

Legislative History for Connecticut Act

PA 01-33

Act Number:	33	Year:	2001	
Bill Number:	5861			
Senate Pages:	1824-1825, 1876-1878			5
House Pages:	2088-2090			3
Committee:	Labor 717, 719-720, 835, 1024			5
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Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate
and House of Representatives Proceedings

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Joint Standing Committee hearings,Labor. 2001:pt.3, p.717, 719-720, 835

Joint Standing Committee hearings,Labor. 2001:pt.4, p.1024

Proceedings / Connecticut General Assembly, House. 2001 v.44:pt.7

Proceedings / Connecticut General Assembly, Senate. 2001 v44:pt.7

pat
Senate

18

001824

May 16, 2001

THE CHAIR:

Without objection, so ordered.

SEN. JEPSEN:

440 I move to the Foot of the Calendar.

THE CHAIR:

Without objection, so ordered.

SEN. JEPSEN:

441, S.B. 1035 I move to the Committee on Commerce
and Exports.

THE CHAIR:

Without objection, so ordered.

SEN. JEPSEN:

442 I move to the Foot of the Calendar.

THE CHAIR:

Without objection, so ordered.

SEN. JEPSEN:

447, top of Page 16 is PR.

448, H.B. 5882 I move to the Committee on Finance.

THE CHAIR:

Without objection, so ordered.

SEN. JEPSEN:

449 is marked Go.

450 is PR.

451, H.B. 5861 I move to the Consent Calendar.

THE CHAIR:

pat
Senate

19 001825
May 16, 2001

Without objection, so ordered.

SEN. JEPSEN:

Page 17, 452 is PR.

453, PR.

454, PR.

455, PR.

456, PR.

457, PR.

Page 18, 458 is PR.

459 is Go.

460, H.B. 6131 I move to the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

SEN. JEPSEN:

461 is PR.

462 is PR.

Page 19, 463 is PR.

464, PR.

465, PR.

466, S.B. 142 I move to the Foot of the Calendar.

THE CHAIR:

Without objection, so ordered.

SEN. JEPSEN:

467, S.B. 1010 I move to the Committee on
Appropriations.

pat
Senate

70

001876

May 16, 2001

Majority Leader to call the Consent Calendar at this time. Senator Jepsen?

SEN. JEPSEN:

Madam President, if the Clerk would call the Consent Calendar at this time.

THE CHAIR:

Mr. Clerk, would you first announce a roll call vote on the Consent Calendar before we call it.

THE CLERK:

An immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber.

An immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber.

Madam President, the First Consent Calendar begins on Calendar Page 1, Calendar 443, H.J. 127.

Calendar 444, H.J. 128.

Calendar Page 2, Calendar 445, H.J. 129.

Calendar Page 9, Calendar 368, Substitute for S.B. 1088.

Calendar Page 12, Calendar 424, S.B. 1014.

Calendar Page 13, Calendar 432, Substitute for S.B. 617.

Calendar Page 16, Calendar 451, Substitute for H.B.

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Senate

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001877

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5861.

Calendar Page 18, Calendar 459, Substitute for H.B.

5654.

Calendar 460, Substitute for H.B. 6131.

Calendar Page 19, Calendar 468, Substitute for S.

B. 1027.

Calendar Page 22, Calendar 480, Substitute for H.B.

6947.

Calendar Page 23, Calendar 107, Substitute for S.B.

1047.

Calendar 110, Substitute for S.B. 1008.

Calendar Page 22, Calendar 485, Substitute for H.B.

6763.

Calendar Page 27, correction, Calendar Page 24,
Calendar 131, Substitute for S.B. 792.

Calendar Page 27, Calendar 189, Substitute for S.B.

1330.

Calendar Page 28, Calendar 244, S.B. 735.

Calendar Page 30, Calendar 298, S.B. 1250.

Calendar Page 31, Calendar 303, Substitute for S.B.

1011.

Calendar 336, Substitute for S.B. 1403.

And Calendar Page 34, Calendar 111, S.B. 1116.

And Calendar 310, Substitute for S.B. 1357.

Madam President, that completes the First Consent

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Senate

72 001878

May 16, 2001

Calendar.

THE CHAIR:

Thank you, Sir. Would you once again announce a roll call vote on the Consent Calendar. The machine will be opened.

THE CLERK:

The Senate is now voting by roll call on the Consent Calendar. Will all Senators please return to the Chamber.

The Senate is now voting by roll call on the Consent Calendar. Will all Senators please return to the Chamber.

THE CHAIR:

Have all members voted? Have all members voted? If all members have voted, the machine will be locked. The Clerk please announce the tally.

THE CLERK:

Motion is on adoption of Consent Calendar No.

1.

Total number voting 36; necessary for passage, 19. Those voting "yea", 36; those voting "nay", 0. Those absent and not voting, 0.

THE CHAIR:

The Consent Calendar is adopted. Before we begin with the Calendar, I would once again ask if there are

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002088

House of Representatives

Tuesday, May 8, 2001

that exhibit.

Thank you.

DEPUTY SPEAKER FRITZ:

Thank you, Representative.

Are there any other announcements?

If not, will the Clerk please return to the Call of the Calendar, Calendar Number 87.

CLERK:

On page 23, Calendar 87, Substitute for H.B. 5861,
AN ACT INCREASING THE MILEAGE REIMBURSEMENT RATE FOR
WORKERS' COMPENSATION CLAIMANTS. Favorable Report of
the Committee on Finance, Revenue and Bonding.

DEPUTY SPEAKER FRITZ:

Representative Christopher Donovan.

REP. DONOVAN: (84TH)

Good afternoon, Madam Speaker. Nice to see you up there.

Madam Speaker, I move acceptance of the joint committee's favorable report and passage of the bill.

DEPUTY SPEAKER FRITZ:

The question is on acceptance and passage. Please proceed.

REP. DONOVAN: (84TH)

Thank you, Madam Speaker. Madam Speaker, the bill before us updates the mileage reimbursement rate that a

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House of Representatives

Tuesday, May 8, 2001

workers' compensation claimant could receive going to and from medical appointments and it is the current rate - the federal mileage reimbursement rate and I urge passage.

Thank you, Madam Speaker.

DEPUTY SPEAKER FRITZ:

Will you remark further on the bill? Will you remark further on the bill?

Will staff and guests please come to the Well of the House and the machine will be opened.

CLERK:

The House of Representatives is voting by roll call. Members, to the Chamber. The House is voting by roll call. Members to the Chamber, please.

DEPUTY SPEAKER FRITZ:

Have all the members checked the board? Have all the members checked the board? Please check the board to make sure that your vote is properly cast. If so, the machine will be locked. And the Clerk will take the tally.

The Clerk will announce the tally.

CLERK:

H.B. 5861

Total Number Voting	143
Necessary for Passage	72

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House of Representatives

Tuesday, May 8, 2001

Those voting Yea	143
Those voting Nay	0
Those absent and not Voting	7

DEPUTY SPEAKER FRITZ:

The bill is passed.

Are there any announcements? Representative
Backer.

REP. BACKER: (121ST)

Thank you, Madam Speaker. I'd like to take a moment for a pre-arranged hello to some friends in Ireland, who have taken the time out of their day to watch our form of democracy in action. I thought I'd just take a moment, through the miracle of the Internet, to say hello to those folks in Ireland and hope they enjoy our process here.

Thank you very much.

DEPUTY SPEAKER FRITZ:

Thank you, Representative Backer. I'm sure that people on the old sod will be greatly enlightened by the democracy that we exhibit on a daily basis in this chamber.

Representative Carter.

REP. CARTER: (7TH)

Thank you, Madam Speaker. For an introduction. Madam Speaker, in the Well of the House, is my daughter,

Many workers with serious injuries end up with permanent restrictions that prevent them from continuing in their usual employment, often resulting in significant loss in earnings during their future years in the labor force.

In 1993, the General Assembly passed legislation that established arbitrary limits on an injured worker receiving discretionary benefits for continuing wage losses caused by an injury with no relationship whatsoever to the actual financial losses incurred by that worker for the duration of his or her work life.

Raised S.B. 1273 will help return some fairness to the situation by allowing the Commissioners more leeway in making discretionary awards of benefits due directly to an employee's work injury. Certainly this is consistent with humanitarian intent of the workers' compensation act and totally inconsistent without humanitarian content is S.B. 1162 which in fact would reduce or eliminate vocational rehabilitation services for seriously injured employees. This is simply reprehensible.

Injured employees who can no longer return to their usual employment need programs such as vocational rehabilitation to improve their employability, minimize their loss in earnings and maintain their dignity as productive members of our society.

I have probably referred more injured workers to rehabilitation services than any other individual in the state and I know the professional and dedicated staff of that department have contributed to many success stories.

I also ask your support for Committee H.B. 5861. The current bargain basement mileage reimbursement at 15 cents per mile has not been increased for over 20 years. It's about time we have a reasonable level of reimbursement as provided for in this legislation. Thank you very much.

REP. DONOVAN: Thank you, John.

another job for the next 10 years or so, but a lot of my fellow co-workers will not be in that same position to do so.

This is a lot of money to most folks and with the inflation rising and our wages are not, this is a lot to give up for someone trying to live on a fixed income.

I have read through the Treasurer's bill and I cannot tell just how much the reduction is going to be lessened so I hope somebody knows and will tell me about it. If not, the proposed bills, S.B. 265 and S.B. 74 ask for a complete elimination of the reduction and I would wholeheartedly support either of those bills. Thank you very much.

REP. DONOVAN: Wayne, thank you very much. Good luck. Thomas Sellas.

THOMAS SELLAS: Good evening.

REP. DONOVAN: Good evening.

THOMAS SELLAS: Good evening Representative Donovan and members of the Committee, my name is Thomas Sellas.

I'm an employee of the Department of Correct and have been for over 20 years. I am an executive board member and also Chairman of the Workers' Compensation Committee of the Connecticut Correction Employees Union, AFSCME Local 1655 which represents over 2500 members of the Department of Corrections Division of Parole, and the Department of Children and Families at the Long Lane facility.

I'm here to testify on H.B. 5861 to increase the rate pay for mileage to workers' compensation claimants, H.B. 5862 concerning portal to portal workmen's compensation coverage to certain hazardous duty employees and S.B. 1162 the elimination of workers' rehabilitation programs.

H.B. 5861. The increase in the rate pay for mileage to workers compensation claimants is way overdue. The current 15 cents per mile has not been addressed in the last 20 years. We believe the increase will keep the mileage rate in line

with actual costs for the rate to keep up with inflation and relieve part of the burden those employees on workers' compensation.

H.B. 5862 portal to portal protection for certain hazardous duty employees. This bill will revive workmen's compensation coverage the Department of Correction hazardous duty employees who are injured en route to and from their duty station.

As you may not know, these employees are considered essential personnel. They must report to work irregardless of weather and road conditions. Once his officer puts on his uniform, he is viewed by the public as a law enforcement officer. There are examples where these employees have become involved in serving the citizens of Connecticut on their way to work.

Another factor that needs to be brought out, that being essential employees, they are often mandated to work overtime beyond their normal shift due to staff shortages or facility needs. All these factors put the DOC hazardous duty employees in a precarious situation.

If they get injured on the way to work, since they are not covered under the current workmen's compensation act, they are not covered under current workmen's compensation act. It is hard for me to follow Donna Feldmann's testimony. Jeffrey Feldmann was a member of our union and we feel Donna's frustration because we were part of a group of people trying to help her after her loss.

On S.B. 1162 AN ACT CONCERNING REHABILITATION PROGRAMS FOR CERTAIN EMPLOYEES. We are adamantly opposed to elimination of this vital service to injured workers of Connecticut. This program is extremely important to all the workers of Connecticut, not only hazardous duty employees who are injured on the job and no longer able to perform their duties, the program provides a vehicle for them to reenter the work force.

Without this program there would be no vehicle for them and they would be eliminated, they are usually

**O'Brien, Shafner,
Stuart, Kelly &
Morris, P. C.**

A PROFESSIONAL CORPORATION

FILE NO.

The Honorable Edith Prague
The Honorable Christopher Donovan
March 1, 2001
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HB No. 5861

An Act Increasing the Mileage Reimbursement Rate for Workers' Compensation Claimants. The CTLA supports this Bill for it makes it consistent with the federal mileage reimbursement rate.

HB No. 5862

An Act Concerning Portal to Portal Workers' Compensation Coverage for Certain Hazardous Duty Employees. CTLA supports this Amendment for portal to portal workers' compensation coverage for employees of the Department of Corrections.

HB No. 6859

An Act Enhancing Benefits in the Police Officer and Firefighters Survivors' Benefit Fund and the Municipal Employees Retirement System. CTLA supports this Bill which improves the level of benefits available to the survivors under the Municipal Employees Retirement System and Police Officer and Firefighter Survivor Benefits Fund.

SB No. 1274

An Act Addressing the Cap on Workers' Compensation Assessment for Administrative Costs. CTLA supports the Bill NO. 1274 which increases for fiscal years 2002 and 2003 the Workers' Compensation Commission's assessment cap of 4% to 5% of employees workers' compensation expenses for the prior year.

SB No. 1273

An Act Concerning Lost or Replacement Wages for Injured Employees. CTLA strongly endorses this Act that would increase the number of weeks of replacement wages for an injured employee up to 260 weeks and have provided separate documents to discuss its endorsement. (See attached documents).

LABOR AND PUBLIC EMPLOYEES COMMITTEE

MARCH 1, 2001 PUBLIC HEARING

TESTIMONY OF JOHN J. DEL VECCHIO, WORKERS' COMPENSATION ORGANIZER, DISTRICT 1199,
NEW ENGLAND HEALTH CARE EMPLOYEES UNION, SEIU/AFL-CIO

I AM JOHN DEL VECCHIO, WORKERS' COMPENSATION ORGANIZER FOR DISTRICT 1199, NEW ENGLAND HEALTH CARE EMPLOYEES UNION, AFL-CIO, WHICH REPRESENTS ALMOST 20,000 CONNECTICUT WORKERS EMPLOYED IN HEALTH CARE, IRONICALLY ONE OF THE STATE'S MOST HAZARDOUS INDUSTRIES.

ONE OF THE HISTORICAL PURPOSES OF OUR WORKERS' COMPENSATION SYSTEM IS TO PROVIDE EMPLOYEES INJURED ON THE JOB WITH SOME PROTECTION AGAINST WAGE LOSS THAT IS A DIRECT RESULT OF THEIR INJURY. MANY WORKERS WITH SERIOUS INJURIES END UP WITH PERMANENT RESTRICTIONS THAT SOMETIMES PREVENT THEM FROM CONTINUING IN THEIR USUAL EMPLOYMENT, OFTEN RESULTING IN SIGNIFICANT LOSS IN EARNINGS DURING THEIR FUTURE YEARS IN THE LABOR FORCE. IN 1993 THE GENERAL ASSEMBLY PASSED LEGISLATION THAT ESTABLISHED ARBITRARY LIMITS ON AN INJURED WORKER RECEIVING DISCRETIONARY BENEFITS FOR CONTINUING WAGE LOSSES CAUSED BY AN INJURY, WITH NO RELATIONSHIP WHATSOEVER TO THE ACTUAL FINANCIAL LOSSES INCURRED BY THAT WORKER FOR THE DURATION OF HIS OR HER WORK LIFE.

RAISED BILL NUMBER 1273 WILL HELP RETURN SOME FAIRNESS TO THE SITUATION BY ALLOWING THE COMMISSIONERS MORE LEEWAY IN MAKING DISCRETIONARY AWARDS OF BENEFITS DUE DIRECTLY TO AN EMPLOYEE'S WORK INJURY. CERTAINLY THIS IS CONSISTENT WITH THE HUMANITARIAN INTENT OF THE WORKERS' COMPENSATION ACT.

AND TOTALLY INCONSISTENT WITH THAT HUMANITARIAN INTENT IS BILL NUMBER 1162, WHICH IN PRACTICE WOULD REDUCE OR ELIMINATE VOCATIONAL REHABILITATION SERVICES FOR SERIOUSLY INJURED EMPLOYEES. THIS IS SIMPLY REPREHENSIBLE. INJURED EMPLOYEES WHO CAN NO LONGER RETURN TO THEIR USUAL EMPLOYMENT NEED PROGRAMS SUCH AS VOCATIONAL REHABILITATION TO IMPROVE THEIR EMPLOYABILITY, MINIMIZE THEIR LOSS IN EARNINGS, AND MAINTAIN THEIR DIGNITY AS PRODUCTIVE MEMBERS OF OUR SOCIETY. I HAVE REFERRED MORE INJURED WORKERS TO REHABILITATION SERVICES THAN PROBABLY ANY OTHER INDIVIDUAL, AND I KNOW THE PROFESSIONAL AND DEDICATED STAFF OF THAT DEPARTMENT HAVE CONTRIBUTED TO MANY SUCCESS STORIES.

I ALSO ASK YOUR SUPPORT FOR COMMITTEE BILL NUMBER 5861. THE CURRENT BARGAIN BASEMENT MILEAGE REIMBURSEMENT OF 15¢ PER MILE HAS NOT BEEN INCREASED FOR OVER TWENTY YEARS. IT'S ABOUT TIME WE HAVE A REASONABLE LEVEL OF REIMBURSEMENT AS PROVIDED FOR IN THIS LEGISLATION.