

Labor and Public Employees Committee

JOINT FAVORABLE REPORT

Bill No.: SB-913

AN ACT EXPANDING WORKERS' COMPENSATION COVERAGE FOR POST-

Title: TRAUMATIC STRESS INJURIES FOR ALL EMPLOYEES.

Vote Date: 2/28/2023

Vote Action: Joint Favorable

PH Date: 1/31/2023

File No.:

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SPONSORS OF BILL:

Labor and Public Employees Committee

REASONS FOR BILL:

This proposal expands workers compensation benefits for post-traumatic stress injury (PTSI) claims to cover all employees within the State of Connecticut, as opposed to only employees in select first responder professions. This would allow workers not presently covered to receive workers compensation for PTSI, should they experience certain traumatic events in the course of employment.

RESPONSE FROM ADMINISTRATION/AGENCY:

No response was provided from the administration or relevant state agencies.

NATURE AND SOURCES OF SUPPORT:

Martin Looney, President Pro Tempore, CT State Senate: He stated that in 1993 the General Assembly made a mistake changing the law, excluding workers compensation claims on the basis of mental or emotional injury. He argued that recent medical science has made it clear that mental health impairments are just as debilitating as physical impairments, and it is now time to correct their mistake and include these non-physical injuries under works compensation claims for employees who witness traumatic events at work. Furthermore, he cited recent legislative efforts such as PA 21-107 that expanded these benefits to specific classes of workers such as fire fighters and police officers but emphasized that many workers such as teachers or other workers who witness tragic events such as school shootings are not included. He strongly supports this legislation which builds on PA 21-107 providing this important benefit to all employees.

Ed Hawthorne, President, CT ALF- CIO: They offered testimony in favor of this legislation. They stated that both essential workers and nonessential workers alike are forced to manage intense stress

levels, juggle soaring workloads and process visibly and emotionally traumatic situations. Many of these workers who experience traumatic events struggle with anxiety, depression, PTSD and other mental health disorders. Furthermore, they stated that this legislation will protect all workers who experience traumatic work events, providing them with the care they need without forcing them to carry the burden of the cost to seek treatment.

Meghan Lyon, CT Trial Lawyers Association: They offered testimony in strong support of this proposal. They stated that the current law only acknowledges mental and emotional injuries for firefighters and police officers, which forces other workers to deal with these issues on their own, leading to high insurance deductibles and missed time from work which can cause an erosion of the employee and employer relationship. They stressed the importance of this legislation to provide support to both workers and their families in their time of need. Lastly, they claimed that enough safeguards currently exist so that abuse of the expansion of standalone mental and emotional claims will not create a runaway freight train as some of those opposed may suggest.

Brian Anderson, Legislative Director, Council 4 AFSCME: They offered testimony in favor of this legislation. They stated that several different types of workers such as school nurses, police IT, grocery store and warehouse workers witness mass shootings or other traumatic events which could cause PTSD. They stated that it is time to extend coverage to provide all workers support for mental or emotional injuries sustained on the job. Additionally, they argued the need to update the PTSD statute, citing the case of Derby Police Officer Patrick Foley.

Cathy Osten, State Senator, CGA: She offered comments in support of this proposal. She argued that PTSD is a prevalent problem in the United States, according to the National Center for PTSD 7-8% of the population will suffer from PTSD, equating to about 8 million adults each year. She stated for many employees the onset of PTSD can take years after the initial trauma, and that the law as it currently stands does not provide many individuals with the access to the resources they need to recover and heal. Lastly, she commented that Colorado, Texas, Vermont and South Carolina have already enacted legislation expanding workers compensation coverage to include PTSD, and it is time that Connecticut do the same to protect all its workers.

Mary Fortier, State Representative, CGA: She offered her support for SB 913. She commented on the importance that police technicians who are responsible for reviewing traumatic body camera footage are included.

Melanie Kolek, Legal Counsel, CEA: They offered comments supporting this legislation. They agreed with the proposed language but argued that it does not go far enough. They argued that Workers Compensation needs to be expanded to include mental and emotional impairments for all employees arising out of and during one's employment, not just compensability under specific qualifying events. Additionally, they responded to those who opposed this legislation on the grounds of cost or abuse, saying that checks and balances to prevent abuse are currently in place, they just need to be made applicable for mental and emotional impairment claims. They also stated that employers would still have the right to challenge the compensability and causality of the impairment, just like they currently can with physical claims.

Kim Sandor, Executive Director, Connecticut Nurses Association: They offered comments in support of this legislation. They stated that medical professionals, especially nurses are prone to PTSD due to the high stress environment they work in. They cited that prior to the pandemic one in four nurses suffered from PTSD. Additionally, nurses who experience these traumatic events at work often suffer from high stress and burnout, and although they are resilient this legislation would provide them with a pathway for treatment from the trauma experienced on the job.

Travis Woodward, President, CSEA SEIU Local 2001: They offered comments in support of this legislation, stating that PTSI coverage should be available to any worker who needs it regardless of where they work.

Patrick Foley, Police Officer, AFSCME Derby Police: He provided comments in support of this legislation. He stated that the PTSD statute needs to be re-written, sighting his own on the job experience getting injured in the line of duty and how he was denied due to the vagueness of the statute. Additionally, he stated that this has caused him unwarranted stress and monetary loss, and that someone experiencing a life threatening, traumatic event shouldn't be hindered by a statute that is meant to protect them.

Frank D Angelo, President, AFSCME Derby Police: He offered comments in support of this legislation. He stated that the current PTSD statute needs to be repaired to protect officers such as Patrick Foley, so that they can properly receive benefits for mental health injuries in the line of duty.

John Brady, Executive Vice President, AFT Connecticut: They offered comments in support of this legislation. They stated that this legislation would provide essential workers such as nurses, respiratory therapists, patient care assistants and other healthcare professionals with the coverage they need to heal and return to work after experiencing traumatic events in the workplace.

NATURE AND SOURCES OF OPPOSITION:

Betsy Gara, Executive Director, CT Council of Small Towns: They offered comments in opposition to this proposal. They cited the Office of Fiscal Analysis, which stated that the cost to municipalities would be highly variable, resulting in increases in premium costs and a wide range of potential per claim costs. They argued that these costs would be passed on to municipalities and property owners in the state. They urge lawmakers to oppose this bill.

Brooke Foley, General Counsel, IAC: They offered testimony in opposition of this legislation. They argued that this proposal would significantly impact the workers compensation system and be prohibitively expensive for employers. Additionally, they stated that due to the complex and subjective nature of emotional and mental injuries, it may be hard to distinguish the legitimacy of a claim that is primarily work related from one that is not. Furthermore, they argued that expanding coverage would increase premiums for policyholders and prove more costly for local governments and those who are self-insured.

Kristina Baldwin, APCIA: They offered testimony in opposition to this legislation. They argued that mental stress claims such as PTSD are subjective and could be prone to abuse or fraudulent claims. Additionally, they highlighted the importance of the physical injury requirement, as it provides crucial evidentiary proof of the validity of the claim and prevents the possibility of overburdening the workers compensation system.

Peter Myers, Public Policy Associate, CBIA: They offered comments in opposition to this proposal. They stated that it would lead to increased risk and premiums for Connecticut businesses. Additionally, they claimed that due to the complexity of identifying PTSD coverage could be taken advantage of resulting in higher costs for policyholders. Lastly, they stated that workers compensation rates have steadily decreased in the state in recent years which is positive for both business and workers alike.

Scott Hobson, Assistant Vice President of Government Relations, Big I: They offered comments in opposition to this legislation. They argued that this proposal would result in significant costs to

employers, particularly small businesses. Additionally, they cited a similar proposal in New York which was vetoed by Governor Hochul due to its significant cost.

GENERAL COMMENTS:

Zachary McKeown, Senior Legislative Associate, CCM: They offered general comments regarding this legislation. They requested that if this proposal passes that no modifications be made to the current benefit framework for PTSI.

Reported by:
Sebastian Musante

Date: 3/13/23