



State of Connecticut

Workers' Compensation Commission

Connecticut Workers' Compensation *Overview*

Presentation for the 2021 Teamsters Steward
Seminar

March 13, 2021



State of Connecticut

Workers' Compensation Commission

Presentation Overview

- The Workers' Compensation Act
- The Workers' Compensation Commission
- Rights and Responsibilities
- Types of Benefits
- Types of Hearings and Appeals
- Statistics and Data
- Legislation



State of Connecticut

Workers' Compensation Commission

The Workers' Compensation Act

C.G.S. Chapter 568

First adopted in 1913, the Workers' Compensation Act outlines the roles and duties of:

- The Workers' Compensation Commission
- Sixteen Commissioners including the Chairman
- Employees and Employers
- Insurers, Attorneys and Healthcare Providers
- Various other Programs and Services



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Workers' Compensation Commission

The Workers' Compensation Act

C.G.S. Chapter 568

With few exceptions, all workers and employers are covered by Connecticut's workers' compensation laws.

A worker who has suffered a job-related injury or illness is entitled to certain well-defined wage replacement and medical benefits.



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Workers' Compensation Commission

The Workers' Compensation Commission

Mission Statement:

The Workers' Compensation Commission administers the workers' compensation laws of the State of Connecticut with the ultimate goal of ensuring that workers injured on the job receive prompt payment of lost work time benefits and attendant medical expenses. To this end, the Commission facilitates voluntary agreements, adjudicates disputes, makes findings and awards, hears and rules on appeals, and closes out cases through full and final stipulated settlements.



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Workers' Compensation Commission

The Workers' Compensation Commission Structure:

Sixteen Workers' Compensation Commissioners who are nominated by the Governor and confirmed by Legislative approval. Each serves a term of 5 years.

One Commissioner serves as **Chairperson** of the Commission, at the pleasure of Governor.

- The Chairperson acts as the agency head and is responsible for administration of the Commission.
- The Chairperson also serves as the Presiding Commissioner of the Compensation Review Board (CRB) with two additional Commissioners.



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Workers' Compensation Commission

The Workers' Compensation Commission

Structure Continued:

Advisory Board [Sec. 31-280a]

- Statutorily defined body which advises the Chairman on policy matters and the operation of the commission. The Board also submits written recommendations to the Governor on the renomination of commissioners.
- Four members represent employees, and four members represent employers.

Legal and Medical Advisory Panels

- Panels which advise the Chairman on legal and medical matters.



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Workers' Compensation Commission

The Workers' Compensation Commission Structure Continued:

Chairman's Office:

Centralized Administrative and Appellate Operations take place at the Office of the Chairman:

- Administration
 - Business Office
 - Human Resources
 - Management Information Systems
 - Research and Statistics
- Compensation Review Board
- Education, Safety and Health Services
- Self-Insurance and Managed Care Plans



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Workers' Compensation Commission

The Workers' Compensation Commission

Structure Continued:

District Offices:

Fifteen Commissioners serve at-large in one of the agency's **eight district offices** throughout the State, presiding over dispute resolution hearings and trials in:

- Hartford
- Norwich
- New Haven
- Bridgeport
- Waterbury
- New Britain
- Stamford
- Middletown



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Workers' Compensation Commission

The Workers' Compensation Commission Structure Continued:

Additional Services:

- **Rehabilitation Services** (Department of Aging and Disability Services)
- **Occupational Health Clinics** (Department of Labor)
- **Second Injury Fund** (Office of the State Treasurer)
- **Fraud Control Unit** (Office of the Chief State's Attorney)
- **Attorney, Insurer, and Healthcare Provider Oversight** (Judicial Branch, Department of Insurance and Department of Public Health)



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Workers' Compensation Commission

The Workers' Compensation Commission

Website: www.wcc.state.ct.us



STATE OF CONNECTICUT
WORKERS' COMPENSATION COMMISSION



- INJURED AT WORK?
 - What To Do
 - Info Packet (pdf)
- WHAT'S NEW?
 - News
 - RSS Newsfeed
- ONLINE SERVICES
 - Claim Location
 - FRI Submission
 - Verify Coverage
- RESOURCES
 - Memorandums
 - Forms
 - Publications
 - Glossary
 - Links
- CRB
 - Calendars
 - Opinions
 - Annotations
- STATUTES & REGS
 - Comp Statutes
 - Related Statutes
 - Regulations
 - Public Acts
- COMMISSION
 - Chairman
 - Review Board
 - District Offices
 - Education
 - Rehabilitation

UPDATED MARCH 8, 2021

NEWS

- Compensation Review Board (CRB) Calendars Updated
- 2021 CRB Panel Announced
- Mileage Reimbursement Rate Falls
- 2021 WCC Hospital and Ambulatory Surgical Center Fee Schedule [MEMORANDUM NO. 2020-20]
- CRB Opinions Posted to the Site
- CRB Opinions Posted to the Site
- Workers' Compensation Benefit Rate Tables: October 1, 2020-September 30, 2021 [MEMORANDUM NO. 2020-19]
- Average Weekly Wage, Maximum Compensation Rate, and Cost-of-Living Adjustments [MEMORANDUM NO. 2020-18]
- Calculating Weekly Benefit Amounts without FICA and/or Medicare Deductions [MEMORANDUM NO. 2020-17]
- Stipulation Questionnaire Revised [MEMORANDUM NO. 2020-16]
- Workers' Compensation Commission Guidelines for Mediation effective September 18, 2020 [MEMORANDUM NO. 2020-15]

[more news...](#)

— see below these important COVID-19 related items —

[INFORMATION RE OCTOBER 23, 2020 COMPENSATION REVIEW BOARD HEARINGS](#)

[INFORMATION RE SEPTEMBER 25, 2020 COMPENSATION REVIEW BOARD HEARINGS](#)

[Workers' Compensation Claim Information Subject to Governor Lamont's Executive Order 7333 \[MEMORANDUM NO. 2020-14\]](#)

[GOVERNOR LAMONT ISSUES EXECUTIVE ORDER CREATING A REBUTTABLE PRESUMPTION REGARDING WORKERS' COMPENSATION BENEFITS RELATED TO CONTRACTION OF COVID-19](#)

[Limited In-Person Formal and Appellate Hearings effective August 1, 2020 \[MEMORANDUM NO. 2020-13\]](#)

[INFORMATION RE JULY 24, 2020 COMPENSATION REVIEW BOARD HEARINGS](#)

WORKERS' COMP NEWSFEEDS

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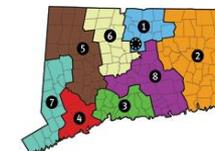
CONTACT US

Information—1.800.223.9675
(Toll-Free in Connecticut)

[Email](#)

[Phone - Fax](#)

WCC OFFICE LOCATIONS



Office of the Chairman - Hartford
District 1 - Hartford
District 2 - Norwich
District 3 - New Haven
District 4 - Bridgeport
District 5 - Waterbury
District 6 - New Britain
District 7 - Stamford
District 8 - Middletown



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Workers' Compensation Commission

The Workers' Compensation Commission

Education, Safety and Health Services

The Workers' Compensation Act, requires WCC to provide information and training in the area of workers' compensation procedures, standards and requirements. To fulfill this obligation the Commission employs Education Coordinators and Safety Program Officers. For more information please contact:

1-800-223-9675 (WORK)



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Rights and Responsibilities

- Employee
- Employer/ Insurer



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Rights and Responsibilities

Employee

When you are injured on the job:

- Immediately report injury/illness to employer.
- Accept initial medical treatment from employer-designated medical facility
- File Form 30C (Notice of Claim for Compensation)
- If continued medical care is needed, choose an attending physician. Note: If an employer is in an approved Medical Care Plan, chose an attending physician from the list of doctors included in the plan.



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Rights and Responsibilities

Employee Continued

Filing a Form 30c:

- An injured employee must file a notice of claim within up to one year of the injury date or three years from the first manifestation of a symptom of an occupational disease.
- A Form 30C must be sent by registered or certified mail to both your employer and the Workers' Compensation Commission District Office which has jurisdiction over the city or town in which you were injured or became ill.



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Rights and Responsibilities

Employee Continued

If you continue to lose time from work:

- Provide employer with a medical note from treating physician outlining why and for how long you will be out of work.
- Get the contact information of the adjuster handling your case.
- When requested, provided the insurance carrier with a medical authorization form and filing status form.



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Rights and Responsibilities

Employee Continued

If you are not receiving the benefits, you believe you are entitled:

- Ensure you have contacted all appropriate parties to resolve issues.
- If issues cannot be resolved, request a hearing before the Workers' Compensation Commission.
- If a Form 36, reducing or discontinuing certain benefits, is filed and you contest the provisions of the form, request a hearing before the Commission.



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Rights and Responsibilities

Employee Continued

Filing a Hearing Request:

- A “Hearing Request” Form is to be completed by any party to a claim or his/her attorney/representative who wishes to request a hearing before a Workers’ Compensation Commissioner.
- A Hearing Request Form should include a list of the names and addresses of all parties involved in the claim.
- A Hearing Request Form should be sent by registered or certified mail to the Workers’ Compensation Commission District Office which has jurisdiction over the city or town in which you were injured or became ill.



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Rights and Responsibilities

Employer/ Insurer

Notice to Employees

Public Act 17-141 allows for an employer to post a copy of where notice of a claim for compensation shall be sent by an employee in the workplace location where other labor law posters required by the Labor Department are prominently displayed.

NOTICE TO EMPLOYEES



State of Connecticut Workers' Compensation Commission

Revised 10-01-2017

The Workers' Compensation Act (Connecticut General Statutes Chapter 568) requires your employer, _____ to provide benefits to you in case of injury or occupational disease in the course of employment.

Section 31-294b of the Workers' Compensation Act states "Any employee who has sustained an injury in the course of his employment shall immediately report the injury to his employer, or some person representing his employer. If the employee fails to report the injury immediately, the commissioner may reduce the award of compensation proportionately to any prejudice that he finds the employer has sustained by reason of the failure, provided the burden of proof with respect to such prejudice shall rest upon the employer."

An injury report by the employee is NOT an official written notice of claim for workers' compensation benefits; the Workers' Compensation Commission's Form 30C is necessary to satisfy this requirement.

NOTE: You must comply with P. A. 17-141 (see next box, below) when filing a compensation claim.

The INSURANCE COMPANY or SELF-INSURANCE ADMINISTRATOR is:

Name _____

Address _____ Telephone _____

City/Town _____ State _____ Zip Code _____

Approved Medical Care Plan Yes No

The State of Connecticut Workers' Compensation Commission office for this workplace is located at:

Address _____ Telephone _____

City/Town _____ State _____ Zip Code _____

Public Act 17-141 allows an employer the option to designate and post -- "in the workplace location where other labor law posters required by the Labor Department are prominently displayed" and on the Workers' Compensation Commission's website [wcc.state.ct.us] -- a location where employees must file claims for compensation.

If your employer has listed a location below, you **MUST** file your compensation claim there.

When filing your claim, you are also required -- by law -- to send it by certified mail.

If blank below, ask your employer where to file your claim.

Employer Name _____

Address _____ Telephone _____

City/Town _____ State _____ Zip Code _____

THIS NOTICE MUST BE IN TYPE OF NOT LESS THAN TEN POINT BOLD-FACE AND POSTED IN A CONSPICUOUS PLACE IN EACH PLACE OF EMPLOYMENT. FAILURE TO POST THIS NOTICE WILL SUBJECT THE EMPLOYER TO STATUTORY PENALTY (Section 31-279 C.G.S.).

Date Posted: _____

Any questions as to your rights under the law or the obligations of the employer or insurance company should be addressed to the employer, the insurance company, or the Workers' Compensation Commission (1-800-223-9675).



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Rights and Responsibilities

Employer/ Insurer Continued

When an Employee is injured:

- Provide Employee with initial medical treatment.
- Contact Insurer or Third-Party Administrator when appropriate.
- File a First Report of Injury Form.
- On the day of injury, pay the employee for a full day no matter what the actual number of hours worked was.



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Rights and Responsibilities

Employer/ Insurer Continued

When an Employee is incapacitated due to injury or illness:

- If the injured employee is incapacitated from work for more than three calendar days, benefits begin on the fourth day. If the employee is incapacitated for seven or more calendar days, then benefits are to be paid from the date the employee became incapacitated.
- If claim is not contested issue a Voluntary Agreement.
- Pay all medical bills related to the workplace injury.
- Pay for any lost time for medical treatment and reimburse for travel expenses.



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Workers' Compensation Commission

Rights and Responsibilities

Employer/ Insurer Continued

When reducing, discontinuing or contesting benefits:

- In order to reduce or discontinue temporary total benefits a Form 36 must be filed, and it must be signed by a Connecticut-licensed physician or attached to the physician's report.
- In order to contest liability, a Form 43 must be filed within 28 calendar days of receiving a claim if no benefits are being paid. If benefits are being paid, a Form 43 must be submitted within one year of the receipt of claim in order to contest liability.



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Types of Benefits

- Healthcare
- Indemnity
- Additional Benefits



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Types of Benefits

Indemnity Benefits

Temporary Total Disability [Sec. 31-294d]

Wage replacement benefit for which employee receives 75% of after tax earnings when totally disabled for up to 52 weeks.

Temporary Partial Disability [Sec. 31-308(a)]

Wage replacement benefit for the difference between what is worked, and what would have been earned if the employee had not been injured.

Permanent Partial Disability [Sec. 31-308(b)]

Benefit paid when employee has suffered a permanent, partial loss of use of a body part(s).

Additional Permanent Partial [Sec. 31-308a]

Discretionary wage differential benefit received after permanent partial disability benefits have been exhausted.

Disfigurement and Scarring [31-308(c)]

Discretionary benefit for permanent, significant disfigurements or scars.



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Types of Benefits

Additional Benefits

Relapse or Reoccurrence [C.G.S. Sec. 31-307b]

Wage replacement benefit when an employee suffers a relapse or reoccurrence of the original injury or illness.

Lost Time and Travel Reimbursement [C.G.S. Sec. 31-312]

Reimbursement for time lost and travel expenses incurred for medical treatment.

Dependent Survivor Benefits [C.G.S. Sec. 31-306]

Benefits entitled to a surviving spouse or eligible dependent when an employee's death occurs from a work-related injury or illness.

Job Retraining [C.G.S. Sec. 31-283a]

Vocational Rehabilitation Services for injured employees who cannot return to the type of work which caused the injury or illness.

Protection Against Discharge or Discrimination [C.G.S. Sec. 31-290a]

The Workers' Compensation Act prohibits employers from discharging, or in any way discriminating against, any employee *just* because the employee has filed a claim for workers' compensation benefits or otherwise exercised his or her rights under the Act.



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Types of Benefits

Additional Benefits; Rehabilitation Services

In addition to job retraining, Rehabilitation Services also provides:

- Vocational Counseling
- Evaluation
- Aptitude and Interest Testing
- Education
- Placement Assistance

The main goal of Rehabilitation Services is to help injured workers get back to work in a position that is physically appropriate. Prompt and well-planned vocational rehabilitation may help prevent future injuries. Early referral may help the injured worker return to the job market sooner than otherwise might be possible.



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Types of Hearings and Appeals

Informal Hearings

Dispute Resolution

Stipulations

Discretionary Wage Differential Benefits

Disfigurement/ Scar Benefits

Pre-Formal Hearings

Formal Hearings

Appellate (Compensation Review Board) Hearings

Mediations



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Types of Hearings and Appeals

Informal Hearing

An Informal Hearing is an informal conference held at a Workers' Compensation Commission District Office and presided over by a Workers' Compensation Commissioner. The purpose of the conference, which usually lasts about 15 minutes, is to resolve disputes in workers' compensation cases, or to make appropriate awards of benefits such as "308a" or scar and disfigurement benefits. A Commissioner presiding over an Informal Hearing will not "represent" either party in a case, but will serve as an impartial fact finder and mediator between the two parties.

The Informal Hearing is informal in nature, simply including a discussion of the issues and evidence, and most often a recommendation by a Commissioner as to how to resolve the dispute. If both parties agree, the recommendation(s) will be binding upon the parties as an award made by the Commissioner.

When a resolution cannot be determined and agreed upon in one Informal Hearing, another one is usually scheduled for more discussion, presentation of evidence, or for whatever other reason(s) the Commissioner deems necessary.



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Workers' Compensation Commission

Types of Hearings and Appeals

Pre-Formal Hearing

If a Commissioner determines that a dispute cannot be resolved informally, or one of the parties requests a Formal Hearing, a Pre-Formal Hearing may be held prior to the scheduling of the Formal Hearing. Where possible, a party who has not been represented by an attorney during the Informal Hearings may wish to consider retaining counsel.

The purpose of the Pre-Formal Hearing is to help the settlement of claims and to prepare a case for trial at a Formal Hearing by clarifying the issues in dispute. At the Pre-Formal Hearing, the parties should cover the issues to be decided at the Formal Hearing, the evidence that they expect to submit, the particular testimony to be addressed, and the names of persons being deposed. Once the hearing is concluded, the parties should know what the Commissioner expects of them for the Formal Hearing. They should not expect the Commissioner to consider issues or evidence, including testimony, that goes beyond the matters addressed at the Pre-Formal Hearing.

At the Pre-Formal Hearing, the parties should also agree to a timetable for preparing their respective cases. This timetable will be given to the Commissioner, who may either schedule a second Pre-Formal Hearing to confirm that the parties have followed the schedule or proceed to schedule the Formal Hearing. The goal of a Pre-Formal Hearing is to streamline the overall process.



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Types of Hearings and Appeals

Formal Hearing

The purpose of Formal Hearings, like that of the Informal Hearings, is to resolve differences and disagreements. Unlike Informal Hearings, a “Formal Hearing” is a formal legal proceeding presided over by a Workers’ Compensation Commissioner which may last up to several hours. A Formal Hearing is scheduled only when disputes are not resolved by a Commissioner at one or more Informal Hearings; they are not scheduled without previous attempts to reach agreement at the Informal Hearing level.

In Formal Hearings, which resemble court trials, evidence is submitted as exhibits, witnesses may be produced and provide testimony under oath, and a stenographic record of the proceedings is taken. Unlike regular court trials, however, a Commissioner is not as restricted by statutory rules of evidence or procedure. It is the Commissioner’s duty in a Formal Hearing to make inquiry in a manner designed to ascertain each of the parties’ substantial rights and carry out the provisions of the Workers’ Compensation Act, as well as its intent.

Following a Formal Hearing the presiding Commissioner reviews the evidence presented, as well as any briefs filed with the Commissioner after the actual hearing, and renders a written decision called a “Finding and Award” or a “Finding and Dismissal” in which he or she issues any findings of fact and conclusions regarding the disputed issue(s) in the case. It must be delivered to both parties within 120 days after the conclusion of the hearing. This written decision is binding on all parties, unless appealed by either party to the Workers’ Compensation Commission’s Compensation Review Board (CRB).



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Types of Hearings and Appeals

Appeals

A small number of disputed workers' compensation cases are appealed to the Workers' Compensation Commission's Compensation Review Board (CRB), which is a panel of two (2) Workers' Compensation Commissioners and the Workers' Compensation Commission Chairperson that regularly meets to review such appeals of decisions from lower-level workers' compensation hearings. The CRB may affirm, modify or reverse the decision of the Commissioner, subject to appeal to the Appellate Court.

After a Commissioner has rendered a Formal Hearing decision, either party to the claim has twenty (20) days in which to appeal the Commissioner's decision to the CRB, which does NOT try the case again, but hears the appeal on the record of the earlier hearing. The CRB will not change a Commissioner's decision from the earlier hearing, if that decision was based on the evidence presented. New evidence or testimony will be allowed only if the CRB determines that such evidence or testimony is material and there were good reasons for failure to present it at the Formal Hearing.



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Types of Hearings and Appeals

Mediations

WCC has a Mediation Services Program where parties in a litigated matter may request the services of a commissioner to help mediate a resolution prior to trial.

Requests should be sent to the Chairman's Office.

The request should advise whether the parties require a half day (three (3) hour) or full day (six (6) hour) mediation session.



Statistics and Data

Total Workers' Compensation Claims	
2020	22,383
2019	24,121
Difference	1,738
COVID-19	Approx. 2,350

Total First Reports of Injury's	
2020	37,033
2019	43,101
Difference	6,068
COVID-19	Approx. 5,650

Total WCC Hearings	
2020	47,924
2019	51,405
Difference	3,481
COVID-19	Approx. 400

Average Number of Days to Schedule a First Hearing	2020	23.02
	2019	23.05
	2018	22.94
	2017	21.44
	2016	21.72



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Statistics and Data

Current COVID DATA (First COVID-19 claim through Monday, March 8, 2021)

	COVID-19 Claims	Non-COVID-19 Claims	All Claims
Number of Claims	3,123	18,106	21,229
Number of Litigated Claims	295	4,482	4,777
Percent of Litigated Claims	9.45%	24.75%	22.50%

	Number of Claims
COVID-19 Claims with a Form 30C	1,529
COVID-19 Claims with a Form 43	2,275

	Number of Hearings
COVID-19 Hearings Held	547
COVID-19 Hearings Scheduled	175

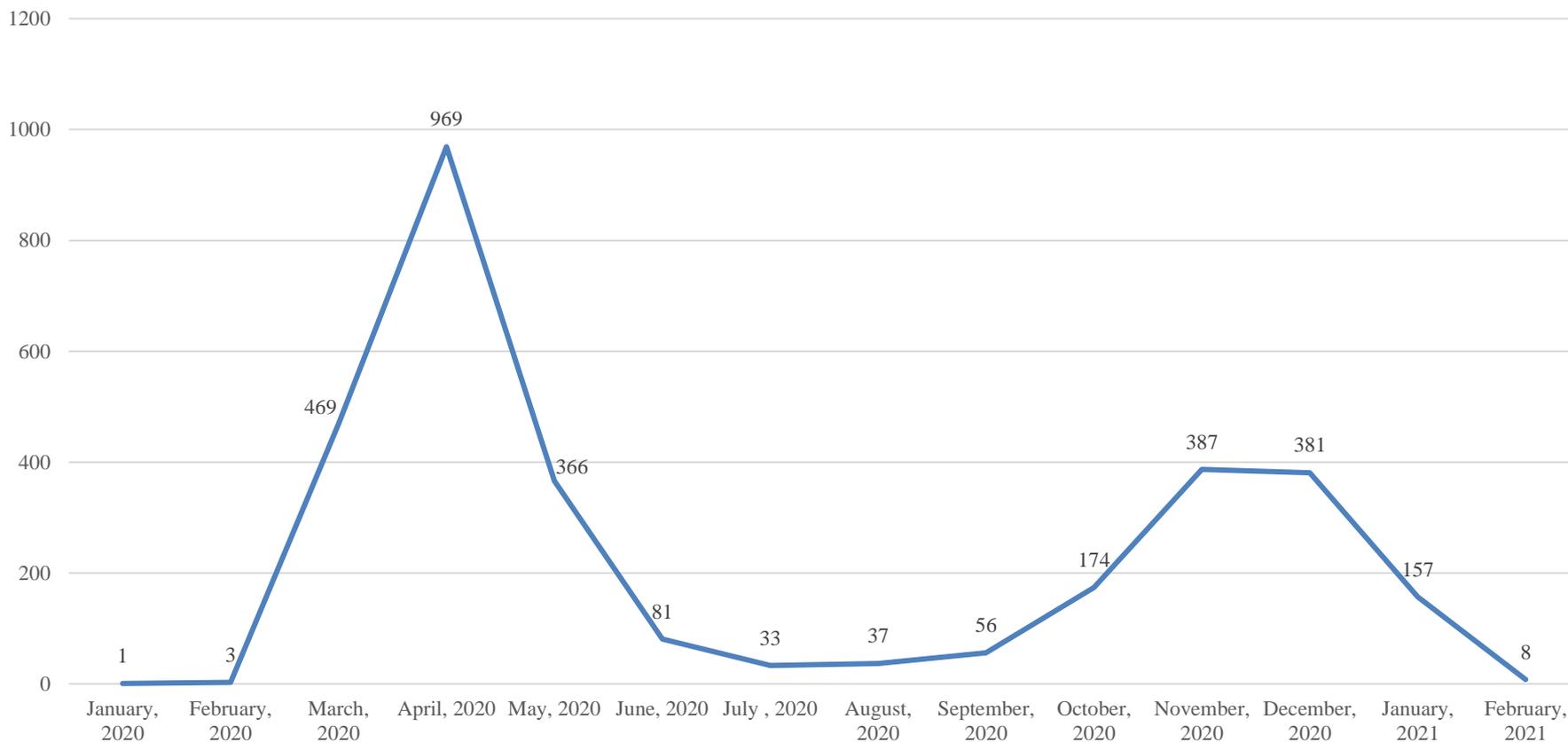


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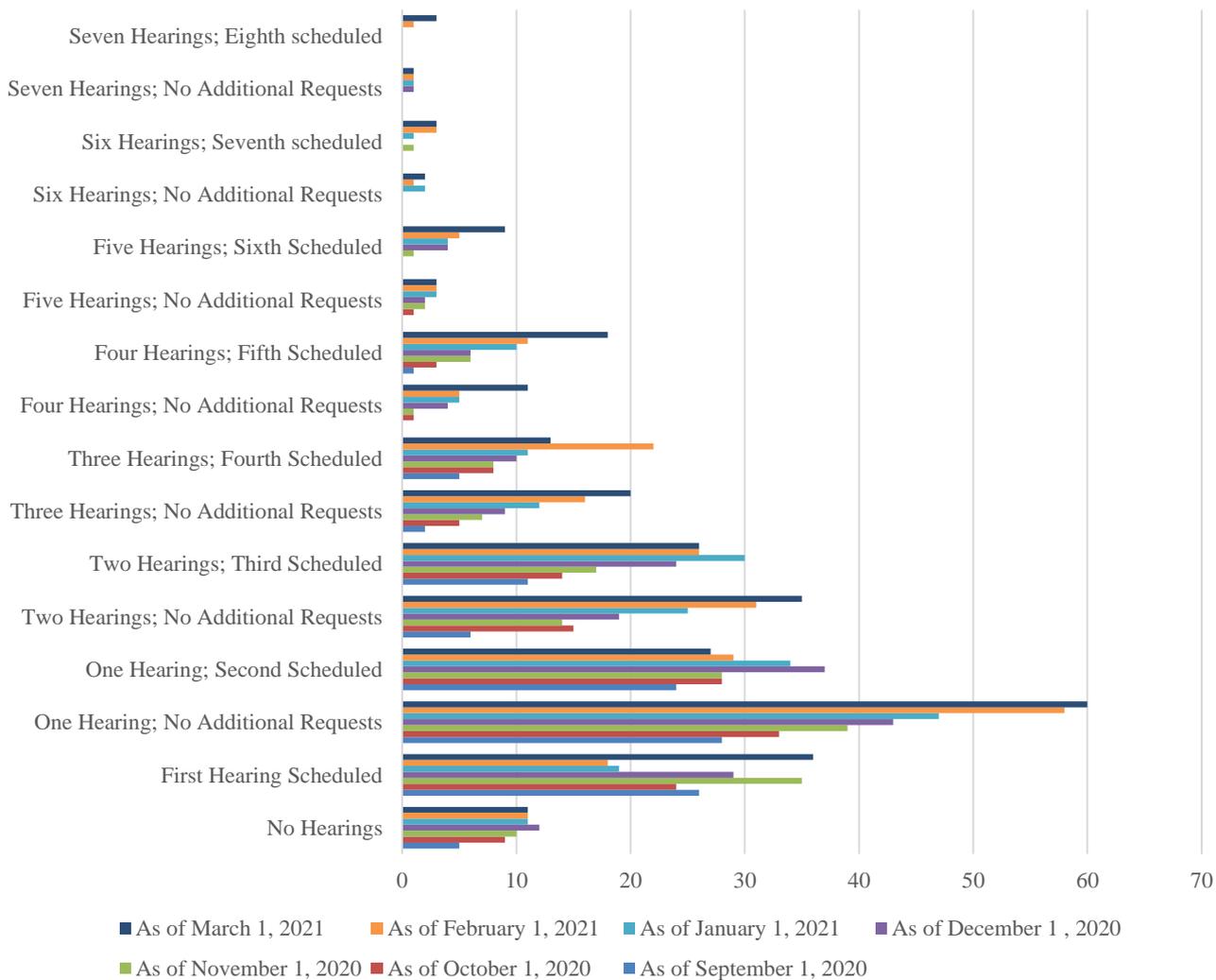
Statistics and Data

Reported Dates of COVID-19 Infections on Workers' Compensation Claims by Month





Adjudication Status of COVID-19 Claims by Month





2021 Legislation*

- [SB 907](#)
- Several bills that further expand PTSD workers' compensation benefits.
- [HB 5952](#)
- [SB 141](#)
- [HB 6478](#), [SB 1002](#) and [HB 6595](#)

* Please note as a Quasi-Judicial Agency, the Workers' Compensation Commission does not draft or take a position on policy matters that could potentially come before the Commission for adjudication. The Legislation listed above is for informational purposes only and does not represent the totality of workers' compensation legislation that has been proposed in 2021.



State of Connecticut

Workers' Compensation Commission

Contacts

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