they oversaw their own districts. When the Workers Compensation Commission was legislatively overhauled in 1980 and again in 1990, the administrative aspects of the works compensation were largely centralized with the Office of the Chairman where it became charged with oversight of all the Districts, and the individual Commissioners became Commissioners at Large, thus allowing them to be reassigned in any district. (See Conn. Gen. Stat. Sections 31-278, 31-280, 31-280a, 31-280b and 31-282).

Moreover, our Commissioners today are more like judges in many ways. Both are appointed and reappointed by the Governor and confirmed by the General Assembly and serve for a limited time(5 years Commissioners/ 8 years judges). Both must be attorneys, and both are subject to the Judicial Review Council.



Periodically , it is important to revisit the Workers Compensation Act and RSB 351 make the necessary changes, whether it involves changing the statutory dates when the Advisory Board meets, (**Section 2**), removal of a position that is no longer used (**Section 3**), a change in technology of recording hearings (**Section 4**) removing the repealed process of transfers to the Second Injury Fund (**Section 5**).

Additionally, it is time for the Labor Committee to consider affording more protection to injured workers whose approved medical prescriptions are discontinued or stopped without a Commissioner approval. Currently, you cannot stop an injured compensation without the Commissioner's approval. Therefore, the same protection should be afforded the injured workers pre-approved prescriptions

RSB 349:

AN ACT CONCERNING THE RECLASSIFICATION OF DISPATCHERS

CTLA supports the reclassification of dispatchers so that there is statutory consistency.

RHB 5387:

AN ACT CONCERNING WORKERS' COMPENSATION BENEFITS FOR MEMBERS OF UNDERWATER SEARCH AND RESCUE TEAMS AND CANINE SEARCH AND RESCUE TEAMS.

CTLA supports the offering members of the underwater search and rescue teams and volunteers with canine searches the status of State employees for purpose of workers compensation benefits. However, the bill needs to be amended so those fire fighters or police officers eligible for a stand-alone mental or emotional claim under Public Act 19-17, do not lose that status by simply being treated by a State employee, who are not covered by P.A. 19-17.

Thank you for the opportunity to submit these remarks. I am available for further questions or comments, so please do not hesitate to contact me.

Sincerely,

Nathan J. Shafner
Chairman

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