

## **Workers' Compensation Commission**



### *At A Glance*

**STEPHEN M. MORELLI, *Chairman***

***Established - 1913***

***Statutory authority – Title 31, Chapter 568 of the Connecticut General Statutes***

***Central office – 21 Oak St 4<sup>th</sup> Floor, Hartford, CT, 06106***

***Number of employees – 106***

***Recurring operating expenses - \$23,321,794***

***Organizational structure -Administration, Compensation Review Board, Business, Human Resources, Management Information Systems, Research and Statistics, and Education, Safety and Health Services units are located in the Office of the Chairman. Fifteen Trial Commissioners preside over dispute resolution hearings at the agency's eight district offices currently located in Hartford, Norwich, New Haven, Bridgeport, Waterbury, New Britain, Stamford and Middletown.***

### **Mission**

***The Workers' Compensation Commission administers the workers' compensation laws of the State of Connecticut with the ultimate goal of ensuring that workers injured on the job receive prompt payment of lost work time benefits and attendant medical expenses. To this end, the Commission facilitates voluntary agreements, adjudicates disputes, makes findings and awards, hears and rules on appeals, and closes out cases through full and final stipulated settlements.***

### **Statutory Authority**

Since the Workers' Compensation Act (Conn. Gen. Statutes Chapter 568) was adopted in 1913, numerous enhancements and modifications in coverage and benefits have been enacted by the Connecticut Legislature. With few exceptions, all workers and employers are now covered by the workers' compensation laws. A worker who has suffered a job-related injury or illness is entitled to certain well-defined wage replacement and medical benefits.

The adjudicatory purpose of the Workers' Compensation Commission is to ensure injured employees' rights are fully protected, and that workers and employers fully carry out their legal responsibilities. There are sixteen Workers' Compensation Commissioners who are appointed by the Governor and confirmed by legislative approval. One Commissioner serves as Chairman of the Commission, at the pleasure of Governor. The Chairman is responsible for administration of the Commission. The Chairman also serves as Presiding Commissioner of the Compensation Review Board (CRB) along with two other Commissioners appointed for one-year terms to hear appeals of cases decided by the Commissioners. Fifteen Commissioners serve at-large, functioning as trial commissioners in the agency's eight district offices throughout the state.

The Commission also educates employers and employees about their legal rights. During FY 2020, the Commission's Safety Program Officers monitored worker safety committees throughout the state. Prevention and education are integral to the Commission's statutory responsibilities. A Statistical Unit within the Management Information Systems Division measures and monitors the caseload and performance of the Commission.

In the early 1990's, two landmark reform bills were enacted. The first, (Public Act 91-339) centralized administrative duties and powers in the person and Office of the Chairman to more effectively implement enforcement of the law. Twenty-three specific duties were assigned to the Chairman, including budgetary and personnel matters, assignment of Commissioners, and regulation of attorneys, physicians, and preferred provider organizations. The Chairman and his staff implement these responsibilities, guided by an Advisory Board composed of business and labor representatives, including an injured worker. The Advisory Board also submits written recommendations to the Governor on the renomination of Commissioners.

The second bill, (Public Act 93-228) effected historic reforms of the Connecticut workers' compensation laws effective July 1, 1993. The benefit modifications and related reforms contained in this Act, combined with the efficiencies engendered by Public Act 91-339, have resulted in hundreds of millions of dollars in savings.

## **Public Service**

The Commission constantly strives to upgrade service to its constituency. Two key goals are expediting disputed claims settlement and returning injured workers to productive jobs. These goals are closely monitored by the Commission through manual and automated reporting systems.

Injured workers routinely receive information packets detailing their rights and responsibilities within five days of receipt of the filing of an initial report of injury. Education coordinators are available to the public to answer questions about the Commission's services and adjudicatory process. The Chairman frequently participates in educational seminars and forums to inform and discuss workers' compensation laws, regulations, guidelines and protocols with various stakeholders.

Safety Program Officers work cooperatively and confidentially with employers to develop and implement safety programs resulting in reduced accidents, injuries, medical costs and lost workdays. During the period of July 1, 2019 through June 30, 2020, Safety Program Officers visited 1,438 employer sites. Since the inception of the program, 46,043 employer sites have been visited, and 4,900 safety and health committees covering 850,868 employees are currently approved. As statutorily required, employers with medical care plans, including preferred provider organizations, are reviewed for compliance with workplace safety and health committees. During COVID-19 Safety Program Officers have continued to service employer sites and promote safety and health programs in the workplace virtually and in-person when appropriate.

The Commission monitors and educates the public on legislation and Higher Court decisions that impact the administration of workers' compensation claims.

Following the passage of Public Act 19-17, the Commission has updated its Claim for Compensation form (Form 30C) to ensure claims for post-traumatic stress disorder brought by police officers, firefighters and parole officers are filed in accordance with the act and tracked appropriately. The Commission will be working in consultation with the Legislature's Labor and Public Employees Committee on evaluating the feasibility of expanding the availability of benefits for post-traumatic stress disorder outlined in the Act to emergency medical services personnel.

Throughout the beginning of 2020, the Commission participated in a legislative task force pursuant to Special Act 19-10, to study remedies and potential liability for unreasonably contested or delayed workers' compensation claims. The Commission continues its efforts to ensure that claims are not unduly delayed, through the continued education of Commissioners on penalties and fees, the active engagement with self-insured organizations, insurance carriers, attorneys and unions, and through the timely adjudication of workers' compensation claims pursuant to the Workers' Compensation Act.

The Commission participates in the Connecticut Pain Consortium's efforts to most effectively treat chronic pain for those injured on the job and is also engaged in Retain-CT, an initiative to improve communication and support services targeting early return-to-work (RTW) for musculoskeletal disorders.

The Commission participates in the Connecticut Licensing Information Center, providing one-stop licensing information to state employers via the Internet.

### **Improvements/Achievements for Fiscal Year 2019-2020**

During the fiscal year ending June 30, 2020, the Commission continued its efforts to ensure injured workers are receiving proper medical treatment, while controlling medical costs. Rates for workers' compensation insurance decreased for the sixth consecutive year.

The Commission continues to revise and update medical protocols for the treatment of injuries to the knee, cervical spine, lumbar spine, shoulder and hand with input from the Medical Advisory Panel and other medical professionals. The Commission also revises and updates protocols for opioids, psychological pain assessment and treatment to assist practitioners in effective pain management for injuries occurring within the workers' compensation arena. The Chairman also continues to consult with the Legal Advisory Panel for policy matters relating to the agency's quasi-judicial dispute resolution activities and administration.

Pursuant to Conn. Gen. Statutes Sec. 31-284, the Commission reviews and approves applications for self-insurance. As of June 30, 2020, 34 municipalities and 62 companies, consisting of 293 subsidiaries, are approved to be self-insured. The Commission also reviews and approves applications for managed care plans pursuant to Conn. Gen. Statutes Sec. 31-279. As of June 30, 2020, 2,178 employers and 507,670 employees are covered by approved plans.

All agency duties and responsibilities continue to be executed effectively and punctually with significantly fewer full-time employees than in previous years.

Monitoring of hearing backlogs at the eight district offices and reassignment of resources to meet heavy workloads, continues to result in a decrease in time between initial hearing requests and the date hearings are actually held. Hearing backlogs have reduced dramatically over the years for both Informal and Formal hearings, ensuring that no cases are unnecessarily delayed administratively.

The Compensation Review Board continues to process cases expeditiously. This year, new appeals numbered 57. Meanwhile, there were 114 dispositions, including 36 written opinions. As of June 30, 2020, there are 15 appeals pending before the Appellate and Supreme Court.

During Fiscal Year 2020, it was necessary to relocate the Sixth District Office due to new ownership of the space leased by WCC. The relocation of the Sixth District Office to 24 Washington Street, New Britain, has been completed and operations have resumed.

The Commission is presently transitioning its website to a new government web platform as part of a statewide effort to bring greater consistency and enhanced user friendliness to all State agencies. The new platform will enable the Commission to provide an expanded range of information and services to its website customers, while significantly improving internal organizational efficiency in the maintenance and future development of its online presence.

The Commission continues its efforts to streamline and consolidate administrative functions with technology increasingly becoming integral to the management of claims, hearings, and various other agency functions. The public currently has electronic access to:

- Coverage Verification Service (CVS)
- First Report of Injury Submission (FRIS) Service
- Employer Claim Location Information Service (as enacted by P.A. 17-141)

- Electronic Hearing Notices Service which enables interested parties to receive notices electronically. This service generates thousands of dollars in postage savings annually.

The Commission is making substantial progress on a new claim management computer system, which will replace the Commission's aging custom system. The implementation of this system will allow for a paperless claims process through the online submission of forms and enable for many other services offered by the Commission to be completed electronically.

The Commission's strategic planning goals to ensure injured workers receive benefits as soon as possible are:

- shortening the claims process and minimizing delay;
- eliminating duplicate and erroneous claims;
- identifying and reporting non-insured employers;
- ensuring the compliance of safety committees;
- providing greater access to electronic records which will save personnel costs and other expenses; and
- analyzing data to identify and remedy potential issues before they become serious.

The Commission has enacted many policies to ensure the safety of the public and our staff amidst this pandemic while also guaranteeing parties have the ability to utilize the services of WCC effectively. Governor Lamont has suspended non-critical Workers' Compensation Commission statutory, regulatory and administrative deadlines under Executive Order 7K and Chairman Morelli has issued memorandums to address hearings, stipulations, Forms 36 and the submission of forms.

All commissioners have been designated as level 1 (essential) and have been reporting to their respective district offices since the pandemic began. Commissioners remain fully dedicated and will continue to conduct hearings telephonically in order to avoid unnecessarily jeopardizing the health of the public and staff. In district offices and the Office of the Chairman, many employees have been set up with the capability for remote work in accordance with the Governor's various directives to maintain social distancing. Supervisors have established schedules to provide a balance between remote and in-person work to minimize the risk of exposure to COVID-19 for WCC employees. WCC continues to work cooperatively with claimants and respondents to ensure WCC functions at the highest level possible and has received very positive feedback on the use of telephonic hearings and the numerous other measures which have been taken in response to the public health crisis. Chairman's Memorandum No. 2020-09 was cited in a recent publication by the American Medical Association acknowledging CT's early encouragement of virtual medical services in workers' compensation.

Chairman Morelli participated in a Legislative forum on COVID-19 compensability and WCC has been tracking COVID-19 claims and providing reports to the Administration when requested. To-date the pandemic has had a minimal impact on the Commission's ability to adjudicate claims in a timely and appropriate manner.

## Information Reported As Required by State Statute

Pursuant to the Workers' Compensation Act, during fiscal year 2020 the Commission updated its practitioner fee schedule, hospital and ambulatory surgery center fee schedule and workers' compensation benefit rate tables. Based on information provided by the State Labor Commissioner, the Commission determined the maximum weekly compensation rate for total disability and decedents' dependents to be \$1,328.00 for injuries occurring on or after October 1, 2019. Operating expenses were provided to the Treasurer in accordance with statute for the yearly workers' compensation assessment.

Working with UConn Health, the Department of Labor and the Department of Public Health, the Commission sponsors a report on occupational diseases in Connecticut which is released each year around Labor Day. The report can be found on UConn Health's website.

The Commission's Affirmative Action Plan is currently in compliance. While the Commission has no full time Affirmative Action Officer, its Affirmative Action Plan and Program are prepared by the Director of Human Resources. The Commission continues its commitment to the state Affirmative Action Program. The Commission has a history of over 20 years of approved Affirmative Action Plans.

### Key Performance Measures for Fiscal Year 2019-2020:

- Injuries/Illnesses – 53,652
- Informal Hearings – 37,976
- Formal Hearings – 406
- Pre-formal Hearings – 6,767
- Voluntary Agreements – 8,641
- Stipulations – 3,258
- Awards – 1,217
- Dismissals – 128
- Education Services:
  - First Report of Injury Letter/Forms – 40,441
  - Commissioner Evaluation Surveys mailed – 9,537
  - Information Request Responses – 90,514
- Website – 224,996 visits; 859,545 page views; and, 135,525 forms, publications and news feeds downloaded.