

## **Workers' Compensation Commission**



### *At A Glance*

**STEPHEN M. MORELLI, Chairperson**

***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 – 97 full time, filled positions***

***Recurring operating expenses - \$21,043,307.08***

***Organizational structure -Administration, Compensation Review Board (CRB), Business Office, Research, Planning and Statistics, and Education, Safety and Health Services units are located in the Office of the Chairperson. Human Resources and Technology Information Solutions 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 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 the 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 2024, 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 Research, Planning and Statistics Division measures and monitors the caseload and performance of the Commission.

## **Public Service**

The Commission continuously 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. Safety Program Officers continue to service employer sites and promote safety and health programs in the workplace in-person and virtually, when appropriate. During the period of July 1, 2023, through June 30, 2024, Safety Program Officers conducted in-person and virtual visits to 2,227 employer sites. Since the inception of the program, 54,830 employer sites have been visited and 4,392 safety and health committees covering 800,367 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 2023-2024**

During the fiscal year ending June 30, 2024, 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 ninth 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, 2024, 32 municipalities and 56 companies, with 243 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, 2024, 1,807 employers and 461,697 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 of first hearings. In Fiscal Year 2024 it took an average of 23.24 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 39. Meanwhile, there were 70 dispositions, including 19 written opinions. As of June 30, 2024, there are 8 appeals pending before the Appellate and Supreme Court.

The Commission made the following changes in Fiscal Year 2024 to improve the timeliness of claim adjudication, ensure appropriate representation and wage calculation, and more accurately collect information to assist in claim processing and reporting:

- Revised Form 42 effective November 3, 2023, to capture when a permanent impairment rating is for the total impairment inclusive of any previous ratings for the body part.
- Increased contingency fees related to the representation of claimants in the workers' compensation forum from 20% to 25% effective January 1, 2024.
- Revised Form 30C and 30D to help WCC better track Firefighter Cancer claims pursuant to Public Act No. 22-139 effective June 14, 2024.
- Revised the Hearing Request Form to allow the option for an email address to be added under the Injured Worker section effective June 14, 2024.
- Revised the Voluntary Agreement Form to help WCC better identify wage calculations which are pursuant to C.G.S. Sec. 5-142 effective June 14, 2024.
- Created a form specific to explain the meaning of an indemnity only stipulation effective June 14, 2024.
- Published a requirement that wage statements be attached to Voluntary Agreements effective July 1, 2024.
- Established a maximum fee a treating physician who is asked to provide a causation opinion or a Permanent Partial Disability (PPD) rating on a denied claim may charge effective July 1, 2024.

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). This service enables users to quickly see if a business operating in the State of Connecticut has workers' compensation insurance coverage.
- First Report of Injury (FRI) Submission Service. This service allows FRIs to be entered through a web interface, or in bulk via an EDI interface.
- Employer Claim Location Information Service (as enacted by P.A. 17-141). This service enables employees to determine where to file their workers' compensation claim if designated by their employer.
- 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.

The Workers' Compensation Commission had several technological achievements during Fiscal Year 2024 including:

- Continuing efforts to migrate First Report of Injury (FRI) system from an unsupported server operating system version to a current supported version.
- Deploying technology to several agency offices to facilitate sharing/viewing documents and media during hearings.
- Completing the deployment of new network switches at each agency location to improve reliability and responsiveness of network.
- Beginning the replacement of all Wide Area Network (WAN) Edge routers in coordination with BITS network team.
- Beginning an agency-wide technology refresh to provide updated hardware to staff at all office locations.
- Deploying modern document scanners to district offices throughout the agency to facilitate current and future digitization.
- Continuing digitization of archive and operational documents.
- Completing the GovQA Freedom of Information Act system implementation.
- Migrating the Safety and Health application from a Sybase database backend to SQL for improved supportability and to leverage more mainstream technologies
- Incorporating requested improvements into the WCS application to improve the timeliness and effectiveness of claim and hearing management.

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 2025, below are several planned technology implementations to improve business operations:

- Begin migrating all WCC applications from a Sybase database backend to SQL for improved supportability and to leverage more mainstream technologies.
- Implement an internal agency Intranet site built on SharePoint to provide quick and easy access to agency resources for all staff.
- Complete the replacement of all Wide Area Network (WAN) Edge routers in coordination with BITS network team.
- Complete the agency-wide technology refresh to provide hardware to all staff at all office locations.
- Continue digitization of archive and operational documents.
- Implement a means to receive electronic submission of certain agency forms from the public.
- Complete migration of FRI from an unsupported server operating system version to a current supported version.
- Continue Information Gathering and Data Analytics to improve decision-making.

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

Pursuant to the Workers' Compensation Act, during fiscal year 2024 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 \$1,575.00 for injuries occurring on or after October 1, 2023. This is an increase of \$129.00 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.

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. As of January 1, 2024, the compensation rate for deaths covered under the Workers' Compensation Act is \$13,885.25 based on the overall 2023 CPI-W increase for the northeast of 3.2%.

Pursuant to Public Act 22-139, 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. The Commission reported receiving twelve workers' compensation claims where Cancer Diagnosis of Firefighter was selected as the nature of injury and three additional claims that were likely made by a firefighter for a cancer diagnosis from June 1, 2022, through December 30, 2023.

As of January 1, 2024, the mileage reimbursement rate increased from 65.5 cents per mile to 67 cents per mile.

### **Key Performance Measures for Fiscal Year 2022-2023:**

- Injuries Reported – 33,414
- New Claims Created – 20,488
- Informal Hearings Held – 56,827 (42,857 when adjusted to reflect hearings that were held on multiple claim files)
- Pre-formal Hearings Held – 9,586 (6,494 when adjusted to reflect hearings that were held on multiple claim files)
- Formal Hearings Held – 451 (343 when adjusted to reflect hearings that were held on multiple claim files)
- Voluntary Agreements Processed – 9,473

- Stipulations Approved – 5,884
- Awards Issued – 1,049
- Dismissals Issued – 106
- District Forms Processed - 188,485
- GovQA Information and record requests received and completed (starting September 15, 2024) – 4,523
- Proof of Coverage Searches via Web Service - 64,040 by 2,070 users
- Education Services Documents and Forms Provided – 83,084