

## **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 – 93 full time, filled positions***

***Recurring operating expenses - \$23,328,952***

***Organizational structure -Administration, Compensation Review Board (CRB), Business Office, Research and Statistics, and Education, Safety and Health Services units are located in the Office of the Chairperson. Human Resources and Management Information Systems are administered by the Department of Administrative Services. Fifteen Administrative Law Judges 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. The Chairperson primarily presides over the entire Commission, acts as the Chief Administrative Law Judge at the CRB and may assist with hearings at the district level. The Commission also utilizes the assistance of one or more per diem Administrative Law Judges.***

### **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 wage loss benefits and appropriate medical treatment. To this end, the Commission approves voluntary agreements, adjudicates disputes, issues findings and awards, hears and rules on appeals, and closes out pending cases through full and final stipulated agreements.***

### **Statutory Responsibility**

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 Administrative Law Judges who are appointed by the Governor and confirmed by legislative approval. One Administrative Law Judge serves as Chairperson of the Commission, at the pleasure of the Governor. The Chairperson is responsible for administration of the Commission. The Chairperson also serves as the Chief Administrative Law Judge of the Compensation Review Board (CRB) along with two other Administrative Law Judges appointed for one-year terms to hear appeals of cases decided by the Administrative Law Judges. Fifteen Administrative Law Judges serve at-large, functioning as trial judges in the agency's eight district offices throughout the state.

The Commission also educates employers and employees about their legal rights. During FY 2022, 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.

## **Public Service**

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

Injured workers 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 Chairperson 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 COVID-19 pandemic, Safety Program Officers continued to service employer sites and promote safety and health programs in the workplace virtually, and in-person, when appropriate. During the period of July 1, 2021, through June 30, 2022, Safety Program Officers conducted in-person and virtual visits to 2,264 employer sites. Since the inception of the program, 50,239 employer sites have been visited and 4,752 safety and health committees covering 855,296 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.

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

The Commission continues its efforts to ensure that claims are not unduly delayed through the continued education of Administrative Law Judges regarding penalties and fees, active engagement with self-insured organizations, insurance carriers, attorneys and unions, and through timely adjudication of workers' compensation claims pursuant to the Workers' Compensation Act.

The Commission continues to ensure injured workers receive benefits in a timely manner by:

- shortening the claims process and minimizing delay;
- eliminating duplicate and erroneous claims;
- identifying and reporting non-insured employers;
- 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.

## **Improvements/Achievements for Fiscal Year 2021-2022**

During the fiscal year ending June 30, 2022, the Commission continued its efforts to ensure injured workers are receiving proper medical treatment, while controlling medical costs. Rates for workers' compensation insurance decreased on average for the eighth 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, and foot and ankle 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 Chairperson 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, 2022, 33 municipalities and 59 companies, with 264 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, 2021, 2,092 employers and 480,804 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. The commission was able to

shift resources throughout Fiscal Year 2022 to ensure little to no impact was felt on services due to a significant increase in retirements.

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 of first hearings. In Fiscal Year 2022 it took an average of 24.97 days for a first hearing to be scheduled and held. Hearing backlogs have reduced dramatically over the years for both Informal and Formal hearings, ensuring that no cases are unnecessarily delayed.

The Compensation Review Board continues to process cases expeditiously. This year, new appeals numbered 43. Meanwhile, there were 50 dispositions, including 28 written opinions. As of June 30, 2022, there are 12 appeals pending before the Appellate and Supreme Court.

Pursuant to Special Session Public Act No. 21-2, the Commission now calculates and publishes the compensation payable for burial expenses associated with death resulting from an accident arising out of and in the course of employment. This is adjusted annually based on the consumer price index for urban wage earners and clerical workers (CPI-W) in the northeast, with no seasonal adjustment, as calculated by the United States Department of Labor's Bureau of Labor Statistics.

Pursuant to Public Act 21-18, effective October 1, 2022, the title of "Commissioner" was changed to "Administrative Law Judge." The Commission proposed this legislative change to more accurately reflect the adjudicative functions of Workers' Compensation Commissioners. This legislation also made minor and technical changes to the act to codify current practices and law.

Legislation became effective on May 24, 2022, which amended several sections of the statute to allow documents to be submitted in accordance with C.G.S. Sec. 31-321. The Commission proposed this legislation to allow the agency more flexibility to adopt rules for the secure electronic submission of forms in the future.

As of June 3, 2022, the Commission now collects a record of all workers' compensation cancer claims made by firefighters which it is required to report annually to the Legislature pursuant to Public Act 22-139.

The Commission has transitioned its website to the statewide web platform to bring greater consistency and enhanced user friendliness. The new platform enables 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.
- Documentation of Workers' Compensation Statutes & Regulations and Compensation Review Board Opinions & Annotations.

As of January 10, 2022, the Commission has solidified the electronic acceptance of forms used by an employer who opts in and/or out of coverage under the Workers' Compensation Act. Previously, these forms were only accepted via registered or certified mail. A system is currently being developed that will allow for these forms to be process automatically.

The Workers' Compensation Commission has established an overall strategic goal to modernize and enable efficiency with technology while accomplishing its mission. While these are not bound only to Fiscal Year 2023, below are several focus areas where technology implementations are anticipated to improve business operations:

- Electronic Document Filing
- Ability to interface with Judicial Branch
- Increased Paperless Potential & Electronic Interactivity
- Incorporating requested improvements into the WCS application
- Other In-House Applications
- Migrating First Report of Injury (FRI) to a fully supported BITS-hosted solution with Disaster Recovery capabilities
- Migrating Data Warehouse to a fully supported BITS-hosted solution with Disaster Recovery capabilities

### **Information Reported as Required by State Statute**

Pursuant to the Workers' Compensation Act, during fiscal year 2022 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 \$1,446.00 for injuries occurring on or after October 1, 2021. This is an increase of \$73.00 from the previous year. Operating expenses were provided to the Treasurer in accordance with the 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 and is now administered by the Department of Administrative Services. The agency was 100% timely with mandatory employee ethics disclosure filings.

As of January 1, 2022, the compensation rate for deaths covered under the Workers' Compensation Act is \$12,516.00 based on the overall 2021 CPI-W increase for the northeast of 4.3%.

As of January 1, 2022, the mileage reimbursement rate increased from 56 cents per mile to 58.5 cents per mile.

**Key Performance Measures for Fiscal Year 2021-2022:**

- Injuries Reported– 33,942
- New Claims Created – 21,678
- Informal Hearings Held – 51,321 (39,940 when adjusted to reflect hearings that were held on multiple claim files)
- Formal Hearings Held –523 (380 when adjusted to reflect hearings that were held on multiple claim files)
- Pre-formal Hearings Held –9,458 (6,479 when adjusted to reflect hearings that were held on multiple claim files)
- Voluntary Agreements Processed – 9,513
- Stipulations Approved – 6,143
- Awards Issued – 1,030
- Dismissals Issued – 92
- District Forms Processed - 188,973
- Education Services Information Request Responses – 71,678