

Legislative History for Connecticut Act

PA 79-376

Act Number:	376	Year:	1979
Bill Number:	HB 7307		
House Pages:	5050-5055		6
Senate Pages:	3441-3442, 3547		3
Committee:	Labor 282, 286-287, 299-301, 322, 330, 332, 339-340		11
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Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate
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PA79-376

Joint Standing Committee hearings, Labor. 1979:pt.1

Proceedings / Connecticut General Assembly, House. 1979 v.22:pt.15

Proceedings / Connecticut General Assembly, Senate. 1979 v.22:pt.10., p.3441-3442

Proceedings / Connecticut General Assembly, Senate. 1979 v.22:pt.11., p.3547

House of Representatives

Wednesday, May 2, 1979

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kdd

SPEAKER ABATE:

Rep. Natalie Rapoport.

REP. RAPOPORT: (73rd)

In the affirmative, please, sir.

SPEAKER ABATE:

The Chair will so note, Rep. Rapoport has cast her vote
in the affirmative.

CLERK:

Senate Joint Resolution No. 126.

Total number voting .	127
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Necessary for passage	64
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Those voting aye	126
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Those voting nay	1
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Those absent and not voting	25
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SPEAKER ABATE:

The resolution is adopted.

CLERK:

Calendar Page 4. Calendar No. 432, File No. 205. Substi-
tute for House Bill No. 7307, AN ACT CONCERNING WORKERS' COMPEN-
SATION. Favorable Report of the Committee on Labor and Public
Employees.

REP. BALDUCCI: (27th)

Mr. Speaker.

SPEAKER ABATE;

Rep. Richard Balducci of the 27th Assembly District.

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REP. BALDUCCI: (27th)

Thank you, Mr. Speaker. I move acceptance of the Joint Committee's Favorable Report and passage of the bill.

SPEAKER ABATE:

The question is on acceptance of the Joint Committee's Favorable Report and passage of the bill. Will you remark, sir?

REP. BALDUCCI: (27th)

Yes, Mr. Speaker. I believe the Clerk has an amendment. I would like to relinquish the floor to Rep. Kipp, sir.

SPEAKER ABATE:

Rep. Phyllis Kipp, will you accept the yield, madam?

REP. KIPP: (41st)

Yes, Mr. Speaker.

SPEAKER ABATE:

Proceed please.

REP. KIPP: (41st)

Thank you, sir. Will the Clerk please call LCO NO. 7219?

SPEAKER ABATE:

The Clerk has in his possession an amendment, LCO No. 7219, designated House Amendment Schedule "A"? Will the Clerk please simply call the amendment?

CLERK:

LCO No. 7219, offered by Rep. Kipp of the 41st.

REP. KIPP: (41st)

Will the Clerk please read?

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SPEAKER ABATE:

The lady has requested that the Clerk in addition to calling, read the amendment. Will the Clerk please do so?

CLERK:

In line 3489, insert brackets before and after the word "workman" and insert the word "WORKER" before the word "be".
In line 3498, insert brackets before and after the word "workman" and insert the word "WORKER" before the word "is".

SPEAKER ABATE:

The amendment is in your possession, madam. What is your pleasure?

REP. KIPP: (41st)

Yes, Mr. Speaker. The amendment I think is self-explanatory. It is very technical and I move adoption.

SPEAKER ABATE:

The question is on adoption of House Amendment Schedule "A". Will you remark further on its adoption? Will you remark further on the adoption of House Amendment Schedule "A"? If not, all those in favor of its adoption please indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER ABATE:

Opposed, nay. The ayes have it. The amendment is adopted and it is ruled technical. Will you remark on this bill as amended by House Amendment Schedule "A"? Will you remark on this bill as

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amended by House Amendment Schedule "A"?

REP. BALDUCCI: (27th)

Yes, thank you, Mr. Speaker.

SPEAKER ABATE:

Rep. Balducci, you still have the floor, sir.

REP. BALDUCCI: (27th)

Yes, this particular bill is probably the first piece of legislation to come forth through this chamber which has been negotiated between both labor and management. This bill is a kind of a comprehensive omnibus bill. It's a bill which serves hopefully both sides. Everybody is not happy with it, but everybody has given a little, which is I think a good sign.

Part of the bill is very technical, making changes which are required to federal law, which changes workman's comp. to worker's compensation. Worker's compensation thus really relates to everybody, both men and women. That first section and all through it, basically deal with those basic changes.

There are some capital letters in the file copy, but those capital letters do not indicate changes. They are in the statute at the present time. Part of this bill under Section 75, is a portion which would more or less tend to favor the business community because it seems to make it more difficult for an individual to collect for a scarring incident. Some of the other portions and it is reported out, I think the file copy and the legislative research copy do an excellent job in reporting out this

information, deal with improvements to collecting worker's compensation for an individual who may have been injured, and at the present time through that injury collect 2/3 of his salary at the time of the loss, or at the time of the injury.

What this does, is that if the job increases in salary, so would his income proportionately. The bill also clarifies and helps to make easier for both sides problems that may come about due to a loss of a thumb or etc., it's described as one loss. Let's say if an individual loses a finger and then somewhere along the line in the course of work is compensated for that loss, he loses an additional three fingers, plus the thumb, he would be compensated for the loss of the three fingers and the thumb, not for the entire hand.

So as we go through this bill there is something that seems to be pro-labor, something that seems to be pro-business. Both sides have sat down, negotiated, helped work it out, and we're very proud to bring this bill before this chamber as a result of those negotiations and I therefore move its passage, Mr. Speaker.

SPEAKER ABATE:

Will you remark further on the bill as amended? Will you remark further on this bill as amended by House Amendment Schedule "A"? If not, would all the members please be seated. Would the members please be seated. Would the staff and guests please come to the well of the House. The machine will be opened.

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The House of Representatives is voting by roll at this time. Would the members please return to the chamber immediately. The House of Representatives is voting by roll at this time. Would the members please return to the chamber immediately.

Have all the members voted? Have all the members voted? Would the members kindly check the roll call machine to determine if their vote is properly recorded? The Chair would remind all the members that if a member is present in the Chamber, he or she must cast a vote. The machine will be locked. The Clerk will take the tally.

The Clerk please announce the tally.

CLERK:

House Bill 7307 as amended by House Amendment Schedule "A".

Total number voting	131
Necessary for passage	66
Those voting yea	131
Those voting nay	0
Those absent and not voting	20

SPEAKER ABATE:

The bill as amended passes.

CLERK:

Calendar page 5. Calendar No. 579, File No. 342, Substitute for House Bill No. 6938, AN ACT CONCERNING ACCESSIBILITY OF PERSONNEL FILES TO EMPLOYEES. Favorable report of the Committee

SENATE

MAY 16, 1979

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LFU

THE CHAIR:

Senator DePiano.

SENATOR DE PIANO:

Mr. President, I move for acceptance of the Committee's Joint Favorable Report and passage of the Bill.

THE CHAIR:

Senator DePiano moving for acceptance and passage. Will you remark Senator?

SENATOR DE PIANO:

Yes. This Bill would in affect, amend certain portions of the Uniform Limited Partnership Act and make certain changes in definitions and terms as applicable to the provisions of the Act and, if there is no objection, I move it be placed on the Consent Calendar.

THE CHAIR:

Discussion on the Bill? Objection to the Motion? Hearing neither, it is so ordered. The item is on the Consent Calendar.

THE CLERK:

Calendar 880, File 205 and 877, Favorable Report of the Joint Standing Committee on Labor and Public Employees, Substitute House Bill 7307, AN ACT CONCERNING WORKER'S COMPENSATION, as amended by House Amendment, Schedule A.

SENATE

MAY 16, 1979

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LFU

THE CHAIR:

Senator Skelley.

SENATOR SKELLEY:

Mr. President, I move for acceptance of the Joint Committee's Favorable Report and passage of the Bill as amended.

THE CHAIR:

Question is on acceptance and passage as amended by House A. Will you remark Senator?

SENATOR SKELLEY:

Yes Mr. President. This makes some significant changes in the language in dealing with the Worker's Compensation as far as scarring and benefits are paid - are concerned. This Bill was a product of a compromise by both labor and management and is strongly supported by both parties. If there is no objection, I move it be placed on the Consent Calendar.

THE CHAIR:

Question on the Bill? Objection to the Motion? Hearing neither, it is so ordered. The item is on the Consent Calendar.

THE CLERK:

Clerk has been asked to return to page 2 of the Calendar, Calendar 602, File 593, Favorable Report of the Joint Standing Committee on Energy and Public Utilities, Senate Bill 28, AN ACT

1979 GENERAL ASSEMBLY

SENATE

MAY 16, 1979

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The vote is:		SB 1541, SB 186, SB 1360, SB 1613, HB 7307, SB 1392,
		HB 7873, SB 221, SB 1390, SB 1418, SB 1671, HB 7838,
27	YEA	HB 5166, HB 5709, HB 6127, HB 6231, HB 6736, HB 7659,
		HB 7660, HB 7712, HB 7874, HB 7885, HB 5504, HB 7876,
0	NAY	HB 7071

The Consent Calendar is adopted.

SENATOR LIEBERMAN:

Mr. President, I move for a Suspension of the Rules to allow for immediate transmittal to the House of those matters that should go to the House.

THE CHAIR:

The question is on Suspension of the Rules for all the items that need further House action. Is there objection? Hearing none, the Rules are suspended. The items are transmitted.

SENATOR LIEBERMAN:

Mr. President, the Senate will meet tomorrow at noon. Caucuses as soon after ten in both parties as soon as we can muster a quorum. I - all things going as we would hope, the Senate Session tomorrow should be relatively short and we can hope to be out by the middle of the afternoon.

THE CHAIR:

Thank you Senator. Business on the Clerk's desk? Any other announcements?

THE CLERK:

Yes. Clerk has two Senate Joint Resolutions to read in - Senate Joint Resolution 156, RESOLUTION HONORING THE MARCH OF DIMES READING OLYMPIC PROGRAM and Senate Joint Resolution 157,

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LABOR & PUBLIC EMPLOYEES

February 22, 1979

NORMAN ZOLOT (Continued): going until the individual reached maximum recovery and got all that was required under the act for him. Unfortunately, that too did not draw the attention of the General Assembly.

There are some other inequities and also some recommendations made because employers felt it was inequitable. One, a question of scarring. I am criticized for having to have to recommend a change in the language from permanent scarring to add the word, "significant scarring". Now, I don't think it makes much difference because it is still a judgment play or call upon the commissioner's part, but many of the employers wrote to the committee indicating that was their principal concern. The committee recommended the change. No action was taken on it.

Another change recommended at the request of the employers involved a person who was physically handicapped who had received benefits for one injury who sustains a second injury that increases that particular injury. A law has been interpreted so that as a result of the second injury, that individual receives 100% for the second injury. In other words, he gets paid for the first injury and now he is getting on top of that another payment for that first injury. We recommended that be changed. Again, I regret to say there was no action taken on it and we think that in all fairness to employers, action should be taken.

In the Bill #7307 covers -- their outline our hope that you will consider the committee's report and put into statutory language the recommendations of that committee and therefore, I will not dwell any further with respect for that bill.

We have proposed one new concept to this committee this year which I heard one prior speaker describe as unworkable and I direct your attention to Bill #597, which is called Continuation of Workmen's Benefit Compensation Payments. Under the present law, when an individual is told by his doctor that he can go back to light work or work other than his regular work, he is automatically cut off from Workmen's benefits unless he can find another job. If he finds another job, then he gets 2/3 of the difference between his old job and his new job, but if he doesn't find a job at all because of his physical condition, he does not get benefits. The present law, however, puts the burden upon the employee, the injured employee to prove that his inability to get work is due to his physical handicap and not to the economic situation then prevailing, and that's a very difficult handicap burden upon him. What we are suggesting is that the burden be shifted the other way, that the burden be

JOHN DEL VECCHIO (Continued): occupational injuries and illnesses in Connecticut in 1977. I think it would be good if the members of the committee did just review this and it will give you some idea as to the depth of the problem in terms of the seriousness of occupational safety and health in Connecticut.

In 1977, we had well over 100,000 workers injured in industrial accidents and nearly 40,000 workers who lost 575,000 days away from work due to occupational injuries or illness. Over 3,600 occupational illnesses were recorded including 129 cases of poisoning, 253 cases of respiratory disorders due to toxic agents and 406 cases of disorders due to physical agents. We hope that this will indicate to you why we feel so strongly about the need for occupational safety and health practices legislation to help inform workers of the toxic materials that they work with and provisions for medical testing periodically and improvements in the Workers' Compensation system because to us these statistics aren't just statistics, they are the people that we represent. They are the people that we work with and we know the hardship that they go through.

I am also a participant in the New Reform Steel Workers' Legislative Committee. The steel workers' union has over 60 locals in Connecticut representing about 15,000 active and retired workers and many of our locals are represented here today. We are particularly concerned about the subject of today's hearing because our members work in the most industries in our state. Thousands of Connecticut workers employed in foundaries, steel mills, factories, scrap yards, and brass mills belong to the steel workers' union. When we talk about Workers' Compensation or safety issues, it is not just statistics to us, it is people, very real people who suffer physical and economic hardship.

Some of the other speakers from our union are going to tell you about those people and the problems they face and the hopes we have for improving the situation through needed legislative changes.

In general, let me say that our union is here today because our membership supports legislation that will help make our Workers' Compensation system operate more efficiently and quickly, such as House Bill 6678 which would establish a full time administrator position and similar improvements in the administration end of the system.

We also favor legislation that would improve the economic security of workers who are injured on the job such as

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JOHN DEL VECCHIO (Continued): House Bill 7466, 7307, Senate Bill 5972. We also oppose House Bill 6693 which we feel would lessen such security. We also favor Connecticut Safety & Health Practices Act as in envisioned in House Bill 6996 and I might add that the idea for this legislation comes from our rank in file membership, although we would also support establishment of a study commission by your committee to review the need for such legislation and develop a more comprehensive legislative proposal for the next General Assembly.

I do want to comment on some things that some other people said, claiming that such legislation is a duplication and it's not necessary. First of all, there was a reference to Public Act 77445 which we are familiar with because the members of our union were some of the people who originated the idea on lung function testing for employees exposed to various hazardous substances. As was stated, the development of that bill is still, not the bill, the implementation of the bill is still underway, because that bill only applies to the administration of lung function test. It does not apply to audiometric test. It does not necessarily inform employees of the substances that we are working with now. They are suppose to. It doesn't cover the other areas.

As far as federal OSHA is concerned, and this possibly duplicating federal OAHA, at the moment, federal OSHA does not require employers to notify employees of the toxic substances that they work with and a previous state law that was adopted two years ago, Public Act 77-107, which helped to resolve that situation ended up that it was worded improperly and does not apply to any employees in the private sector. We know that because our local union was involved in legal litigation as far as the OSHA review commission and it was found out that due to the wording of the law, which was improper, it did not apply to employees in the private sector so there still is a need for legislation in that area.

Also, federal OSHA, at this time, does not require audiometric testing for employees exposed to high noise levels. We also favor legislation, and this is in a general sense, legislation allowing employees access to their medical records and their personnel files. We just had a case now in our own plant where an employee did want to review his medical file and he was refused that opportunity and we would like to see legislation adopted that would give the employees the complete right to see their medical file.

Also, in commenting on some of the things said regarding the foundry industry, which I am employed in and three of the people from our local who are here are present or

JAMES STEWART (Continued): feel all of these requests are reasonable, and we feel that workers are entitled to as much information as possible in regard to the material being worked with and the effect their work place has on their health.

We also want to see improvement in Workmen's Compensation, expressly those who to workers who have to take a lower paying job due to work-related disability. We have had in recent years a number of workers who become partly disabled due to injuries or illness in our department. Most end up being placed in a lower paying job. Under the current Worker's Compensation law, such workers are entitled to two-thirds of the difference in pay between their former job and their new job. Lower paying job. This and usually wipes out with the first pay raise so there is no increase as a result of that. Over a long period of time, the worker must suffer the economic loss of the lower paying job without any additional compensation.

Under House Bill 7307, the differential between the established so that a worker would receive two-thirds of the difference between what he was receiving on the lower paying job and what he actually would have earned in the previous position. This position would take into consideration wage increase which under House Bill 7307 would not wipe out the difference between what he would receive between the two positions, fair and protection is what we are asking for the Committee's consideration, and I would like to elaborate if I may. Seeing first-hand working in a sector of the company where it is noted which would be a high risk place to work, and to address myself to some of the comments that the Senate Bill brought forth, that the responsibility would lie on the worker, it did lie on the worker or the employer or the employee. I would say first-hand that the people that I have seen injured did not do it deliberately, did not step under a roller, did not stick their hand under a foreign object, did not stumble over an object for the purpose of receiving compensation. It was an area that he was there, he was not for a record, and as many times that you work for a person, being a safety representative, knowing and dealing with the company as I have and as I do, that not all times they correct things when they're supposed to correct them. And what we are trying to address ourselves is people that are injured due to whatever neglected might be, the individual or the employer, whatever it is, he is injured and he is

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JAMES STEWART (Continued): the individual that suffers the hardship, regardless of how it happened, and we are asking for is protection for that individual that all fall under these categories.

REP. BALDUCCI: Thank you.

James Palmieri.

JAMES PALMIERI: Mr. Chairman, Representatives, my name is James Palmieri. I'm a shop steward and still work for Local 7528, and I'm concerned about the needed changes in Worker's Compensation because the people I represent are directly effected.

For example, there is one man in my area who is a former foundry employee. Over the years he has developed a lung disease which we feel is work related. Because of this condition, he had to transfer out of the foundry to a lower paying job in our shipping department. For three years the union has been pursuing a compensation claim for him for a work-related lung disease. Three years. Can you imagine the frustration felt with the claim being dragged out that long. That is why we favor any administrative improvements that can be made in the Worker's Compensation system that might help speed up the processing of claims.

If this employee eventually wins his compensation claim, he will be entitled to a two-third differential gain

JAMES PALMIERI (Continued): between what he made in the Cas. foundary and what he earned in the lower paying shipping job, yet that differential would apply only for one year because a wage increased wiped it out. We feel that the worker who must transfer to a lower paying job due to a work related injury or illness should not be penalized so severely. A penalty of 2/3 differential should be established so that he or she will receive 2/3 of the difference between what they earn in the lower paying job and what they would have earned had they been at their original position. Under the current law, a worker who must get a lower paying job would receive a differential payment for only a short time, probably a year of two at the most even though the loss may continue for decades.

We feel that House Bill 7307 will resolve this and we urge your support for this law.

REP. BALDUCCI: Thank you. Jim Brown (inaudible)

JAMES BROWN: Mr. Chairman, Members of the Committee, my name is James Brown. I am a member of the Insurance Association of Connecticut and I expect to comment very briefly on two bills this morning.

The first is we would like to support Bill 6678, which would assist the Workers' Compensation Commissioner in administering the program and in addition would set up an advisory committee to formulate a statistical division within that committee. We support the bill (inaudible)

Second, I would like to comment on Senate Bill 490. We would like to oppose Senate Bill 490. As you are aware, it would increase an individual benefit from 66 2/3% to 75% of the actual wage that he receives. We oppose this for two reasons. The first is when the benefit increases to 75% level of the actual wage, you are actually getting it to the point of where you have to take into account deductions, tax deductions, etc. You are reaching a point where you may very well be getting Workers' Compensation benefits in equivalent to take-home pay. This may very well have a disincentive fact (inaudible).

The second reason is with respect to cost to employers. I just picked up a copy of the memo from the Insurance Commissioner to the committee and if you haven't already got it, I assume you will, in which he attempts to put a cost estimate on a number of these bills. Based on the current average production wage, he estimates that this Bill, Senate Bill 490 would increase costs to Connecticut

FAYE MC CORMICK (Continued): sooner than usual and also
workers would not this activity unless
absolutely necessary.

House Bill 6693, we are opposed to. Any legislation that
adds to the burden of payments that for
employees on Worker's Compensation. And we feel our
present law to be a slap in the face for working people
in the State of Connecticut.

On House Bill 7307, we are also playing it safe with
Chapter 568 of the General Statutes to be amended, we
refer to the chapter as the Worker's Compensation Act.

We urge the Committee to raise these bills with the
exception of House Bill 6693. Thank you.

SEN. SKELLY: Any questions? Thank you.

David Katzyn.

DAVID KATZYN: Mr. Chairman, Committee members, I'm David
Katzyn speaking in favor of proposed Bill 561, an act
placing the program to promote employment of the handi-
capped within the Labor Department.

As a 27 year employee of the Labor Department, I am in
employment security which is 100 percent federally funded.
I am paid as an employment security manager, however I
serve as selective placement officer in charge of the
federally mandated program on employment of the handi-
capped. I also serve as executive secretary of the
Governor's Committee on Employment of the Handicapped,
which has been in the Labor Department for over 30 years.
The idea is to take advantage of the federally funded
programs. Now we have always had a slight funding from
the state in the amount of \$2,500 or \$3,000. The idea is
to take care of odds and ends such as payment for travel
for committee members, etc., which cannot be done under
the Wagner- Act.

The Legislature in their reorganization decided to place
this committee in Human Services, not realizing the costs
involved, and we request that it be placed back where it
has been traditionally for the last 30 years. Now the
Human Services Reorganization Commission did an intensive
study and in one sentence their recommendation was,
"During the very early days of the 1979 General Assembly,
a bill should be introduced and passed to mandate the
return of the Governor's Committee or Program on Employment

SEN. SKELLY: Fran Lemieux.

FRAN LEMIEUX: Chairman, Members of the committee, I will be very brief. The time is getting late.

(LONG PAUSE--VOICES IN BACKGROUND)

Chairman, members of the committee, my name is Fran Lemieux, I am President of the Connecticut United Auto Workers Community Action Program Council. And just for the record, the previous speaker was Bernie McKinnon, who was President of Local 133 UAW, which represents the workers at Fafnir Bearing in New Britain and there will also be another speaker, Bernie Fecteau, who is the Workmen's Comp. representative for the UAW Local 626. My part here this morning is not as a Workmen's Comp. expert, believe me I know very little about the muddy waters of Workers' Comp., I will simply state the position of the Council on several bills, and we would support proposed Bills 490, 491, 492, 562, 564, 597, 932, 946, 6678, 6688, 6996, 6998, 6999. And also, in part, 7307.

Proposed Bills 490, 491 and 6998, we feel is needed in order to just survive in these days of high inflation. 562 concerning medical records, we also feel should be enacted for the protection of the employees. And proposed Bill 564, we would recommend an increase of 10¢ to 17¢ per miles for the transportation, that 17¢ is now the standard that's used by the Federal Government. In proposed Bill 946, we think will help small business without substantially hurting out major industries in the State. I think that the amount of increase, if it were spread out in the second injury fund, would be so minor that it would be almost negligible. Bill 6996 we feel will provide additional incentive to correct hazards which--for which employers have received citations.

Proposed Bill 7307, we support with the exception of the significant permanent scarring portion as we do not feel that this section is necessary at all since the Commissioners at the present time are the sole judges of what is to be awarded on scarring. And on Bill 6996, as we have discussed with several other people, we would support the study commission type of approach with the recommendation be made to the committee perhaps in the next session of the General Assembly. Thank you.

SEN. SKELLY: Thank you. Richard Bieder.

RICHARD BIEDER: Thank you, gentlemen. My name is Richard Bieder.

Cass #9 I'm a member of the law firm Cuskoff, Cuskoff & Bieder in Bridgeport, Connecticut. I'm speaking to you as Legislative

RICHARD BIEDER: (continued) than you have been getting, and Bill 6678 says that the Chairman of the Board of Compensation Commissioners shall in effect be a full time administrator charged with getting these statistics. It may have been pointed out to you, but it was difficult for me to get statistics on exactly how many work related injuries there were in the State of Connecticut. There were two different figures. The Workmens' Com. section had X amount of injuries and the OSHA injury reporting showed that there were a heck of a lot more that apparently weren't getting picked up in the Workmens' Comp. section. I don't see that there is any cost to the state for having his Chairman of the Board of Comp. Commissioners become a full time administrator, it's something that's needed so that in the future you will be able to ask for and get the statistics that you require in order to make the changes.

We support Bill 7307 in all respects except, ~~as~~ Mr. Lemieux pointed out, interestingly enough, the section on scarring. It seems completely inappropriate in the middle of that particular bill. And, once again, I know it's not a bill, it's just a proposal for your deliberation, but scarring is a different kind of an injury. The Workmens' Comp. Commissioner should take a look at the scarring and determine for himself whether it's disabling or not and ~~there should not~~ be an additional requirement on there that it be permanent. You can't tell that ~~maybe~~ until the end of the case anyway, and all during that period of time, the worker would be prejudiced. That should just be left to the discretion and it should come out of 7307.

And lastly, we support 6998, which says that funding should be based on 100% of the average state worker's salary rather than, I think it's 70--85% now. Again, I was here earlier when Senator Matthews' question was asked as to what impact it would have. My limited information, and I don't claim to be--of course I'm going to claim to be an expert, but I'm really not an expert, I don't claim to be an expert on this. My limited information is somewhere around 20 or 30% of the work forces is earning over \$240.00 - \$250.00, and so the impact would not be as heavy as you might be led to believe it's going to be. I thank you. With that I will go to the Public Health Committee and talk about pedicures.

SEN. SKELLY: Thank you for your testimony. Marion Morganbesser.

MARVIN MORGANBESSER: Mr. Chairman, members of the committee, thank you for giving me this opportunity to speak to you. I think you should be happy, I'm probably the last speaker. What I wanted to talk about, and I'll talk about it very briefly,

We do, therefore, oppose SB-490, SB-491, SB-492, SB-932, HB-6688 and HB-7466.

We would oppose SB-929 for the reason that the employee's rights are adequately protected under current law and there is no prohibition of his right to acquire knowledge concerning his benefit eligibilities.

We oppose SB-562 on the grounds that the employee is presently adequately protected under the anti-discrimination for handicap laws; that separate record keeping and storage is costly and serves no useful purpose; that accessibility of the medical records to the employee may effectively restrain doctors from providing totally accurate reports on an employee's condition for fear of litigation; that medical records in employment should be for the sole use of the employer in placing an employee in a job for which he is physically suited; if the records are required for litigation adequate subpoena power exists.

Similarly, we oppose SB-564 requiring the employer to provide transportation costs to employee for the resolution of his claim. Current law provides for transportation cost reimbursement for medical treatment and rehabilitation, and to expand the transportation cost provision is costly and clears the way for abuse.

We support SB-742 and HB-6683 permitting Workmen's Compensation coverage for sole proprietors and business partners.

We support SB-946 which provides that payments for accident and health insurance and life insurance coverage for persons receiving WC for more than one year be made from the second injury fund.

Similarly, we support HB-6693 to conform state to federal law. We also support HB-7086 to limit the employer's liability for continued benefits to disabled employees to those employees actually receiving WC.

With respect to HB-7307, we support the limitation/^{of}scarring to permanent

significant disfigurement.

Once again, we respectfully urge this Committee to bear in mind that any increased costs imposed on employers by liberalization of the WC law will constitute a downward thrust on our competitive edge and may act as a deterrent to expansion and relocations.

Donald A. Gray, Jr.
President

DAG, Jr.:mak