



Labor & Public Employees Committee

March 11, 2021

The Connecticut Conference of Municipalities (CCM) is Connecticut's statewide association of towns and cities and the voice of local government - your partners in governing Connecticut. Our members represent 168 municipalities in Connecticut.

SB 1002 An Act Concerning Labor Issues Related to Covid-19, Personal Protective Equipment and Other Staffing Matters

HB 6595 (Raised) An Act Concerning Labor Matters Related to Covid-19, Personal Protective Equipment and Other Staffing Issues

CCM **OPPOSES** both SB 1002 and HB 6595. The bills contain drastic changes to the workers' compensation system which will increase cost, liability, expand coverage of PTSI for certain employee classifications, and impose new unfunded mandates on towns and cities. CCM has many concerns regarding both proposals, and there are more than a few provisions that are highly problematic.

In particular, Section 3 would create a rebuttable presumption for an *“employee who died or was unable to work as a result of contracting COVID-19, or due to symptoms that were later diagnosed as COVID-19, at any time during (1) the public health and civil preparedness emergencies declared by the Governor on March 10, 2020, or any extension of such declarations”*. This would be a unique retroactive presumption in an environment in which the state is opening up and individuals are relatively free to move throughout Connecticut. Based on the language, **unless the individual volunteers for contact tracing, it would be virtually impossible for the employer – who would have the burden to prove - to determine where they may have contracted the virus. Going back in time only complicates this endeavor.**

Establishing a rebuttable presumption, especially for communicable diseases, has several harmful consequences:

- The **workers' compensation system was not designed to afford WC benefits for communicable disease as an occupational disease.** Doing so for COVID-19 would establish a harmful precedent. There is nothing specific or peculiar to a specific job that would afford COVID-19, the flu, or other communicable disease to be classified as an occupational disease.
- A retroactive presumption will **impact the claims process and increase litigation costs and could further delay the payment and processing of claims for employees.** Specifically, affording retroactive coverage is difficult in an environment where proper documentation and tracing may be limited or non-existent. There is also substantial

arguments that a presumption is an infringement on a municipality's due process rights and unconstitutional.

- The proposed legislation **shifts the burden on the employer to demonstrate by a “preponderance of evidence” – a very high legal standard** - that an individual did not contract COVID-19 during the course of employment. As mentioned, without knowing an employee's every action when not working, this would be impossible for the employer to determine.
- **A presumption would have dire consequence for municipalities that are self-insured.** These costs will be borne 100% by the property taxpayers who are already facing difficult financial struggles due to this pandemic.
- **A retroactive presumption, including an employee who died, is extremely expansive and one of the broadest, sweeping presumptions ever to be considered in Connecticut.**

CCM also has concerns regarding the bill's inclusion of EMS and telecommunicators into PTSI coverage and opposes the addition of telecommunicators until the list of critical incidents are negotiated and modified. It important to note that in PA 19-17, CCM and stakeholders had extensive in-depth review and discussion of each of the six critical incidents listed. The list of incidents now in law are intended to be the most egregious and traumatic instances that a police or firefighter would experience in their professional career and CCM would be opposed to any change in those six critical incidents listed without greater involvement from all parties involved in the original inception of the bill.

The bill also requires employers to provide COVID-19 sick leave. CCM has serious concerns with the expansive nature of the conditions listed in which an employee would be entitled to use this new benefit, its retroactive requirement, and noticing provisions. This unfunded mandate could seriously jeopardize a municipalities operation, undermine public safety and health, and create a costly administrative burden for smaller towns that have little resources and staff. Additionally, we believe these should be subjects of collective bargaining.

SB 1002 and HB 6595 would be detrimental to the workers compensation system and will have dire financial consequences on municipalities. These unfunded mandates will harmfully disrupt the workers' compensation market for municipalities, increase property taxes, reduce local services and hinder future economic development opportunities that are essential to Connecticut recovering from this pandemic.

CCM urges the committee to **oppose** these proposals.

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If you have any questions, please contact Brian O'Connor, Director of Public Policy, (boconnor@ccm-ct.org) or Zach McKeown, Senior Legislative Associate, (zmckeown@ccm-ct.org).