

Legislative History for Connecticut Act

PA 69-696

Act Number:	696	Year:	1969
Bill Number:	HB 6311		
House Pages:	4009-4016; Special Session 39, 57-69, 114		23
Senate Pages:	3111-3112; Special Session 258-260		5
Committee:	Labor 213-242		30
		Page Total:	58

Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate
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CONNECTICUT
GENERAL ASSEMBLY

HOUSE

PROCEEDINGS
1969

VOL. 13

PART 8

3571-4022

Monday, May 26, 1969

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I will rule at this point that we are in disagreement with the Senate and appoint the following committee of conference: the gentleman from the 148th, Rep. Brown; the gentleman from the 9th, Rep. Klebanoff and after consultation from my good friend from Brodfield and Bethel, the gentleman from the 151st, Rep. Morano.

I think that it is only fitting that Greenwich and Norwalk get together at the end of the day.

THE CLERK:

Back to Page 6. Cal. 1073. Substitute for House Bill 6311. An Act concerning Workmen's Compensation. File 1159.

MR. BADOLATO: (30th)

Mr. Speaker, I move for the acceptance of the Committee's favorable report and passage of the bill.

THE SPEAKER:

Question is on acceptance and passage. Will you remark.

MR. BADOLATO: (30th)

Mr. Speaker, the Clerk has an Amendment.

THE CLERK:

House Amendment Schedule "A" offered by Mr. Badolato of the 30th.

In section 2, lines 8 and 9, strike out the words "twenty-five hundred" and remove the brackets around the words "one thousand". In Section 3, lines 10 and 11, after the word "cases" bracke ", and shall publish the digest of compensation

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decisions" and insert a period in lieu thereof. In Section 6, line 4, bracket the word "maximum". In said section, line 29, insert after the period "In no event shall such employee receive more than the prevailing maximum benefits." In Section 11, line 49, after the word "employment" and "not in excess of twenty-six weeks prior to the date of the injury." In Section 13, line 2, after the word "insurer" add "or employer to whom a certificate of solvency pursuant to subsection (b) of section 31-284 of chapter 568 of the general statutes has been issued".

MR. BADOLATO: (30th)

Mr. Speaker, the amendment Section 2 deletes from the bill the provision that would have increased the allotment given to the Chairman over and above the salary from \$1,250 and it would remain at \$1,000. Section 3 deletes from the bill the requirement that hasn't been in the statutes since 1959 and was placed in the bill by error. Section 6 if allowed to remain, it would exclude from the benefits of the statutes one who is convalescing but anxious to rehabilitate himself sufficiently to return to gainful employment. In line 29, it limits the benefits to the maximum prevailing benefits. Section 13 provides that those employers self-insured would pay pro rata share of the costs of administering this Act. It's a good amendment and I move its adoption.

THE SPEAKER:

Will you remark further on the amendment. If not, all those in favor indicate by saying AYE. Those opposed. The

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Amendment is ADOPTED. It is ruled technical and we may proceed with the bill as amended.

MR. BADOLATO: (30th)

Mr. Speaker, Section 1 redefines the definition of occupational disease to cover any individual who might be exposed to radiation in the course of his employment. Section 2 provides for the commissioners to receive the same salary as that of a Judge of the Court of Common Pleas. Section 3 provides that the Chairman of the Commission shall prepare a budget a budget for expenses of administering the Act each year and requires the commissioners to live within the budget. Section 4 is designed to correct the situation which has been created by the insurance carriers/^{who}deliberately refuse to cover the employers with respect to the operation of their vehicles by their employees. This proposal would nullify the provision that does not provide for complete coverage of the employers including the operation of such vehicles by the employers' employees. Section 5 provides for a cost of living adjustment for injured people. For employees injured prior to October 1, 1969, the amount of the adjustment is limited. In effect what is permitted is that these individuals can pick up a maximum of \$15,00 from their prior compensation to 1969. Thereafter they will get the same kind of adjustments as individuals who are injured after October 1, 1969. Section 6 gives the same cost of living increase to anyone who had reached recovery but then suffered a relapse. Section 7 gives a cost of living increase to anyone

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injured after October 1, 1953 and still on compensation. Section 8 provides for an award of two-thirds of the difference between the pay earned after the accident over what he was earning before the Act. Section 9 reclarifies the dependency allowance payments as not payable for specific or death. Section 10 redefines the maximum rate payable as 60 percent of the average weekly earnings of production and related workers in manufacturing. Section 11 provides that where the employee had been working at more than one job his total pay should be considered to determine his compensation rate and that the employer where the injury occurred pays all medical and dependents' allowance and pro rata share of the rate. The Second Injury Fund would pay the balance in this section. Section 12 gives the employee 10 cents per mile for transportation to and from home or place of employment for any medical treatment if the employee must travel beyond one fare limit. Also it gives him pay for time spent in such treatment and if treatment is not during working hours, reimburses him for that time also. Section 13 provides that all insurance companies and self-insured companies must pay pro rata share of the cost of administering this Act. Section 14 is simply a technical change. Section 15 increases the contribution in the second injury fund from one percent to 1½ percent of the claims paid to be used to pay the cost of living increases for injuries prior to October 1, 1953, and in other cases where there are payments due, without any particular carrier being liable. Section 16 provides that the second injury fund pick

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payments if for any reason employer or its carrier is insolvent.

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Mr. Speaker, at the hearing held on this bill both the employers and the labor organizations supported the bill and felt that it was a proper bill before the Assembly and certainly all of them unanimously supported it and urge its adoption.

MR. COLLINS: (165th)

Mr. Speaker, the Clerk has an amendment and I would indicate that the last two sentences of the amendment are now unnecessary since they have previously been adopted in the House Amendment Schedule "A".

THE CLERK:

House Amendment Schedule "B" offered by Mr. Collins of the 165th. Section 2, line 5, delete the words "Court of Common Pleas" and in lieu thereof insert the words "Circuit Court".

MR. COLLINS: (165th)

Mr. Speaker, I move adoption of the amendment. What this amendment does is very self-explanatory. It puts the Compensation Commissioner on the level with the Judge of the Circuit Court rather than the Judge of the Common Pleas Court. It does accomplish what the original bill was intended to do, was rather than to make a specific salary amount to put him on the same level as a Judge and in case of my amendment, it would be a Judge of the Circuit Court. By doing it this way, we would not be providing for an automatic salary increase at this particular time. It would not need a reference to an appropriation as this bill obviously would if it continued along as

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it is. This bill will cost, the way it is written, oh quickly thinking, some \$30,000 since the Court of Common Pleas Judges are presently paid \$5,000 more than the Workmen's Compensation Commissioners. It is my understanding that the Appropriations Committee today raised the bill which would increase the Circuit Court Judges' salaries rather substantially yet it still would leave a difference between a Circuit Court and Common Pleas Judge. I think that the duties of the Commissioner are certainly more in line with that of the Circuit Judge rather than of the Common Pleas Judge. The amendment would tie it into the equivalent office rather than tying it into one step higher. I think it is a good amendment. I think it will save the State a little money and I heartily urge its passage.

MR. AJELLO: (118th)

Mr. Speaker, for the sake of the record, am I correct in my impression that the last two lines of the amendment as it has been handed to the Clerk are no longer before us. Do you and the Clerk and Mr. Collins and I all agree on that?

THE SPEAKER:

There is agreement on that.

MR. AJELLO: (118th)

I want to be sure the Clerk agrees since he has the amendment. Speaking on the amendment, Mr. Speaker, I speak in opposition to it for two basic reasons. The first is that I disagree with the gentleman in terms of its financial impact. It is my understanding that the Commissioners' remuneration

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comes not from the General Fund of the State but the Workmen's Compensation Fund. Secondly, in terms of concept having had some experience with Workmen's Compensation Commissioners, I found them to be gentlemen who are possessed with considerable expertise in a field which encompasses a broad range of knowledge not only in the Compensation Laws but of medical facts, of court procedures, trial procedures and I think that the important part of what they do, in particular the service they render to the State of Connecticut and to the claimants who come before them, is outstanding. In fact, it is probably unparalleled in any other aspect of our State government,= almost without exception these men are extremely competent, capable, bright and extremely hard-working. So, I think they are indeed comparable to a Judge of the Court of Common Pleas at least and I would prefer as a matter of concept to give them the higher salary.

MR. MCKINNEY: (141st)

Mr. Speaker, it seems to me that the total subject here is just money. I certainly don't discredit these gentlemen. At the present rate, on this amendment, they would be making, roughly I believe, \$17,500, but with the bill raised out of Appropriations today, they would then make \$22,500. Now the bill as is presently stands would pay these gentlemen \$27,500, \$22,500 excuse me. I think we are simply talking dollars and it would seem to me, sir, and I would respectfully suggest to the whole Assembly that \$17,500 without the bill

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raised in Appropriations is a good salary for this particular job and with the bill raised today in Appropriations it will be that much better and I would therefore strongly support the amendment.

THE SPEAKER:

Will you remark further on the amendment. If not, all those in favor indicate by saying AYE. Those opposed. The amendment is LOST.

Will you remark further on the bill. If not, all those in favor indicate by saying AYE. Opposed. The bill is PASSED.

THE CLERK:

Page 5. Cal. 796. Substitute for House Bill 6823.
File 844.

MR. KENNELLY: (1st)

May Cal. 796, Substitute for House Bill 6823, File 844
be passed retaining its place on the Calendar.

THE SPEAKER:

Is there any objection. Hearing none, so ordered.

THE CLERK:

Favorable Report of the House Committee on General Law.
Senate Bill 1112. An Act Authorizing Roberta Trask to Sue the
State.

THE SPEAKER:

Tabled for the Calendar.

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GENERAL ASSEMBLY

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House Bill 8047 be reconsidered.

THE SPEAKER:

The motion is one of reconsideration, will you remark?

MR. AJELLO (118th):

It is not our intention to take this up, we've had quite enough of this subject this year and I would urge that the motion be defeated.

MR. MCKINNEY (141st):

Mr. Speaker, I wonder through you if the gentleman from the 118th might refresh my membrary as to what this bill was.

MR. AJELLO (118th):

I forgot.

MR. SPEAKER:

I am sure that the Clerk has the transcript. I am sure that we will see that transcript again. Are there further remarks on the motion to reconsider? If not all those in favor indicate by saying aye. Those opposed? Reconsideration fails. Will the Clerk please go back to the calendar?

The House will stand at ease. Will the Clerk please call on Page 2 Public Act 696, Substitute for House Bill No. 6311.

THE CLERK:

Public Act 696, Substitute for House Bill No. 6311. An Act concerning Workmen's Compensation.

MR. KENNELLY (1st):

Mr. Speaker, I move for reconsideration of the matter and

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when the vote is taken on reconsideration we urge an affirmative vote; it is our intention to discuss the possible repassage of this matter.

THE SPEAKER:

Will you remark further on reconsideration? If not all those in favor of reconsideration say aye. Those opposed? Reconsideration is granted. The gentleman from the 1st.

MR. KENNELLY (1st):

I move for Public Act 696, Substitute for House Bill 6311. This Act was really in three parts; there were series of technical improvements of the existing law of Workmen's Compensation; there was a new basis for the funding of the workmen's compensation court and there was a .. of the compensation commissioner's salaries. In all the particulars of technical improvement there seemed to have been an unanimity and any executive in his wisdom acknowledged the fact of the merits of the various technical changes but perhaps it escaped the attention of this chamber, as it did in the Senate, was the most fundamental significance bill which refunded or changed the entire funding basis of the administration of the law of workmen's compensation, no longer under this bill will the State of Connecticut, through its general fund and through an appropriation thereof bear the cost of the administration of the Act and when I say the administration of the act I refer not only to judicial salaries but rather

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Commissioner's salaries but salaries of the entire staff; the rental of the quarters where the courts are located and all the various incidents necessary in the administration of this bill. In effect, the refunding of the new funding basis, represents a potential saving to the State of Connecticut in the biennium of approximately \$800 thousands of dollars. In section 3, b, and c, and most particularly under section 13 of the Act, provides that each year annually the workmen's compensation court shall prepare a budget for the prospective fiscal year beginning on July 1st. This particular court is on a July 1 to July 1 fiscal basis, will inventory their expenses. Now first keeping on their budget aspect, which has to be prepared prior to July 1st, the compensation court has a closed end budget, in fact, they are prohibited under the Statute from extending funds in excess of the budget that is submitted and approved and they have to have the approval of the comptroller to exceed any single line item in their budget. I would further note that following the fiscal year, under this bill, the compensation commissioners, the completion of a compensation court fiscal year on any given July 1st. The commissioners will inventory their expenses for the year and the treasurer of the State is mandated to assess the individual workman's compensation carriers for the individual employer if the employer is self-insured for comp and this assessment is based upon a pro rata of proportionment of the amount of payments made by either that insured or that

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self-insured for the previous year. This assessment, in effect, places the entire cost of the workmen's compensation court upon the insured or self-insured on a pro rata basis. This is the reason I said just a moment ago that what we are doing in effect here is saving in the last fiscal year this court approximately 375 thousand dollars in the totality of its administration; it is anticipated the enactment of this bill would run to approximately 400 thousands of dollars for each fiscal year the next biennium so that by changing the funding basis, as section 13 of the bill does, no longer will the court have to call upon the State of Connecticut tax money to provide the necessary approximately 800 thousand dollars, but on the new basis the entire cost, not only the, not merely the increment of the salaries. It has been noted, of course, that in section 2 it provides the, to gear the commissioner's salaries the salary of the Judge of the Court of Common Pleas, this in effect will represent a 500 thousand dollar increase and we have at present six commissioners but the point is that not merely the 500 thousand dollars of increase of salaries will no longer have to be borne by the general fund of the State of Connecticut but not a penny of either the commissioners salaries or anybody's salaries intended upon this court if this bill is repassed, need be paid. In effect, repassage of this bill, at the risk of boring the Chamber, because I don't think it was clearly understood by the Chamber and I don't think it was

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clearly understood by those authorities who reviewed our work; in effect repassage of this bill will save this State in the current fiscal year, 400 thousand dollars and the second year of the biennium an additional 400 thousand dollars. So any criticism of the bill on a cost basis or the fact that there is an increase of cost to the State of Connecticut, I respectfully submit that it does not comport with the new funding basis. The bill in all particulars represents the collective wisdom of those who have been implementing the workmen's compensation law, namely the commissioners themselves, counsels of the commissioners, those attorneys who have occasion to practice before this court and each of the technical changes are indeed improvements upon the law and I don't think there is any controversy about any of the elements of technical change. I would again note that there is a salary increase here and I would say that, in effect, to handle the volume of cases that these commissioners have, as our society becomes increasingly more industrialized, a greater number of employees, higher incidents of industrial accidents, The volume of these courts has been increasing over the years and it seems to me that for the demands that are placed upon these commissioners who are meeting constantly and whose offices have a tremendous volume of work and the problems of the working man in Connecticut; they demand skills that not merely encompass the knowledge of the law, the law of compensation, but demand a knowledge of

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medicine, dental problems, indeed human nature itself. There is a high degree of contact with the public on the part of these commissioners and the injured workmen and I think this is a court that in all its particulars is operated on a kind of over-taxed basis and I do think to gear the commissioner's salaries to the figure of the court of common pleas, namely \$22,500 dollars, is not unreasonable; I think the demands of the work that is involved make this a most equitable and a sound salary adjustment. I would again urge the repassage of what I considered in the Session and upon closer and more careful examination I feel even more strongly about a very sound piece of legislation.

THE SPEAKER:

Are there further remarks?

MR. MCKINNEY (141st):

I find it very difficult to argue with most of the conclusions from the gentleman of the 1st. I do, however, find it extremely sad, in a way, that the other side of the aisle is so eager and so fast to vote down a Republican amendment that would have merely done one thing to this bill and that is put the pay level of these particular commissioners on its own ground and not tie to the judges of the Court of Common Pleas. Remember, no matter how we slice the piece of pie that is in front of us, with what is going on in this Nation, the judges of the Court of Common Pleas are going to be back before this body for an increase of pay in the next Session. In fact,

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in another veto message which we have not discussed before it almost proceeds a partial endorsement. So that to give these particular gentlemen, this incredible, and I call it incredible, potential of two large salary increase increments but the wording of this bill is in our mind, or my mind, a great mistake. I think it is too bad that a bill which has very other worthy aspects to it and which obviously does some things that needs to be done should have this defect and I would only suppose and I would say that it is probably getting in my last lick on this subject that if you had accepted the amendment the Republican side of this House put before you it would have taken this pay scale, tied it to the circuit court pay scale and the circuit court judges proposed increase and we would have had a reasonable basis on which these gentlemen would be paid and we would not have had, I suggest, a veto from the Governor of the State of Connecticut. I think that we didn't do this because frankly there are many things in this bill that probably should be done but I, for the life of me, cannot justify this particular pay increase for this particular job.

THE SPEAKER:

Are there further remarks for repassage of the bill.

MR. KENNELLY (1st):

Speaking for the second time. It would seem to me that the difference between a \$5,000 raise and a \$4,000 raise, well

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it is a thousand dollars obviously but House Amendment Schedule "B" back on the debate on the bill at the time of passage, which was offered by the very distinguished gentleman from Brookfield, the gentleman from the 165th, would have geared the salary as the Minority Leader indicated, to the salaries of the Circuit Court Judges. I would remind the Minority Leader that we passed a bill increasing the salaries of the Circuit Court Judges by some \$4,000^{of}/dollars to \$21,500. It seems to me that the difference to gearing workmen's compensation commissioner's salaries to the present level of the Court of Common Pleas Judges, which is \$22,500 or the Circuit Court, really is a matter that for me is almost impossible to distinguish. I cannot stand here and say that it is totally and utterly precisely the correct figure, \$22,500 and that \$21,500 is incorrect and inappropriate. I think we are splitting hairs and I think it is impossible for we as Legislators to reasonable evaluate whether \$21,500 or \$22,500 is, should be the proper salary for compensation commissioners. But I would remind the members that we are not talking here, we are talking about the difference of gearing it to the Circuit Court Judge level or the Court of Common Pleas level, we are really talking about the difference between \$21,500 and \$22,500 and for my part I can't make that distinction, I don't know that any personnel officer with all of the expertise of his

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commands could make that distinction so I must reiterate my judgment that basically the fact of raising these salaries to \$22,500 is sound and is well taken and I would certainly hope that no individual on either side of the aisle rejects a very sound piece of legislation because they feel the raise is a thousand dollars too high. To me that is kind of begging the question, it is avoiding the issue, it is a very very narrow basis on which to reject a very sound piece of legislation and to implement a raise that is certainly very much in order.

MR. SPEAKER:

The gentleman from the 29th.

MR. GAFFNEY (29th):

It pains me to rise in opposition to my distinguished minority leader but I speak in favor of the bill for these reasons. I don't think the bill is perfect and I don't think every bill we have passed is perfect but I think it is a good bill, I think the good parts of the bill override the bad parts. The fact that the increases, salary increases is tied to the common pleas means nothing to me because if it is really that obnoxious we can change it the next time around. If we want to raise the common pleas judges we certainly can change the law so I must consider these facts and I find that the bill is a good bill, it clears a lot of the mistakes we made in 1967 and I am sure that if there are any mistakes in this bill we will clear them up in 1971 and I therefor am in favor of this

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bill.

MR. SPEAKER:

Are there further remarks on the bill?

MR. AJELLO (118th):

I would rise briefly in support of the bill and point out to the members that it is our hope to recess in order to watch the gentlemen who are on the moon leave it in approximately five minutes, I understand, so I would urge everybody to brief so that I will. For this bill I think the commissioners perform a most valuable service and any of us who have been into their offices would, who have seen the knowledge they bring to their jobs and the care that they exhibit in their concern for the claimants who appear before them whether or not they are represented by attorneys would endorse this whole heartedly.

MR. COLLINS (165th):

Mr. Speaker, I promise to be briefer than the distinguished Majority Leader. I find myself in a strange position in opposition to my good friend Mr. Gaffney on the right and in support of the Governor's veto, about the only thing I can say is at least they are both Irishmen. I do think the Governor has pointed out a very serious problem in this particular bill and I would just like to highlight it; in his veto message he indicates that there are a number of worthy considerations in this bill but unfortunately like many bills in this legislature,

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some very unpalatable things are snuck in along with good items simply for the sake of getting the bad things through because they wouldn't be able to stand on themselves and I think the majority leader has pointed out the seriousness flaw in this bill, is that by tying into the court of common pleas salaries, not only would they have an immediate \$5,000 increase but very likely the move which probably will come to increase the common pleas salaries next year and it is conceivable that they would get an even greater increase in the next session and this would give them potentially a very substantial increase over two years; the salaries of the workmen's compensation commissioners should be fair, should be just, they should stand on their own and should not have to be tied into anotherwise good bill.

THE SPEAKER:

Are there anyother minority leaders who would like to be heard on this bill?

MRS. ter Kuile (172):

There is one section of this bill that hasn't been talked about and I think it is rather important, it is very important to me, and this is why I am voting for the bill. In section 5 I understand that the cost of living payments adjustment have been held up to some of our totally disabled people because technical classifications of this board, clarifications of this board, need it. Section five takes care of this problem and I have been told that it has been estimated 50 totally disabled connected with each commissioner's office and this makes only

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350 out of a total working force of over a million who need this legislation, however, these 350 are totally permanently disabled, and if their cost of living adjustments are held up, to me, I think this is worthy.

THE SPEAKER:

Are there further remarks?

MR. SARASIN (95th):

I rise to support the bill and very briefly I think it is a good bill and would like to associate myself with the remarks of the gentleman on the other side of the aisle; I think Mr. Kennelly has pointed out the need for financial staffing and I understand from a very small radio behind, Mr. Speaker, that the astronauts are about ready to blast off and I wonder if we might be able to tie in through the speaking system with that very small radio. They are about ten seconds away sir.

THE SPEAKER:

We can blast off if we cut off, are there further remarks? If not let me announce outside. Someone has just told me they are off the moon. May I suggest to show our feeling on this situation that we rise for a moment with silence because that it is the feeling I am left with under these circumstances.

(Moment of silence) Are there further remarks before we vote?

If not will the members be seated and the aisles cleared.

Is your vote properly recorded? The machine will be locked and the Clerk will take a tally.

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THE CLERK:

Total number voting: 162

Necessary for/^{re}passage: 118

Yea: 139

Nay: 23

Absent: 15

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THE SPEAKER:

The bill is repassed. Will the gentleman from the 118th and the 141st come to the rostrum please. The House will stand at ease. The module is off the moon and it is the feeling that we would like to have our business finished before we recess.

THE CLERK:

Page one of the Calendar. Special Act 214. Modified House Bill No. 5805. An Act Amending the Charter of the City of Derby.

MR. AJELLO (118th):

I move that Special Act 214, modified House Bill 5805 be reconsidered.

THE SPEAKER:

The motion is one of reconsideration, will you remark?

MR. AJELLO (118th):

This is an item on which I intent to support reconsideration and I would point out to the members of the House that there is not an agreement between the leaders on both sides of the aisle on reconsideration of this matter and in all fairness I would like that clearly understood in the beginning. If I may refresh

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vene only for the purpose of adjourning without date.

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MR. SPEAKER:

I would indicate that if your presence is needed I will see to it that telegrams will be sent to all of you. I would hope that we would not have to give the additional business to Western Union. The Clerk is awaiting Public Act 616 and the best evidence we have is that it will be about ten minutes more before that item will be received by us and so this House will be in recess until that time. Stand at ease until that time.

Will the House please come to order. We have received notice that the last item, Public Act 616 did not receive sufficient votes for repassage and override the veto and therefore it will not be received for consideration. It is our understanding that Public Act 865 will not be taken for consideration by the Senate. Therefore, none remains before the House. This finishes the House items that were repassed here today. The gentleman from the 118th.

CARL R. AJELLO, 118th District:

Mr. Speaker, I move suspension of the rules for immediate transmittal to the Senate of the following bills passed earlier in the House today, Public Act 680, House Bill 8117; Public Act 696, Substitute for House Bill 6311; Public Act 749, Substitute for House Bill 8566; Public Act 784, House Bill 5102.

MR. SPEAKER:

Motion is for suspension for immediate consideration, is there objection, hearing none, the motion is on transmittal, ~~we had earlier today transmitted one item, we have the four re-~~

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people in these three professions.

THE CHAIR:

Are their further remarks on this bill as amended. If not, as many who are in favor signify by saying aye, opposed. The bill is passed as amended.

THE CLERK:

Calendar No. 1217, File No. 1159. Favorable report of the Joint Standing Committee on Labor on Substitute House Bill No. 6311. An Act concerning Workmen's Compensation as amended by House Amendment Schedule A.

SENATOR MILLER:

Mr. President, I move acceptance of the Joint Committees favorable report and passage of the bill as amended.

THE CHAIR:

Question is on passage of this bill. Will you remark.

SENATOR MILLER:

Mr. President, the original bill called for an increase of twenty-five hundred dollars for the Chairman of the Commission. The House Amendment reduces it back to a thousand dollars and the amendment also limits the benefits to a maximum prevailing rate and some of the important changes are, it adds to the coverage under the act, disease resulting from exposure to radioactive material. It increases the salary of the commission to that of the, commissioners, to that of the common pleas judge. Makes mandatory that no injury insurance policy covering an automobile accident can any longer exclude actions by fellow employees a-

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gainst each other and it provides that insurance companies and self insured companies must pay a pro-ratio share in the cost of administrating the act.

THE CHAIR:

Any further remarks on the passage of this bill as amended. If not, as many who are in favor signify by saying aye, opposed. The aye's have it, the bill is passed as amended.

THE CLERK:

Return to Calendar No. 1215, File No. 1164. Favorable report of the Joint Standing Committee on Judiciary and Governmental Functions on Substitute House Bill No. 7690. An Act concerning Releases of Satisfied or Partially Satisfied Mortgages and Liens.

SENATOR PICKETT:

Mr. President, I move for acceptance of the Committees favorable report and passage of the bill.

THE CHAIR:

Question is on passage of this bill. Will you remark.

SENATOR PICKETT:

Mr. President, all too often attorney's who have been trying to attain releases of mortgages or other liens and soforth, have encountered difficulty in obtaining these releases, even upon a bona fide attempt to pay off the encumbrance. By inspecting the statutes we find the fatality for the original grantee for failing to furnish with the release, is merely five dollars per week. The sum totally unrealistic, therefore, we have increased this penalty from five dollars to fifty dollars for each week with a

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Those voting Nay were:

None

Those absent and not voting were:

Senator Hammer of the 12th district.

In accordance with joint rule 14 of the reconvened 1969 General Assembly the Governor's veto was overridden.

THE CHAIR: In the opinion of the chair the bill is passed and the veto is overridden.

THE CLERK: On your calender Public Act 696. Favorable report on Labor Substitute House Bill No. 6311. An act concerning Workmen's compensation

The bill is accompanied by the Governor's Veto Message.

SENATOR MILLER:

Mr. President: I move that we repass act 696 in concurrence with the House. This bill increases the salary of the Commissioners. The Workmen's Compensation clause would be changed. It provides for cost of living adjustments for injured people. The individual who is totally incapacitated prior to October 1, 1963 would be entitled to receive the amount of the award

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plus the cost of living adjustment for a person injured prior to October 1, 1969. That is a maximum of 15.00 initially and this sum would be paid out of the injury fund. At the present time the second injury fund is paying only the individual award as of the time of the injury. The second injury fund is increased from 100,000 dollars to 250,000 dollars and the contribution raises it from 1% to 1½%. The cost of administering the Workmen's compensation act in Connecticut runs about 350,00 dollars a year in the past the state it came out of the state budget in the future and under this bill it is going to be paid by the carriers. It is a great step forward and it also holds about 4 or 500 people who are totally disabled now and I hope this circle will give this bill an unanimous vote like it did the last one.

THE CHAR:

If there are no further remarks the vote will be taken by roll call.

THE CLERK:

Roll call vote has been ordered. Are you ready for the vote.

This on Public Act 696 Concerning Workmen's Compensation.

The following is the result of the roll call.

Those voting yea:

Senators	Fauliso	1st district
	Barlow	2nd district
	Burke	3rd district
	Barry	4th district
	Jackson	5th district
	Amenta	6th district
	Alfano	7th district
	Barnes	8th district
	Eddy	9th district
	DiRienzo	10th district
	Marcus	11th district
	Miller	13th district
	Schaffer	14th district
Verriker		15th district

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Tansley 16th district
Buckley 17th district
Palmer 18th district
Stanley 19th district
Moore 20th district
Gunther 21st district
Lyddy of the 22nd district
Caldwell 23rd district
Hull 24th district
Dowd 25th district
Hickey 27th district
Rudolf 28th district
Dupont 29th district
Minetto 30th district
Minielli 31st district
Pickett 33rd district
Barbato 34th district
Houley 35th district
Finney 36th district.

Those voting Nay were:

None

Those absent and not voting

Hammer of the 12th district

Lupton of the 26th district

Ives of the 32nd district.

In accordance with Joint Rule 14 of the reconvened 1969 General Assembly the Governor's Veto was overridden.

THE CHAIR: In the opinion of the chair the bill is passed and the Governor's veto is overridden.

THE CLERK:

Public Act No. 680. House Bill No. 8117. An act concerning the rights of accused persons to examine statements. This is accompany by the Governor's Veto message.

JOINT
STANDING
COMMITTEE
HEARINGS

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Chr. Badolato: your views, so we will hear from the employers' viewpoint on all of the Bills before us today on Workmen's Compensation.

L. Lemaire: Leon Lemaire speaking for the Manufacturers' Association of Connecticut.

We have quite a few experts in the field of Workmen's Compensation here from some of our member companies who will be speaking about specific Bills that are before you today and I will keep my comments relatively short.

There are some aspects of H. B. 6311 (Rep. Badolato of the 30th) AN ACT CONCERNING WORKMEN'S COMPENSATION, which is the major Bill, as I see it, which I will speak to. But, if I may, I will just read through the list of Bills that we wish to support or oppose and basically our position on it.

S. B. 600 (Senator Jackson of the 5th) AN ACT CONCERNING WORKMEN'S COMPENSATION -- AVERAGE WAGE, which would eliminate apportionment of the benefit rate from the Second Injury Fund is not necessary if a similar provision in H. B. 6311 (Rep. Badolato of the 30th) AN ACT CONCERNING WORKMEN'S COMPENSATION is adopted. So, we do support the principle of allowing apportionment only in those instances in which an employee would otherwise not receive the maximum benefit rate through the employer in whose employ he was injured.

We support S. B. 344 (Senator Dowd of the 25th) AN ACT CONCERNING MEDICAL REPORTS IN WORKMEN'S COMPENSATION CASES, which would require the submission of medical reports in Workmen's Compensation cases within a reasonable period of time. I would leave it to the discretion of the Committee as to what that reasonable period of time would be. But, the Bill itself does provide for the furnishing of such reports within four days following the initial treatment.

We oppose H. B. 8010 (Rep. O'Neill of the 7th) AN ACT CONCERNING AUTHORIZING ACTIONS FOR PERSONAL INJURIES BY EMPLOYEES AGAINST EMPLOYERS, which would authorize personal injury actions against employers in lieu of the acceptance of the Workmen's Compensation benefits in a given case. As you recall, Mr. Chairman, you headed up a sub-committee between the 1967 and 1969 Session and studied this particular question at length and testimony was offered at that time by our Association and others who are here this morning. I won't repeat all the arguments that would militate against such a proposal and hope that you would continue to oppose the opening up of negligence actions in the case of Workmen's Compensation injuries.

We oppose H. B. 7947 (Rep. McLoughlin of the 132nd) AN ACT

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L. Lemaire:

CONCERNING PAYMENT OF ADMINISTRATION COSTS OF THE WORKMEN'S COMPENSATION ACT, which would provide for the payment of administrative costs of the operation of the Workmen's Compensation system by insurers and self-insureds. We believe our Connecticut system is a good one. Budgets have to be submitted to the Department of Finance and Control and are part of the Governor's budget and are under constant scrutiny of government itself. We think it would be a sad mistake for the Commission to operate on a basis of contributions on the basis of expenses in the previous year. The Governor has already included this, by the way, the cost and operation of the Workmen's Compensation system in the current budget, which you have before you.

I don't know what H. B. 7827 (Rep. O'Neill of the 7th) AN ACT INCREASING WORKMEN'S COMPENSATION BENEFITS, purports to do, but whatever it does, I am opposed to it.

H. B. 6311 (Rep. Badolato of the 30th) AN ACT CONCERNING WORKMEN'S COMPENSATION, appears to be the major Bill and I have been informed that it was introduced at the request of the Connecticut State Labor Council, AFL-CIO, and many parts of the Bill are good. I have a few comments on the Bill itself and I won't take too much time because I know there are others here who have some detailed suggestions to make in changing the language to make it clearer as to what the Bill purports to do.

Essentially, I would oppose that provision in the Bill which would again shift the burden of the administrative costs of operating our Workmen's Compensation system from the State to the insureds and self-insureds. I would oppose an increase in the Second Injury Fund Contribution, which is currently 1% of pay-out on Workmen's Compensation cases to 1½% as proposed in the Bill. I had hoped that, perhaps, the employee representatives would give us figures as to why it is necessary to increase this amount, but the burden of Workmen's Compensation Insurance was substantially increased in the last Session. Our rates were increased as high as 25% and 30%, in some instances, due to the action of the General Assembly in 1967 and we would hope that you would recognize this and keep the cost of this program within bounds.

With respect to the various provisions on Cost of Living, we will have suggested language changes, perhaps, to clarify some of these Sections; in particular, the use of examples in the Statute which I feel is out of order and Section 5 and Section 6. We will furnish, at some point, probably next week, some suggested language changes.

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L. Lemaire:

We also question Section 10 and the import of that Section with respect to who shall be included in the definition of production related workers. My understanding has always been that the average was gathered from the typical below-supervisory level and we merely question whether or not this definition is one which is arrived at through normal survey data furnished to the Department of Labor for purposes of establishing the average wage used nationally by the Wage and Hour Division.

We would oppose the payment of average hourly wage to employees receiving medical treatment during non-working hours. Now, any responsible employer that provides medical care for his people through plants, hospitals, or through physicians on call, ought to have the right, certainly, to have the employee use the facilities that are available and not to give, what I think would be, an opening for an employee to simply decide that he will go to his family doctor and because of the relationship be able to say to his family doctor, 'that I will be paid if you can only arrange my treatment in the evening hours after work because they are going to pay me for it'. The family doctor, who probably doesn't like to conduct his treatments in the evening hours anyway, would maybe feel an obligation to do so with the pressure on. So, I think it is bad. I think that an employee who is injured on the job is sufficiently compensated if you make up any loss of wages that the individual might otherwise have received. So, we would oppose the extension of payments for time lost due to medical treatments outside of working hours.

Unless it can be shown that the maximum limit for the Second Injury Fund necessarily must exceed the present \$100,000., I don't think that the Fund ought to be enlarged to \$250,000. I don't understand why that kind of money is necessary even with the Cost of Living increases that are provided in this Act. Thank you.

Chr. Badolato: Thank you.

D. Van Winkle: Mr. Chairman and Members of the Labor Committee. My name is Dale Van Winkle. I am here representing United Aircraft Corporation. We have comments with respect to a few portions of H. B. 6311 (Rep. Badolato of the 30th) AN ACT CONCERNING WORKMEN'S COMPENSATION, specifically with respect to Section 1.

There is a definition of occupational disease which was submitted to clarify and simplify, but I am afraid needs some reworking in order to make it adequate. I don't think we should clutter up the language of our Statute with language which may not be clear merely in response to an erroneous report by a

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D. Van Winkle: trade association or the American Bar Association Journal, or whatever it may be. We have a definition here which is comprehensive and general and includes radiation injury. However, when you add language which says that you are only covering radiation injuries which result from contact with radioactive material, you are eliminating various other kinds of injuries or disease which result from radiation. I am speaking now with respect to electro-magnetic radiation, radiation from radio-frequency, infra-red, and that type of radiation. So, what I am saying is, by adding this instead of expanding the coverage, you are actually cutting it back and perhaps eliminating certain claims that would now be covered.

Changing to a different topic, Section 4 of the Bill has to do with a fellow-servant rule. In 1967, we enacted this, including an exception for injuries arising out of motor vehicle or involving motor vehicles. The Bill, this year, seeks to expand on that. I think the exception is basically a poor one, anyway. There is really no reason for this and all of the good reasons for having the fellow-servant rule apply here. But, I think it is even more important right at this time when Insurance Commissioner Cotter is pointing out that our insurance negligence system for automobile matters doesn't really work and we ought to be going towards a compensation system. So, what I think that we are doing here is, we're going just in the opposite direction. We're setting up a negligence system which isn't working - we're setting that up between fellow employees - when it doesn't work between ordinary citizens and we ought not be doing that. We ought to preserve the benefits of the Workmen's Compensation system. Of course, it isn't clear in this Section whether or not the claim based on negligence is in lieu of the Workmen's Compensation system but rather looks as though the employee could take the Workmen's Compensation benefits and then take a gamble on whether or not he could recover something from his fellow employee.

Turning to Section 5, this deals with Cost of Living adjustments. I call to your attention that the Section gets off on a bad foot by referring to benefits granted under Section 10, whereas Section 10 really grants no benefits whatsoever. It merely imposes the maximum limitation. Section 10 is the right Section to refer to but the language is erroneous in saying that it grants benefits.

I think, also, the principle of allowing benefit increases based on Cost of Living in absolute dollars is erroneous. As it was originally set up, it was intended that if the Cost of Living went up 3%, then the benefits payable to

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D. Van Winkle: each employee went up 3%. The way this is written, if the maximum goes up \$4., each employee's benefit goes up \$4. So, the employee who is getting the minimum of \$20., gets a \$4. increase or a 20% increase. The employee who may be getting \$60., gets the same \$4. increase or 6 and 2/3%, but it really has no equitable basis to it.

I would also, very briefly, like to reiterate the opposition to the Section which would grant hourly wages for time in medical treatment during non-duty hours. We do not see the equity in having an employee work 40 hours during the week and then scheduling his medical treatment so he can have them on Saturday and we have to pay him over-time, double-time, or triple-time, perhaps, for the time that he spends in medical treatment.

Also, we object to transferring the expenses of the Workmen's Compensation system to the insurers. Of course, that will be passed on to the industry of this State and merely another form of tax. We would like to have our taxes out in the open so people know what is being paid. The corporations of this State are already the highest taxed of any state in the Northeast and we object to having this tax passed on in this way which doesn't immediately come to the attention. Thank you very much.

Chr. Badolato: Thank you. Is there anyone else that wishes to be heard expressing the views of the employer on any of these Bills before us today?

A. Hahn: Good afternoon, gentlemen. My name is Allan Hahn. I am representing the Stanley Works in New Britain. We would also like to voice our opposition to a few of these Bills. After Mr. Van Winkle got through, he took a lot of the words out of my mouth for which, I am sure, you are going to be thankful but, if I may, I would like to express our feelings in some of these cases. We would agree with S. B. 344 (Senator Dowd of the 25th) AN ACT CONCERNING MEDICAL REPORTS IN WORKMEN'S COMPENSATION CASES. This has proven to be quite a deterrent in settling these claims. I am at the Commissioner's Office at least once a week and I have been doing this for some 32 years and the failure of the doctors to provide us promptly with medical information has proven to be the one big stumbling block that we are all faced with in trying to settle these claims. I would amend this instead of 4 days, I think a reasonable time of one week would be preferable.

We also object to the administrative changes in 3N-13, passing this cost back to us as a hidden tax. We feel that we

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A. Hahn: are doing everything that we can and we do not feel that we should be taxed in addition in this area.

We would agree with H. B. 6311 (Rep. Badolato of the 30th) AN ACT CONCERNING WORKMEN'S COMPENSATION, on Section 9. We are glad to see that one piece of the misinformation that came out two years ago has been cleared up and that is, that the limits on dependency will now be restricted to temporary total disability.

It would appear to me as an interested party, that the Workmen's Compensation Law should not take upon itself the right to decide how our fellows; such as, the Insurance Commissioner and the American Medical Association should conduct their business and that is essentially what we are doing with a couple of these changes. Section 4 of H. B. 6311 (Rep. Badolato of the 30th) AN ACT CONCERNING WORKMEN'S COMPENSATION, wants to make a ruling against what the Insurance Commissioner has already okayed and administrative changes taking the funds out of the manufacturers' pocket to cover an item that is being covered by taxes today.

We would, of course, also express our opposition to the additional compensation for medical treatments after-hours. Here, once again, we are telling medical people how to conduct their practice. Most of your medical people today have day-time hours or work-time hours for the treatment and evaluation of Workmen's Compensation cases. This is the most logical way for them to do it and they keep their evening hours for their non-occupational patients and I don't see any reason why we should have a change in this area. Thank you very much.

Chr. Badolato: Thank you.

Mr. Burger: Mr. Chairman. My name is Mr. Burger. I am from the National Gypsum Company in New Haven. I am here to talk on Section 12 of H. B. 6311 (Rep. Badolato of the 30th) AN ACT CONCERNING WORKMEN'S COMPENSATION.

The opposition we have on this is, originally we took the right of employee to receive competent medical care by competent medical people who were hired by them and now we have gone further and said that the employee can go to any medical man he wishes at any time he wishes, essentially, and we are essentially asking for them to have the right to get extra-curricular medical care. I feel that it is wrong because of the connotation it has and I think it will be abused to the detriment of the industries in the area. Thank you.

Chr. Badolato: Thank you.

H. E. Snoke: Mr. Chairman, Members of the Committee. I am Harmon E. Snoke,

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H. E. Snoke: Executive Vice-President of the Manufacturers' Association of Bridgeport. I want to agree with what Mr. Lemaire and Mr. Van Winkle said about this Bill. However, I would like to touch on a couple of things. (1) We feel that the Commissioners should be paid more. We feel that they are earning it and we think that they should be properly compensated.

I have a real concern, however, for this thing that says, in addition they are going to pay the Chairman 2500 and they have taken out the word dollars annually in the brackets and I don't know whether it's bananas, money, marbles, or chalk. Now, I thought that after the last experience last time that this would be a very clean Bill and we wouldn't have such concerns, but if you look on the first page on Section 2 in about the 6th or 7th line, it says 2500 and doesn't say what. So, I hope that may be clarified. But, we do feel the Commissioners should be paid more money.

Another matter is this change from the average production wage to average weekly earnings of production and related workers in manufacturing in the State, etc. We might benefit, maybe, by some explanation of that. We would like to raise the question of what does it mean - on what basis is that based that is different from what was known in the past as the average production wage. We might feel it was good or worse but we don't know which it is, at this point. It is on Page - the pages aren't numbered here - it is right in the middle of the Bill, H. B. 6311 (Rep. Badolato of the 30th) AN ACT CONCERNING WORKMEN'S COMPENSATION - it is right in the middle fold there, in Section 10. This might be good. It might be worse but we would like to know what it is before we would say anything that it is a good thing.

There is another Bill in here, however, S. B. 1327 (Senator Lyddy of the 22nd) AN ACT CONCERNING INCREASING THE NUMBER OF WORKMEN'S COMPENSATION COMMISSIONERS AND CHANGING THE AREAS COVERED BY CERTAIN COMMISSIONERS, which we are concerned about and that is that we probably have as excellent a Commissioner of Workmen's Compensation in our area as there could be found anywhere and this would change the 4th District. Now, he is presently working everything in what was the old 4th Congressional District, except Stratford. Now, this is part of our labor market area. It centers in Bridgeport but the people there have to go to New Haven unless the Commissioner from New Haven can come over and use Mr. Zalinsky's Office the days he is in Stamford and it is making quite an inconvenience. However, we all feel down our way, that Mr. Zalinsky is overloaded and, although I think there is a floating Commissioner here in the State that helps pick up the load, that it would be certainly discreet if the Commissioner in the 4th District was changed

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H. E. Snoko: as outlined here to take in Bridgeport, Fairfield, Trumbull, Stratford, Easton, Monroe, Newtown, Shelton, in the County of Fairfield and the other things I think would be put in the new 7th District which would embrace Norwalk, Danbury, Darien, Greenwich, New Canaan, Weston, Westport, Wilton, Bethel, Redding, and Ridgefield in the County of Fairfield. Now, as you may know or may not know, the industrial development on Route 7 from Norwalk to Danbury and over in that area, has increased tremendously in the last few years. A number of new companies have moved up into the Stamford area and this has just really almost doubled the load on the Workmen's Compensation Commissioner in the last ten years.

So, we would bespeak your favorable consideration of adding in a new Commissioner as set forth in H. B. 1327 (Senator Lyddy of the 22nd) AN ACT CONCERNING INCREASING THE NUMBER OF WORKMEN'S COMPENSATION COMMISSIONERS AND CHANGING THE AREAS COVERED BY CERTAIN COMMISSIONERS. Thank you.

Chr. Badolato: Thank you. Is there anyone that cares to be heard on the side of the employer? The mike that we are using is at Seat #99.

Kenneth Stebens: I am Kenneth Stebens of the Avco Corporation, Lycoming Division. We would like to support S. B. 1327 (Senator Lyddy of the 22nd) AN ACT CONCERNING INCREASING THE NUMBER OF WORKMEN'S COMPENSATION COMMISSIONERS AND CHANGING THE AREAS COVERED BY CERTAIN COMMISSIONERS.

As probably many of you people are aware, the Lycoming Division is now under the jurisdiction of Commissioner Harry Koletsky who is located in the New Haven Workmen's Compensation Office at 270 Orange Street, New Haven. During the period of March 1, 1968 to March 1969, it has been necessary for us to send a total of 12,019 employment candidates to the Commission Office in New Haven for the purpose of having disability waivers signed. During this period of January 1, 1968 to December 31, 1968, a total of 63 Workmen's Compensation Hearings were held at the Commissioner's Office in New Haven. In the current year, from January 1st to the present, there has been a total of 49 Hearings involving employees held at the Commissioner's Office in New Haven. The sudden increase during the year of 1969 is probably evidence of the more frequent use of the disclaimer by the insurance carrier. The above case load is heavy and should be related to convenience, distance and transportation, parking, etc.

A large majority of the employees involved in Workmen's Compensation procedures, waivers, etc., are from what we might be called the under-privileged or the less fluent segment of our society who do not have cars and whom trips to New Haven create a serious hardship. The distance from Avco-Lycoming Division, 55 Main Street, Stratford, to the New

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K. Stebens: Haven Workmen's Compensation Office at 270 Orange Street in New Haven, is between 16½ to 17 miles. The only means of reaching this office is by automobile and no other public transportation. A one-way trip to New Haven entails 30 minutes. A trip from Avco-Lycoming Division in Stratford to the Bridgeport Workmen's Compensation Office, 114 State Street, is 3½ to 4 miles. A relatively short trip. This office can be reached by a C. R. & L. bus which stops at the Lycoming Division Plant.

The above information makes it obvious that from the large work load, it would be more economical and more expedient to report to the Bridgeport Workmen's Compensation Office at 114 State Street, which under S. B. 1327 (Senator Lyddy of the 22nd) AN ACT CONCERNING INCREASING THE NUMBER OF WORKMEN'S COMPENSATION COMMISSIONERS AND CHANGING THE AREAS COVERED BY CERTAIN COMMISSIONERS, would be under the jurisdiction of the 4th Workmen's Compensation District. Thank you.

Chr. Badolato: Thank you. Is there anyone else that wishes to be heard expressing the view of the employer? There being none, then we will now spend the next hour, if necessary, in hearing the views of the employee.

T. Koskoff: Mr. Chairman. My name is Theodore Koskoff. I live in Westport. I am here on behalf of the Connecticut Trial Lawyers' Association.

The Connecticut Trial Lawyers' Association wishes to go on record as supporting H. B. 6311 (Rep. Badolato of the 30th) AN ACT CONCERNING WORKMEN'S COMPENSATION, and we are particularly interested in that Bill - portions of H. B. 6827 (Rep. Pac of the 31st) (By Request) AN ACT CONCERNING THE SALARY OF COMPENSATION COMMISSIONERS UNDER THE WORKMEN'S COMPENSATION ACT, and S. B. 1327 (Senator Lyddy of the 22nd) AN ACT CONCERNING INCREASING THE NUMBER OF WORKMEN'S COMPENSATION COMMISSIONERS AND CHANGING THE AREAS COVERED BY CERTAIN COMMISSIONERS.

I would like to speak just very briefly on S. B. 1327 (Senator Lyddy of the 22nd) AN ACT CONCERNING INCREASING THE NUMBER OF WORKMEN'S COMPENSATION COMMISSIONERS AND CHANGING THE AREAS COVERED BY CERTAIN COMMISSIONERS. The other speakers who have spoken seemed to have all approved the idea of putting Stratford, which has Bridgeport, Lycoming, and the Sikorsky Plant, into a district which is closer to the base of operation. Consequently, we wish to go on record as supporting the changes outlined in S. B. 1327 (Senator Lyddy of the 22nd) AN ACT CONCERNING INCREASING THE NUMBER OF WORKMEN'S COMPENSATION COMMISSIONERS AND CHANGING THE AREAS COVERED BY CERTAIN COMMISSIONERS.

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T. Koskoff:

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I know that this is the year of austerity and that the Legislature is cost conscious. I don't think that the fact that this is the year of austerity, however, should militate against the proposed raises in the salaries of Compensation Commissioners. I have spent the better part of my life in the courts of this State and in the Compensation Commissioners' Offices from time to time and I know it is unnecessary to tell you the vast volume of work and the enormous burden that they have imposed upon them. They perform not only administrative functions but very important judicial functions. They probably reach more of the actual payment of money in the State than does any other comparable system in the State. To have the salary that these gentlemen have who do the kind of work they do, I think, is undignified.

Today, in the labor market, a lawyer who graduates from law school can go to New York and get \$15,000. or \$18,000. a year, fresh out of law school. To have mature men, good men, dignified men, men with enormous capabilities, working for the kind of salaries that they get is, as I said, undignified.

I, therefore, propose that the Connecticut Trial Lawyers of Connecticut support either the provisions of H. B. 6311 (Rep. Badolato of the 30th) AN ACT CONCERNING WORKMEN'S COMPENSATION, which places the salary of the Compensation Commissioner on a par with the Judges of the Common Pleas Court or the other Bill, which raises their salaries to \$25,000.

We also would like to support H. B. 6019 (Rep. McLoughlin of the 132nd) AN ACT CONCERNING A DISABILITY PENSION FOR WORKMEN'S COMPENSATION COMMISSIONERS and H. B. 7886 (Rep. McLoughlin of the 132nd) AN ACT CONCERNING DEATH BENEFITS FOR WORKMEN'S COMPENSATION COMMISSIONERS, which provides for disability pension payments for Workmen's Compensation Commissioners and death benefits for Workmen's Compensation Commissioners. It seems to me that after these men have devoted so many years of their lives to the service of the State of Connecticut in such an important fashion, that they should not be disregarded and, as I say, although we realize that this is the year of austerity, we think that this is the year which this should be done. Thank you very much, Mr. Chairman.

Chr. Badolato: Thank you. For the record, I have a communication here from the law offices of Januszewski, McQuillan and DeNigris, expressing support of H. B. 6311 (Rep. Badolato of the 30th) AN ACT CONCERNING WORKMEN'S COMPENSATION.

Honorable Dominic Badolato
Representative, 30th District
Chairman-Committee on Labor

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Chr. Badolato:

Re: Bill No. 6311
Act Concerning Workmen's
Compensation

Dear Mr. Badolato:

Please accept this letter as my endorsement of Bill No. 6311, which is an Act concerning Workmen's Compensation. I am sorry that a previous commitment in Boston will prevent my personal appearance before your Committee to urge adoption of this Bill. I have, however, spoken to you personally on several occasions, expressing my views and strong endorsement of this Bill.

As an Attorney actively practicing in all of the courts in the State of Connecticut, as well as before the Workmen's Compensation Commission, I am well aware of the great volume of work, as well as the responsibilities of the Workmen's Compensation Commissioners. It is my belief, that in comparison with other like positions in our state government, that the remuneration for the Workmen's Compensation Commissioners is wholly inadequate. The important responsibility the Commissioners have in keeping a proper balance between the interest of the employer, the employee, and the insurance company, is of great concern to all the people of our State. Unfortunately for them there is little glamour to their work, and therefore, little notoriety of recognition for their services.

I am sure that you and the other members of the Commission are fully aware of this problem and in order to maintain the high quality of the Commissioners, I strongly trust that you will adopt this Act.

Very truly yours,

(signed)

Paul J. McQuillan

Frank Burns:

Mr. Chairman. Frank Burns of Hartford, Chairman of the Legislative Committee of the Connecticut State Firemen's Association. Thank you, Mr. Chairman and Members of the Committee, for your courtesy in allowing us to get the first part of the second hour. We will be very brief. We have just a couple of speakers who will hit some of the highlights in the changes in the Bill affecting Workmen's Compensation for Volunteer Firemen. They are worthy changes and worthy of your consideration.

Also, Mr. Chairman, you have in your Committee a Bill referring to some changes in Section 7314A, which is not on

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F. Burns: your calender today but this particular Bill, the language has been included in the Bill that is being heard today. I urge your Committee to give a favorable report to H. B. 8506 (Rep. Badolato of the 30th) AN ACT CONCERNING WORKMEN'S COMPENSATION FOR VOLUNTEER FIREMEN. I will ask Mr. Reynolds to be very brief in his remarks but it is very important that he do tell you something about the workings of the Volunteer Firemen's Compensation Act. Thank you.

Chr. Badolato: Thank you.

H. Reynolds: My name is Howard Reynolds of Mansfield. I am representing the Connecticut Association of Fire Chiefs. Our organization wishes to go on record in favor of this Bill in its entirety and I would just like to mention a couple of Sections of it. On the first page, fourth line from the bottom, where it says, shall be subject to the jurisdiction of the Workmen's Compensation Commission, and also on Page 2, where we say for the purpose of this Section, there shall be no pro rating of compensation benefits because of other employment by a volunteer fireman. These two Sections have caused us a little difficulty in some of our cases and have necessitated individual firemen to have to seek legal counsel to collect the benefits that were provided in the 1967 Session under Chapter 568.

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I am not going into the details as to the technicalities of these because I think they are very well covered in a memorandum of the decision by Commissioner Fox on a case that occurred in the Town of Cromwell and I have a copy of his decision which I will file with the Clerk, which I think fully explains the reason for these two changes.

Another Section of this, Section D, is a new Section which would provide coverage for the volunteer fireman who might be stricken with a heart attack or hypertension in the performance of fire duty. At the present time, he is being covered only for accidents that occur while on fire duty. Fire duty is defined by Statute which covers drills plus the actual fire fighting. It doesn't make much difference to his widow how he died, whether it was from a heart attack caused by extra strenuous work at the fire or whether he died from an accident. Her problems are just as large. We don't feel that this would cause any real hardship on the insurance carrier. Our records indicate that we have five or six volunteers during the year sign who do die from heart attacks as a result of fire duty. You'll notice that the Bill as written does provide that he must have a physical examination upon his entry into the fire department which would support the case that he was healthy at that time.

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H. Reynolds: The last Section of this, Section 2, is merely an editing change in the present Act. The previous Session of the General Assembly provided coverage so that if a volunteer in one town offers his services to a company in another town which is actually engaged in fire fighting and he was injured, there would be coverage for him under the coverage provided by his own town. However, the word 'volunteer' says another volunteer company and would ask that that be stricken out because with our mutual aid agreement, it doesn't make any difference whether the man is working with another volunteer company or with a paid-company and under the present Act the way it is written, he would only be covered if he was working with another volunteer company and not with a paid-department.

We feel that the passage of this Act will certainly add to the benefits that a man or a volunteer would receive if he was stricken while on fire duty and we feel that these men should be taken care of and their families should be taken care of for the community service which they are performing. Thank you.

Chr. Badolato: Thank you.

A. Flanagan: Mr. Chairman, Members of the Committee. Andrew Flanagan representing the Connecticut Fire Chiefs Technical Advisory Committee who wholeheartedly endorse H. B. 8506 (Rep. Badolato of the 30th) AN ACT CONCERNING WORKMEN'S COMPENSATION FOR VOLUNTEER FIREMEN.

You have heard the previous speakers, Mr. Burns and Mr. Reynolds. I would like to call your attention particularly to (1) under (a) of Section 1, in regards to State or municipal employees who are participating as volunteer firemen. This particular Act has caused some apprehension in municipalities and in the State government and also in the volunteer fire service.

I might say, that at a recent meeting with the Attorney General's Office and speaking with the Attorney General in charge of Workmen's Compensation, his recommendation in order to protect the State against paying claims that could occur in fire duty outside of regular State employment, that this particular Section be changed and the State and municipalities be eliminated from it. Therefore, the Bill you have before you today carries the endorsement of all fire service regulations, recommendations from the State Attorney General's Office and we respectfully request the Committee on Labor endorse and appreciate your submission of a favorable report of the Bill as it now stands. Thank you very much.

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Chr. Badolato: Thank you.

Norman Zolot: Mr. Chairman, Members of the Committee. My name is Norman Zolot. I am Counsel for the Connecticut State Labor Council, the parent body of the AFL-CIO.

I think before commenting on the current Bills, it would be appropriate to give what we consider to be the laborer's view of the significant changes made by the General Assembly in 1967, and what our evaluation of these changes would be at this time. As you may recall, those of you who were on the Committee two years ago, there were screams of anguish from many sources that this particular Bill would ruin industry, would ruin the Workmen's Compensation system, as we know it. It would foster malingering and the like. Our experience has not shown that any of these claims are correct.

The most bitterly opposed item was the free choice of physicians, which originally was opposed by the medical societies and then, other sources. We have not heard, at least in our area or from our people, any complaint concerning the free choice of physicians. The Commissioners, in their discretion, have in effect said, that any physician who is licensed to practice in the State of Connecticut would be considered capable of rendering services under the Act. This, I think, has freed a lot of doctors who are otherwise tied up with Workmen's Compensation claims and in our opinion, at least, facilitated treatment. The cost to the employer or the insurance carrier, as the case may be, has not increased substantially with respect to that benefit.

The dependency allowance provision which was a pioneering feature, again, has drawn no complaint. The increase in benefits which some claim would increase malingering, would tend to keep people from returning to work with expeditious treatment when combined with a friendly doctor under the free choice of physician, has not been proven as a fact. There has been, again, no claim of increased malingering as a result of the increase in compensation rate or as a result of the free choice of physicians.

The Cost of Living feature which was in the Act has not had sufficient experience to date, as far as we are concerned, because the first Cost of Living would go in this year and, secondly, because technicalities within the Bill- those who were tended to reach with respect to injuries sustained before 1967, were unable to secure benefits.

The biggest disappointment, from our viewpoint, has been the

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Norman Zolot: treatment of the handicapped worker. We had hoped that with the adoption of the 10⁴ Week Absolute Liability Rule, that this would encourage employers to hire the handicapped but apparently the employers are still fixed with the old bug-a-boo that hiring the handicapped is going to be a handicap and whether they are ill-advised or not advised at all about the provisions of this new Act, the fact remains that the handicapped workers are not getting full benefit of the Act. I was interested to hear that one company alone in one year has asked for 12,000 waivers. Now, that is only one company, is a major company in that area, but it substantiates the fact that the waiver is still being used in this State and I am not sure it is being used properly. I think that it is being abused, if anything. But, the increased use of the waiver coupled with the 10⁴ Week requirement means that the Second Injury has a larger exposure and that the \$100,000. figure is going to be inadequate and it is because of the combination of the two factors, that we think that the present Fund level should be increased and, frankly, the \$250,000. figure is a very modest figure because the reserve on a \$1,000,000. premium in the casualty field today is almost \$350,000. Now, we are talking about Workmen's Compensation where the reserve ratio retained by the insurance carriers runs between 20%-35% for the claims which have not been processed. So, the \$250,000. figure is a very fair figure.

The Dual Employer provision has run into difficulties, again, because some employers and their carriers have realized that they can save money and, consequently, where they have a full-time employee injured on the job, they have insisted upon apportionment. This has held up the claim and it has resulted in the Second Injury Fund paying money out of that source, which is another reason for our interest in increasing the Second Injury Fund. We have corrected that particular situation, we hope, in our draft Bill.

The provision concerning the expansion of coverage, as far as we have been able to ascertain, has not affected the employers of this State adversely. While it may have increased some costs, we have had no complaints from anyone except on the level of domestics and here we still have great resistance from householders with respect to the coverage of domestics who work only 4 hours a day or a full day for them. We still do not have coverage for them and we feel that this area still has not been amply covered in our Bill.

With respect to scarring, we have had very few scarring cases beyond those which are already covered; that is, visible scarring, with respect to the loss of other parts of the body for

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Norman Zolot: which compensation is to be paid. We have had no complaints either that the Section was difficult to administer or that the Section has been abused.

So, that on balance, we feel that the General Assembly in 1967, has made substantial contributions to improve the Workmen's Compensation Law. There were changes which, in our opinion, were justified and have amply and ably served the needs of the working people. But, any Bill of this nature which represents the introduction of new concepts, in some cases radical concepts, the draftsmanship is subject to flaws and faults and because of that, it is necessary to make technical changes or changes to clarify the Bill and H. B. 6311 (Rep. Badolato of the 30th) AN ACT CONCERNING WORKMEN'S COMPENSATION, proposes to do that and I must say that my friends from across the way are perfectly right when they say, even that Bill contains various flaws and I will say publicly that as far as labor is concerned, if there is any improvement in draftsmanship which they can suggest, we would more than welcome them because what we want is a law that everybody understands, that is expressed in as simple language as possible and so that we can just have a claim considered on the facts and not on the niceties of the law involved and we would welcome any changes or their suggestions.

Now, with respect to H. B. 6311 (Rep. Badolato of the 30th) AN ACT CONCERNING WORKMEN'S COMPENSATION, we have tried to make these changes and two other changes which are a departure from our present system. First, with respect to Section 1, we have suggested a change in the definition of occupational disease because the State of Connecticut has been continually criticized by the American Bar Association for not covering radioactive exposure or contact under Workmen's Compensation. As a lawyer, I disagreed with them but because there are other eyes looking at this with a different perspective, I am willing to say, that if there is any doubt about this, then we should cover it specifically. Hence, we have proposed a change in that Section.

With respect to Sections 2 and 3, we have considered the question of proper financing of Workmen's Compensation as such, and as to the salaries paid to the Commissioners. As Attorney Koskoff has indicated, our present Workmen's Compensation Commissioners get very little more than a top-flight law student coming out of law school today. We think that he has worked well and his responsibilities and his devotion to this task requires him to be paid more adequately and we suggest that his salary be equal to that of a Judge of the Court of Common Pleas.

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Norman Zolot: Now, the question of financing this system has been presented and it was our opinion and has been for many years, that this is a cost which the industry should bear and should not be put on to the State. This system is used in New York, for example. It has not resulted in overloading the carriers or the employers and spreading the cost of the Commission which runs about \$350,000. per annum over an 8 or 80 billion dollar payroll per year - I have forgotten which is the correct decimal point - is not going to increase the cost of the premiums very much.

So, that we feel that this would be (A) a source of providing additional revenue to provide our Compensation Commissioners with adequate salaries and adequate staff and (B) it would also relieve the State of a small fraction of the costs involved in operating the government. We think that these are worthwhile changes and should be adopted.

Now, Section 7 relates to the Cost of Living change. Let me go back first and say, that because of the language in the Cost of Living Section having been challenged, having been claimed to be not understandable and the like, we have used the technique of writing into the Act specific examples so that, you will pardon the expression, anyone who can read can understand what we are trying to do and there won't be any question about it. Of course, there is a danger in putting examples into an Act because that example covers one situation and immediately every sue lawyer can think of five other examples and wonder where we stand with respect to those examples and while there is a danger that the example will not necessarily contribute to clarification, we think it does contribute to clarification and have, therefore, incorporated it in our proposed Bill.

As one of the speakers has indicated with respect to the dependency allowance, we have tried to make it clear that this is only intended to take care of the individual who is temporarily totally disabled and is not to be included within their specifics. I must say, that while we have not asked for an increase in the specifics this time, the study I have made of jury awards as compared to Workmen's Compensation awards for comparable injuries, indicates that Workmen's Compensation is still not paying as much as the jury is awarding for similar injuries. But, that's a price which we recognize we must pay to get Workmen's Compensation and it's for that reason, I might say, that we are opposed to a Bill as H. B. 8010 (Rep. O'Neill of

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Norman Zolot: the 7th) AN ACT CONCERNING AUTHORIZING ACTIONS FOR PERSONAL INJURIES BY EMPLOYEES AGAINST EMPLOYERS, which would allow the individual to have a choice between suing or taking Workmen's Compensation. We feel that Workmen's Compensation is for most people the best avenue and he should not be faced with the choice, an irrevocable choice, between the two.

With respect to the formula for determining the Cost of Living, we have made what we consider to be a technical change in the terminology described in the index. The definition used in H. B. 6311 (Rep. Badolato of the 30th) AN ACT CONCERNING WORKMEN'S COMPENSATION, is the official term for the determination of the average production worker by the U. S. Department of Labor. As far as we know, we have been told it would not change the basic computation being made nor will it change to any degree the amount of the maximum benefits to be awarded.

Now, there has been some question concerning the payment for time involved in the receipt of treatment after hours. First, let me report, that if there is one Section in the Workmen's Compensation Law which is abused, neglected, and forgotten by the employers, it is this Section. Most employers do not tell their employees that if they go for medical treatment during working hours, they are entitled to make up pay. They just tell the man to go and if the man doesn't claim the time, he doesn't get paid and this is what is happening for most of these cases.

Secondly, in the smaller communities where the doctor, shall we say, is subjected to suggestions by the largest employer in town, he has for the convenience of the company slated appointments during the employee's off-hours. In some cases, it requires him to go from his home to a distant point for those treatments and while I could see a case being made for abuse by the employee, I think the evidence right now runs the other way. As far as we have been informed by people for whom we work, the situation is that the employers have been successful in persuading doctors to schedule their appointments on their off-days or on their off-time for the sole purpose, as far as they are concerned, of avoiding this Section, if they even applied it. But, this is the one Section which we think has been most abused by employers.

Now, with respect to the apportionment between two employers, the criticism made earlier about the Bill is correct. We agree with the employers' statement that it should be changed so that if you are working full-time for one employer, there will be no apportionment.

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Norman Zolot:

Now, I just have a couple of other comments. First, with respect to S. B. 344 (Senator Dowd of the 25th) AN ACT CONCERNING MEDICAL REPORTS IN WORKMEN'S COMPENSATION CASES. We agree that there should be some way of forcing doctors to give the required medical reports. Delay hurts the member employee as well as it does the employer and the insurance carrier. However, I think 4 days is usually too short and we suggest a greater period of, perhaps, 7 days.

With respect to S. B. 118 (Senator Barry of the 4th) AN ACT CONCERNING WORKMEN'S COMPENSATION, which the Attorney General's Office is supporting, we are opposed to it. We feel that if the individual is receiving compensation on a weekly basis from the Welfare Department and he is also getting Workmen's Compensation at the same time, it should be an easy matter, administratively, to make the adjustments there and not try to recapture. If the Welfare Department is trying to recapture monies which an individual receives or is receiving for permanent disability, we are opposed to it because that individual has a life-time handicap and the payment is designed to protect him for a life-time and for the Welfare Department to move in and take it all because it's furnishing, currently, some part of that man's support, we think is unfair. We think there is no need for this Bill and we would oppose it.

With respect to the increase in the number of Commissioners and the Districts they serve, let me say that as far as labor is concerned, anything that will facilitate the handling of the case load, we will support. We think that this will help in that direction and we would support it.

Now, we are opposed to H. B. 6822 (Rep. Stevens of the 122nd) AN ACT CONCERNING THE QUALIFICATIONS OF WORKMEN'S COMPENSATION COMMISSIONERS, which in affect says, that if the Commissioner hears an informal matter, he cannot sit on the formal matter upon challenge. Well, as you know, the formal hearing is considerably expedited by the fact that the Commissioner has a knowledge of the case before it proceeds. He can pin-point the issue. He doesn't have to spend hours on the preliminaries because he knows what they are and to say that he may be removed, it seems to me, would impede the settlement of disputed cases because, realistically speaking, the number of disputed cases in this State is less than 10%. As I recall the figure, the number of cases that go to formal hearing are less than 5% and that's what you are talking about, about 5% of the cases, as I remember the figure, or less than .001 of the cases

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Norman Zolot: of this State go to the Superior Court on appeal. We don't think there is any need for this Bill and would be opposed to it.

Now, there is one Bill, H. B. 7415 (Rep. Stecker of the 39th) AN ACT CONCERNING CONSTRUCTION EMPLOYERS WITH RESPECT TO FORMER EMPLOYEES RECEIVING WORKMEN'S COMPENSATION PAYMENTS, which really is not directly related to Workmen's Compensation but it relates to the continuation of coverage of individuals under a group policy if he receives Workmen's Compensation benefits. The last Session of the General Assembly passed a Bill which required the employer to continue coverage for that individual while he was receiving Workmen's Compensation. The theory, as we understood it was this, that if the individual was on Workmen's Compensation, he lost the coverage for his family, he lost the group life insurance coverage, he lost in addition to that, his pension accumulation money. We felt that because he was injured on the job, the employer should, at least, assure the family of medical coverage and the family of insurance in the event that the man dies in the meantime or subsequently after termination of Workmen's Compensation but before he returns to gainful employment. We are therefore opposed to H. B. 7415 (Rep. Stecker of the 39th) AN ACT CONCERNING CONSTRUCTION EMPLOYERS WITH RESPECT TO FORMER EMPLOYEES RECEIVING WORKMEN'S COMPENSATION PAYMENTS.

I think, Mr. Chairman, that I have taken a good hunk of our available time and I thank you for your attention.

Chr. Badolato: We have a question, if you would wait for a moment.

Norman Zolot: Yes.

Rep. Ritter: Representative Ritter of the 6th Assembly District. Mr. Zolot, I am interested in the philosophy contained in H. B. 6311 (Rep. Badolato of the 30th) AN ACT CONCERNING WORKMEN'S COMPENSATION, Section 13, which essentially provides that the employer would provide the entire cost of running the Workmen's Compensation Offices. Could you devote a bit more to the philosophy of that? Myself, I am concerned that this first might seem that responsibilities are imposed by the State - these are statutory obligations - and I would wonder if the State were to have someone other than the State be responsible for operating, at least, financing these offices whether the State may not lose some interest in this? I wonder, for example, I as a Legislator would feel as comfortable voting for pay increases for Commissioners if I weren't also responsible for increasing the taxes to

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Rep. Ritter: provide the funds? I am very comfortable to do that on most issues but I am much less comfortable when 100% of it would be paid by somebody who has nothing to say, really, or no power, at least, over whether or not it should be done. Could you help me on that?

Norman Zolot: Well, Mr. Ritter, let's start with basic philosophy. There are, if my memory serves me correctly, about 56 Boards and Commissions with the official sanction of the State of Connecticut, which are supported by the professions they purport to regulate and I have heard nobody have any compunctions about those particular Commissions or the salaries their executive people draw and nor have I, as a matter of fact, heard any compunctions from the State to acquire the surpluses of those Boards for the General Treasury.

The theory here is that it is a no gain for the State or no loss for the State and that the basic and most expensive item is still subject to statutory regulation; namely, the salaries of the Commissioners. So, to that extent, there is a statutory limitation and that, of course, also means it affects the selection of persons as Commissioners.

So, that we get down to the question, really, as to whether or not where you have State principle established for an agency whether it's adverse for the public interest to have the industry being regulated to finance the cost. My answer would be - no, because the administration is entrusted with people who are servants to the people. They are responsible to the people and not to the persons that pay it. The same way, if I may analogize, the cost of making an audit of all of our insurance companies today by the State Insurance Department must be paid by the industry and I don't know of anybody that said, that the audits of the insurance industry has been less severe because of that fact. As a matter of fact, it's my understanding that the Connecticut Insurance Auditors are considered holy-terrors and when Connecticut moves for a joint audit, carriers outside are very unhappy about it.

Rep. Ritter: Thank you very much.

D. Baker: My name is Daniel Baker. I am appearing here specifically as Counsel for the Steelworkers' Union and I appear for myself on behalf of my firm and informed as I am by a very extensive experience over a period of at

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least 20 years in the Workmen's Compensation area. I should like to address myself to a question of Representative Ritter and approach this problem from quite a different aspect than that of the approach of Mr. Zolot. Commencing with 1914, the date of inception of Workmen's Compensation in this country and, I think, that Connecticut was one of the first states which adopted Workmen's Compensation legislation, it has been recognized that injuries are the incident and natural consequences of employment and a fair charge upon the industry. This is the basic philosophy of the law. It is for this reason that the legislation has imposed the whole cost of meeting obligations for medical care in injury and compensation upon the employer. It is for this reason, that it is particularly fit and appropriate that industry should as well bear the cost of administration. It follows, because industry has the unique protection built into the law and it is this protection alone, aside from any other consideration, that industry should cover the cost of the administration.

Industry is protected against civil suit by way of common law action of the court arising out of any injury in the course of employment. This is a benefit of no small proportion. I venture to say, that where employers propose suit by their employees based upon injuries in the course of employment, the cost to them would be far in excess of the cost which they pay for compensation and medical coverage. I think that over a period of many years industry really has been shunting on to the State a burden which is fairly that of industry; that is, paying the cost of the administration of this law which is uniquely for its benefit as well as for the benefit of the employees whom it has in its employ. I think that this really effectively disposes of any argument that this is a concealed tax because really for the first time industry is now called upon to pay what it should have paid during all of these years since the law became effective.

My discussion with regard to other aspects of the legislation here pending before you will be very brief because you have had an adequate presentation by other people who have spoken in behalf of the employees on these several points. But, I think that I should do a great disservice to this State and to this body if I were not to heavily emphasize the nature of the gross inequities which this Legislature by inaction has imposed upon a body of men who have been entrusted with a great responsibility and that is, the Commissioners. This law makes Commissioners, in reality, the guardians and the employees, injured workers, the wards of the Commissioners in a very real sense.

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This legislation is unique in that Commissioners retain continuing jurisdiction over cases and claims arising in their jurisdiction. Let me limit that by saying, that when a man is injured he falls within the protective enfold of the Commissioner's concern and is expertise with regard to the type of medical care he is to receive. If there is a dissatisfaction with the nature of the treatment received, the Commissioners authorize to change doctors. The Commissioner, in a sense, is the father-protectors. The Commissioner is required to have the highest degree of skill and competence in this highly specialized field. He is required to be a man of great composure and objectivity. In a sense, he, in most of his work plays the role of a mediator bringing about resolution of cases by compromise and he is able to accomplish this only by virtue of a great competence imposed in his objectivity and in his ability by both sides. In terms of money, any individual case of a major injury might well run in excess of \$100,000. His jurisdiction in these terms runs far in excess of that of the Court of Common Pleas. If one takes into consideration all of these circumstances coupled with a great work load imposed upon these men, and it must be remembered now, that seven Commissioners now are doing the work in view of a doubled or tripled population originally assumed and entrusted for five in 1914.

You can understand the enormous volume of work which these men must handle and the enormous dedication and commitment which they must have for their work if they are to accomplish it and do it well. We are now fortunate, indeed, to have men trained, able, committed, and dedicated and unless this Legislature does something to raise the level of their pay to where it ought to be in terms of common decency, in my view, the Legislature will not have met its obligation to the State, the working people and the industries and to all who are served by these men.

What I say now applies equally to provision for retirement in terms of disability. If these men are disabled in the course of their employment before they have achieved 20 years and are not able to continue with their work, they are finished. They have no income. This differs from the way the Judiciary is handled. Legislation proposed here in H. B. 6311 (Rep. Badolato of the 30th) AN ACT CONCERNING WORKMEN'S COMPENSATION, would remedy this situation and there is another Bill to the same affect and certainly, in this regard, these men ought to be put on a parody with the judges whose functions are, at least, similar in general nature.

There is another Bill pending here and now under consideration

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in the Legislature which would provide for pensions to widows of Commissioners who die during the course of their employment on the job who have not obtained the 20 year status or who may die after they have retired but whose jobs may have been abolished, would provide pensions for them at one-third of the equivalent of the Commissioner's salary. This is legislation which is long since overdue and these men deserve this fair treatment at your hands.

With regards to the other provisions of H. B. 6311 (Rep. Badolato of the 30th) AN ACT CONCERNING WORKMEN'S COMPENSATION, I think that they do not merit, in the large, comment by me because for the most part, they are not in controversy industry and the employees and the unions are in agreement with regard to these provisions. For the most part, they deal with changes in the law to clarify the intent of the legislation which is now enacted.

The Bills to which I referred to with regard to pensions, H. B. 6019 (Rep. McLoughlin of the 132nd) AN ACT CONCERNING A DISABILITY PENSION FOR WORKMEN'S COMPENSATION COMMISSIONERS and H. B. 7886 (Rep. McLoughlin of the 132nd) AN ACT CONCERNING DEATH BENEFITS FOR WORKMEN'S COMPENSATION COMMISSIONERS, which speaking for myself and my clients, I very strongly endorse.

I would add my voice to that of the others who have testified with regard to S. B. 344 (Senator Dowd of the 25th) AN ACT CONCERNING MEDICAL REPORTS IN WORKMEN'S COMPENSATION CASES, which imposes an obligation upon physicians to promptly report injuries which they have treated. We have had experiences where doctors have failed to make reports for as long as 6 or 8 months and have not responded despite the frantic appeals of lawyers and even under the lash of the Commissioner's displeasure. We suggest that the 4 day period be enlarged to 7 and a maximum period of 14 days for a full and complete report be imposed and we would suggest the Bill be changed in that respect.

There is a Bill, also, which would disqualify a Commissioner who has heard a case informally from sitting on it formally if there was any objection to his sitting in that capacity. This Bill would be unworkable. In terms of the role of the Commissioner and his relationship to the parties and the litigants, it is unnecessary. There has been no past history which indicates a need for this type of legislation and in view of the set-up, functions of the various Commissioners in the several Districts,

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D. Baker: it would create chaos in scheduling and would create burdens and delay which would have a very harmful effect upon the administration of the laws as a whole.

Thank you very much, gentlemen, for indulging me at this late hour with your attention.

Chr. Miller: Thank you. I would like to recognize Dr. Walker. Would you take Mike #99, please.

Dr. Walker: I am Dr. John D. Walker, Podiatrist, Executive Secretary for the Connecticut Podiatry Association. I am speaking in favor of S. B. 1302 (Senator Miller of the 13th) AN ACT TO MAKE THE SERVICES OF PODIATRISTS AVAILABLE UNDER THE WORKMEN'S COMPENSATION LAWS.

The Connecticut Podiatry Association is the sponsor of this Bill. It is intended to clarify State Statutes to assure payment of podiatrists, acting within their scope of practice, in treatment of Workmen's Compensation cases.

Most insurance companies now pay podiatrists for services under policies covering Workmen's Compensation, but occasionally payment is denied because the Connecticut law does not specifically authorize podiatrists. There are instances wherein an individual podiatrist has been ruled eligible for payment after hearing by Connecticut Workmen's Compensation Commissioners; also, other instances wherein a practicing podiatrist was ruled competent as an expert witness in compensation cases. Forty-five States in the United States authorize payment of podiatrists in Workmen's Compensation cases. These include our neighboring States of New York, Massachusetts and Rhode Island.

The U. S. Railroad Retirement Board recognizes licensed podiatrists as qualified to execute statements of sickness. U. S. Government workers participate in the Government-wide Health and Accident Insurance Plans administered by Blue Shield and the Aetna Life Insurance Company. Both these plans authorize payment for podiatrists services. Connecticut Medical Services, Inc., pays podiatrists for procedures in their various policies as does the Health Insurance industry at large.

In addition to the above, podiatrists are employed under Civil Service qualifications in the U. S. Veterans Hospitals. Podiatrists are serving as commissioned officers in the Army, Navy, and Air Force Medical Services. The Department of Defense, U. S. Office for Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) approves

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Dr. Walker: podiatrists services for dependents of active duty members of the armed services, for retired members and the dependents of retired and deceased members of the uniformed services.

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As of January 1, 1968, Medicare Part B governing payment for physicians' services includes the podiatrist as a "physician" within the terms of Medicare and acting within their scope of practice.

We have outlined facts to show podiatry is recognized under government and private agencies of all types in claims not covered by Workmen's Compensation. We feel that many of these claims include services that are covered by compensation but probably might be precluded to the podiatrist. Connecticut Workmen's Compensation law provides for medical, osteopathy, chiropractic, dental, and Christian Science practitioners. We are hopeful your Committee will look with favor on this Bill. I have some supportive material to leave with the Committee at this time.

Chr. Miller: Thank you.

F. McManus: Mr. Chairman. Labor Committee. My name is Francis McManus of New Haven, Connecticut, and I am appearing for the State Police Association in favor of S. B. 542 (Senator Lyddy of the 22nd) AN ACT CONCERNING THE DEFINITION "ARISING OUT OF AND IN THE COURSE OF HIS EMPLOYMENT" IN THE WORKMEN'S COMPENSATION ACT.

As you know, the position of patrolman or trooper in these United States or in this State of Connecticut is no feather-bed, if I may be allowed the vernacular. The job of protecting the public - body and property - is becoming more and more difficult each day. There are more and more obstructions to justice being heard everyday abusing law enforcement throughout the country.

Police agencies have been formed and established by the people of the community within the community for reasons of self-discipline and protection. The police departments belong to the citizens and to the community as a whole, but this is not what some would have you believe. They cry that the State and the police have no right to enforce the laws of the State or the ordinances of the municipality. It is really phenomenal that we who have lived in the larger communities still have a police force to protect our peace and property considering the conditions that exist today.

The remuneration they receive does not approach that of

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equivalent responsibility in private enterprise. In spite of this, there is a great number of dedicated men applying for and training as recruits. Thank God for that.

The position of trooper or patrolman is unique. There is no other calling comparable. He is on duty 24 hours a day. He is on call on his day off. He may have completed his tour of duty and retires only to be awakened to report for riot duty or disaster duty and may not return home for some days. During his tenure this can happen many, many times and, believe me. I speak from experience - not hearsay. I shall not bore anyone with the gory details but, please believe me, to don a police badge today requires intestinal fortitude. He is reminded daily, that he lives, eats, sleeps and drinks by the book of rules written in black on white and if he violates one, or any part of one of these, he shall be subject to disciplinary action.

His prime responsibilities are for the preservation of the public peace and order, the prevention and detection of crime and the apprehension of the criminal or offender, the protection of persons and property and the enforcement of the laws of the State and municipalities. Is there any stipulation in these rules that say when he is responsible for upholding them? No. He is responsible as long as he is a patrolman and he, as Caesar's wife, must be above suspicion in his daily life - both public and private. If when off-duty, he is confronted with a police problem - an accident, murder, robbery, rape, mayhem, or any violation of approximately 1000 laws, he is required to apprehend the culprit or process the case just as though he were on duty, until such time as relief arrives. If he shirks his responsibility, he shall be subject to the disciplinary actions of his Board, and would be either suspended or dismissed. Considering the obligations of the law officer, does it not follow that it is incumbent upon the people he serves to consider his welfare as long as he is exposed to danger and hazard whether he is on duty or on his way to or from his abode.

This Bill, S. B. 542 (Senator Lyddy of the 22nd) AN ACT CONCERNING THE DEFINITION "ARISING OUT OF AND IN THE COURSE OF HIS EMPLOYMENT" IN THE WORKMEN'S COMPENSATION ACT, asks only that, for the prompt purposes of compensation. This is a most reasonable request and I know that you Legislators know the conditions that exist today and as Chairman of the

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F. McManus: Legislative Committee of the Police Association of the State of Connecticut representing 5000 local and State Policemen request this Committee give it your fullest consideration. Thank you.

Chr. Miller: Thank you. Chief Triano.

G. Triano: Mr. Chairman. My name is G. Robert Triano, Police Chief of the Town of Southington.

I know your Committee is quite busy and your schedule is such that it would be almost impossible for your Committee to listen to everyone that would like to talk on this Bill. I am referring to S. B. 542 (Senator Lyddy of the 22nd) AN ACT CONCERNING THE DEFINITION "ARISING OUT OF AND IN THE COURSE OF HIS EMPLOYMENT" IN THE WORKMEN'S COMPENSATION ACT. However, as President of the Connecticut State Police Association, I would like to see S. B. 542 (Senator Lyddy of the 22nd) AN ACT CONCERNING THE DEFINITION "ARISING OUT OF AND IN THE COURSE OF HIS EMPLOYMENT" IN THE WORKMEN'S COMPENSATION ACT, become a reality in that it will effect most all policemen in the State of Connecticut, regardless of rank.

All we are asking is that a policeman be protected on his way to and from his police headquarters or precinct, which is not the case in most communities. During the past years, there have been cases when the families of some policemen have had to suffer because of this. I could relate many cases but it would take too long. This Bill would protect the policeman from the time he leaves his home until he returns which is, we call, the portal to portal bill. Now, if I were to talk further on this Bill, it would be repetitious of what was said by Chief McManus. I do want to say and hope that your Committee will come out favorably on this Bill. Thank you very much.

Chr. Miller: Thank you.

J. Kelly: Mr. Chairman, Members of the Committee. My name is John C. Kelly and I serve on the Legislative Committee of the State Police Association with Mr. McManus as Chairman. I want to speak in support of S. B. 542 (Senator Lyddy of the 22nd) AN ACT CONCERNING THE DEFINITION "ARISING OUT OF AND IN THE COURSE OF HIS EMPLOYMENT", and I don't want to reiterate what has already been said, so I will make this very short. Gentlemen, I know the police throughout the State of Connecticut would much appreciate your favorable report on S. B. 542 (Senator Lyddy of the 22nd) AN ACT CONCERNING THE DEFINITION "ARISING OUT OF AND IN THE COURSE OF HIS EMPLOYMENT" IN THE WORKMEN'S COMPENSATION ACT. Thank you.

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Chr. Miller: Thank you. The gentleman at Seat #100.

S. Peruscio: Thank you, Senator. Sal Peruscio, President of the Connecticut Employees Union Independent representing about 800 State employees. We would like the Committee to consider H. B. 6311 (Rep. Badolato of the 30th) AN ACT CONCERNING WORKMEN'S COMPENSATION, Section 5 that, at least they increase the weekly benefits. We find in the State employees' field, especially in the lower pay groups, it creates a hardship when an employee gets injured. Quite naturally, the employees in the lower groups, you know, don't have a reserve. They are not making this big money and it is a good thing that our union is able to afford to them the representatives to go to Workmen's Compensation Hearings in cases of stipulation or whatever you might have, where the representatives do not take any of their money. At least, there should be some consideration to increase the benefits.

On Section 12, where the medical attention or treatment provided at time other than during the employee's working hours, we have a unique situation in that State employees are under the self-insured set-up. The State of Connecticut and, of course, there has been, you know, a dispending and it is quite hard for us to get our Workmen's Compensation payment. It's even more so, that you will find that the Attorney General's Office will offer to our people that are injured that they are entitled to transportation money. So, I would think in terms, again, of the lower groups that I am speaking, that something should be done here.

Of course, the third thing that I would like to talk about and I know that this is the only time that I am going to be speaking for anybody above Pay Group 13. Our Union, of course, has been in favor of the first 13 Pay Groups of State service getting a pay raise, but I would like to talk on behalf of the Workmen's Compensation Commissioners. You know, this is away above the 13 Level, but I honestly feel that in all my dealings with the Workmen's Compensation Commissioners, these are the only professional people that State employees actually come before as far as judgment is concerned. We do not have collective bargaining in State service and we deal with the Personnel Department, but the Workmen's Compensation Commissioner is the only person that really levels with the employees that are injured. They tell them of their rights. They advise them of the various things that they would have to do. I have seen Commissioner Fox in my District, believe it or not, run from one part of Norwich to the City of Middletown to handle Workmen's Compensation cases. Now, in 1967, there

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S. Peruscio: was a general raise for State employees and the Workmen's Compensation Commissioners were neglected. It has been four years since the Commissioners have been given a raise and, as I say, I think for the responsibility and the professional way they carry themselves, at least, from the lay-man's point of view, that they should be entitled to an increase in their salaries. Thank you.

Chr. Miller: Thank you.

Peter Horn: Mr. Chairman. My name is Peter Horn. I am speaking for the Connecticut Council of Police Unions. We represent some 2300 unionized policemen in Connecticut and I would like to put the Council on record as supporting:

S. B. 344 (Senator Dowd of the 25th) AN ACT CONCERNING MEDICAL REPORTS IN WORKMEN'S COMPENSATION CASES.

S. B. 542 (Senator Lyddy of the 22nd) AN ACT CONCERNING THE DEFINITION "ARISING OUT OF AND IN THE COURSE OF HIS EMPLOYMENT" IN THE WORKMEN'S COMPENSATION ACT.

S. B. 600 (Senator Jackson of the 5th) AN ACT CONCERNING WORKMEN'S COMPENSATION - AVERAGE WAGE.

S. B. 1302 (Senator Miller of the 13th) AN ACT TO MAKE THE SERVICES OF PODIATRISTS AVAILABLE UNDER THE WORKMEN'S COMPENSATION LAWS.

H. B. 6311 (Rep. Badolato of the 30th) AN ACT CONCERNING WORKMEN'S COMPENSATION.

H. B. 7947 (Rep. McLoughlin of the 132nd) AN ACT CONCERNING PAYMENT OF ADMINISTRATION COSTS OF THE WORKMEN'S COMPENSATION ACT.

H. B. 8506 (Rep. Badolato of the 30th) AN ACT CONCERNING WORKMEN'S COMPENSATION FOR VOLUNTEER FIREMEN.

H. B. 6019 (Rep. McLoughlin of the 132nd) AN ACT CONCERNING A DISABILITY PENSION FOR WORKMEN'S COMPENSATION COMMISSIONERS.

H. B. 7886 (Rep. McLoughlin of the 132nd) AN ACT CONCERNING DEATH BENEFITS FOR WORKMEN'S COMPENSATION COMMISSIONERS.

I would also like to put the Council on record as being opposed to:

S. B. 118 (Senator Barry of the 4th) AN ACT CONCERNING WORKMEN'S COMPENSATION.