



Testimony of

**Sal Luciano, President
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Labor & Public Employees Committee
Insurance & Real Estate Committee

Joint Informational Hearing - Workers' Compensation Presumption for COVID-19
June 17, 2020

Good morning Senator Kushner, Representative Porter, Senator Lesser, Representative Scanlon and members of the Labor & Public Employees and Insurance & Real Estate Committees. My name is Sal Luciano and I am proud to serve as the President of the Connecticut AFL-CIO, a federation of hundreds of local unions representing more than 220,000 workers in the private sector, public sector, and building trades. Our members live and work in every city and town in our state and reflect the diversity that makes Connecticut great.

I want to thank the leadership of these committees for having the courage and determination to take on this issue. During this pandemic, our state's public health and public safety has depended heavily on the efforts of frontline workers. While Connecticut was under a stay at home order and the number of confirmed COVID-19 skyrocketed, these dedicated workers continued to care for patients, stock grocery store shelves, answer emergency calls, staff prisons, operate public transit systems, care for children and ensure taxpayers have continued access to other essential services. They have been performing their jobs under difficult circumstances and in extremely dangerous conditions. It's critical that we do our best to protect them. We ask that you take immediate action in the July special session to provide our frontline heroes with the security they urgently need – a workers' compensation presumption for COVID-19.

As you heard earlier, this is not a discussion in the abstract. This is a problem workers are experiencing in real time. The workers who spoke at the beginning of the forum are representative of hundreds of others who share their experiences. As of Monday, 711 COVID-19 workers' compensation claims had been filed. That number has been increasing by about 100 each week over the last several weeks. This is an issue that will not go away. It is not a problem we can ignore.

We must remember that many essential employees, such as grocery and nursing home personnel, are mostly female, black and brown low-wage workers. If they are lucky enough to have health insurance, it likely comes with high deductibles and co-payments. While COVID-19 testing may be free, medical care and taking time from work to recover is not. It is especially important that they have the wage replacement and healthcare benefits that workers' compensation provides.

As you are aware, our workers' compensation statutes require workers to demonstrate that they have acquired an illness at work in order to be eligible for benefits. For a disease with widespread infection like coronavirus, requiring a worker to prove they contracted it at work is nearly impossible. But because Executive Order 7-H limited public gatherings and non-essential activities, it's highly likely that an essential worker who contracted COVID-19 did so while performing their job duties. Creating a presumption that exposure is work-related still allows the employer the opportunity to prove that infection happened elsewhere. It just moves the burden of proof from the worker to the employer during this public health emergency.

With a presumption, front-line workers, including fire fighters, police officers, health care providers, paramedics and EMS personnel, child care providers, grocery workers and public transit workers could qualify for workers' compensation benefits once they receive a positive COVID-19 lab test or diagnosis from a healthcare provider.

Employer denials assert that a healthcare worker or other frontline worker may not have contracted the dangerous virus in the course of their employment. That is a betrayal to the workers we ask to protect us every

day by putting themselves in harm's way. Sick workers will have to exhaust their accumulated sick time, pay for treatment, and will likely suffer a loss in wages while they are forced to navigate a lengthy appeals process with the Workers' Compensation Commission.

In addition to the frontline workers you've heard from today, Governor Lamont has also turned his back on these who got sick on the job while providing essential services and had their workers' compensation claims denied:

- **Randy Quadrato**, a developmental service worker at Torrington Regional Center contracted the virus providing one-on-one care to a resident client without adequate PPE.
- **Beth Shaw**, a nurse at Corrigan Correctional contracted COVID-19 testing inmates for the virus without sufficient PPE. She has been out of work for more than eight weeks and has begun receiving bills from the state for her insurance premium shares. If she doesn't pay, she will lose her insurance. Her supervisor told her she would be ineligible to apply for workers' compensation benefits.
- **Diane Logan**, a nurse at a UConn Health outpatient clinic, tested positive for COVID-19 in early April. Of the 100 employees who work in the same clinic, 22 have tested positive.
- **Scott Mesloh**, a nurse at Natchaug Hospital has been out of work for three months after contracting the virus caring for the first COVID-positive patient admitted to the hospital without PPE.
- **Lisa O'Donnell**, a Certified Nursing Assistant at Autumn Lakes at Bucks Hill nursing home, was diagnosed in late April and was directed by her employer to use her accumulated paid time off (PTO) to recover.
- **Grisele Escalera**, a visiting home health aide employed by the VNA of Southeastern Connecticut contracted the virus providing one-on-one patient care without adequate PPE.

Their impassioned pleas to Governor Lamont have largely been ignored. He has chosen to let a system rigged in favor of employers and insurance corporations "work" instead of standing with the workers he deemed essential. They did what they asked. They showed up to work. They jeopardized their own health and safety to serve their communities. Now the Governor has turned his back on them, preferring not to upset hospital CEOs, agency heads and business leaders who sit behind desks and pose for cameras. They are the ones who placed these workers in harm's way without necessary protections. Now they put their heads in the sand.

While we make ourselves feel good by banging pots and pasting thank you hearts to our windows, essential workers are hurting. They are suffering physically, emotionally and financially. They are facing ruin from which they will likely never recover unless the General Assembly acts.

There is much we cannot control about this pandemic, but making sure workers have a COVID-19 workers' compensation is one thing we can do. Thank you.