

Injured Employee Partial Permanent Disability Payment Working Group

MEETING MINUTES

Tuesday, January 2, 2023

12:00 PM in on Zoom and YouTube Live

The meeting was called to order at 12:02 PM by Chairman, Rep. Quinn

The following task force members were present:

Members: Ackert T. 008; Bill Beckert; Conley C. 040; Colette Griffin; Marie Gallo-Hall; Nathan Shafner; Quinn M. 082; Brooke Foley; Kushner J. 024

Absent were: Sanchez E. 024; Joseph Passaretti; Sampson R. S16; Colin Hoddinott; Bud Drapeau

Guests:

Remarks by the Chairs:

Representative Quinn calls the meeting to order and welcomes everyone to the Injured Employee Partial Permanent Disability Payment Working Group meeting. Following this, he asks Co-Chair Conley if she has any initial remarks.

In her opening remarks, Representative Conley welcomes the committee to today's meeting and informs the committee that some members may be absent.

Approval of Minutes – December 12th

Representative Quinn asked for a motion to approve the minutes from the December 12th meeting. Motion made by Rep. Conley, seconded by Nathan Shafner. A vote was taken, and the motion passed.

Continued Discussion on Proposals

Representative Quinn shares that the discussion will begin where they left off during the previous meeting. In the December 12th meeting, members discussed changes that Nate Schafner and Bud Drapeau proposed about the cervical spine and skin week ratings. Moreover, they discussed changing the amount from 117 to 374 weeks. Thereafter, they proposed changing the skin rating from 208 which less than any scar or disfigurement pain. As well as, changing the hands rating to from 164-208 for the master hand and 155-194 for the minor hand. These are the ratings currently applied to disabilities incurred at and above the elbow. Lastly, they would like to create a "catch-all" that will allow a workers compensation judge to award a maximum of 520-week permanency benefits.

Regarding the 31-308 statute, members proposed amendments that allow claimants to continue collect their benefits if they are participating in vocational rehabilitation services. If claimants are in search of new employment, they propose to amend the statute to not limit job searching to those living out of state. These amendments would also seek to apply a cap to 31-308A benefits at 208 weeks or the greater amount of awarded time.

Representative Quinn continues and asks members if they have additional comments or wish to add anything further to what was discussed at the last meeting.

Colette Griffin states that there has not been an agreement on how to address the proposed topics. She explains one of the main points of contention remains to be the lack of evidence expressing the inadequacy of the permanent impairment ratings. Regarding the addition of unscheduled to the statute, she explains that unscheduled body parts were previously removed from the statute. This was because they felt those included body parts should have a permanent impairment rating.

Representative Quinn asks Colette Griffin if she believes the current "status quo" is correct or if any amendments should be made. Moreover, he inquires about opinions on differentiation in ratings numbers.

Colette Griffin understands why many of the post '93 changes were made and that currently the CT Workers Compensation system addresses the issues. However, she knows the goal of this working group is to identify if there are any necessary changes and access which ones are appropriate to proceed with.

Representative Quinn presents a follow up question and inquires as to what changes Colette Griffin would like to see.

In response, Colette Griffin explains that the issues presented are adequately addressed by legislation and legal opinions. For instance, she believes there are current structures in place to address the skin rating.

Representative Quinn thanks Colette Griffin for sharing and asks if the committee has any further comments.

Brooke Foley begins by reiterating her position that she feels the benefits currently in place are adequate. She references the numbers she sent in the previous meeting and explains that these issues can be handled appropriately utilizing the structures in the current statute as well as, current legal opinions.

Bill Beckert asks whether an analysis has been made as to whether 117 weeks at the current compensation rate is a livable benefit award. He describes a scenario where a minimum wage laborer has a serious neck injury while at the current compensation rate. In some situations, these are not livable benefits awards. Therefore, he asks that the committee keep this in mind when discussing whether the current statutes are adequate and responsive.

Nate Schafner shares that there were more safety nets implemented in the workers compensation system. Firstly, the impairment ratings were higher. Additionally, those on total disability received annual cost of living adjustments. In terms of vocational rehabilitation, there was a stipend that was paid to the injured worker if they were involved in the program. In certain cases where the injured worker could not return to the workforce the judges could provide an alternative resolution. However, these are no longer in place and the workers compensation rates have increased. In addition, while the compensation rates have gone up; and Connecticut's may have \$1,500 a week total disability max rate but, on average clients are not receiving that max rate. An individual earning 60k annually (\$2308 biweekly). Their compensation rate will be \$500-\$600. A neck rating with a cervical fusion, they will receive 22- 23.4 weeks of benefits. Which is roughly \$12,000. In addition to this they receive 31-308A benefits for a lower monetary reward for 22.3 weeks, totaling to \$18,000. Nate Shafner explains that without these safety nets and reduced ratings many people are left unprovided for. This is why many people utilize Social Security Disability. He proposes that the state either increases benefits or increase the safety nets within the system by allowing judges to grant discretionary awards.

Representative Quinn thanks Nate Shafner for sharing and asks him how the stipend was calculated and paid.

Unfortunately, Nate Shafner does not have information on calculation and payment currently. He replies that he will inquire with older commissioners to acquire an answer for Representative Quinn.

Colette Griffin adds that the answer may be that calculations and payments deciphered by the Department of Rehabilitation not the workers compensation.

Nate Shafner concurs.

Colette Griffin states that Nate Shafners' position focuses heavily on the cervical spine. She feels that if the amendments were just including changes to the cervical spine that would one thing, but the additional unscheduled body parts far exceed the cervical spine.

Nate Shafner shares that he wanted to explore what needed to be addressed from the claimant's perspective but the looks forward to finding an area of commonality in this committee to decipher the appropriate ratings. He feels judges are capable of being trusted to receive more discretionary power.

Representative Quinn shares that he is not sure what the amended number should be. Though he does not believe 374 weeks is the answer, he states that 117 weeks is too low. Injuries in the neck are often just as serious as injuries in the back.

Representative Conley adds that the committee has done well in addressing that 31-308A does not affect every injured worker. It only affects the injured worker that cannot return to gainful employment. This happens to be a small group of impacted individuals. She appreciates that this working group has discussed other sections of the statute that has not been utilized, such as the section that requires employers to find light duty work for those who can work. She ponders if the state could fund vocational rehabilitation in a better way to provide claimants with better options. She is grateful that the Vocational Rehabilitation Center is changing their application form so that it can be emailed, creating greater accessibility. She asks for members to share this information with others.

Marie Gallo-Hall begins to discuss the Department of Workers Compensation (DWR). She states that the agency does fund in some manner DWR. Therefore, if the committee decides to reimplement the stipend, she suggests looking into how it was originally funded in contrast to how it could be funded currently. If the agency increases the funding it gives to DWR, the employer assessment would also have to increase.

Representative Quinn asks if Marie Gallo-Hall has any statistics on the frequency that injured workers utilize vocational rehabilitation.

Marie Gallo-hall does not believe she does.

In Representative Quinns practice he states that roughly 10-20% of clients apply for vocational rehabilitation services which varies per injury.

Nate Shafner expresses that a few people who have applied for the program have been misdirected about it. He feels that DWR could reinforce and encourage claimants to utilize vocational rehabilitation services.

Representative Conley agrees with Nate Shafners comments and states that less than 10% of her clients apply to the vocational rehabilitation programs. She also feels more people should be encouraged to apply. This is because many people cannot afford life expenses while attending vocational rehabilitation. She believes this limits many individuals from being able to acquire higher paying jobs that require certificates/trainings. She proposes that providing additional benefits or starting vocational rehabilitation earlier will be greatly beneficial.

Representative Quinn agrees with Representative Conley. He closes by asking the members to share any additional perspectives that they'd like to share with the group with him and he will disseminate that amongst the group.

Representative Quinn asked for a motion to adjourn today's meeting. A motion is made by Representative Ackert and seconded by Representative Kushner. A vote was taken, and the motion passed.

Announcement of Time and Date of Next Meeting:

Tuesday January 16th, at 12:00pm

Adjournment:

This meeting was adjourned at 12:43 PM

Nate Kalechman

Ana Allen

Task Force Administrator

Minutes Prepared by