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WRITTEN TESTIMONY OF
MELANIE I. KOLEK, LEGAL COUNSEL
CONNECTICUT EDUCATION ASSOCIATION
BEFORE THE
COMMITTEE ON LABOR AND PUBLIC EMPLOYEES
REGARDING
RAISED HOUSE BILL NO. 6595
&
RAISED SENATE BILL NO. 1002
MARCH 11, 2021

Senator Kushner, Representative Porter, and members of this esteemed committee, my name is Melanie I. Kolek. I am legal counsel for the Connecticut Education Association, proudly representing public school teachers across our state. I have the privilege and honor of representing CEA teachers in their workers' compensation matters.

It is no surprise to me the lengths teachers have taken to ensure they are and remain healthy for their students during this pandemic. In the past year, I have spoken with hundreds of members of our organization who have and continue to suffer from the personal effects of the coronavirus and resulting illness. Nearly every one of them got sick from a known positive contact at their school with no exposure at home or in the community. And almost every case involved the teacher spreading the virus to their family members. Only a handful of claims were accepted and deemed compensable by the workers' compensation insurer; the rest were denied or their doctor was reluctant to establish the requisite causation based solely on the history provided to them by their sick patient.

Given the long-lasting effects of the illness caused by the virus, educators are enduring the need for long-term care, costly payments for items not covered under health insurance, and loss of considerable time from work, all of which would be covered by workers' compensation if the claim were accepted.

In one particular instance of a teacher informing her administration of her COVID illness and that she believed it to be contracted at school, an administrator attempted to dissuade this teacher from filing a claim by pulling up a video of her talking with a COVID-positive person in the hallway. The administrator then counted on a clock to show that their interaction was less than fifteen (15) minutes, and thus, the virus could not have been contracted by the teacher from that COVID-positive person. The proposed language preventing an employer from dissuading an employee from filing a claim is necessary given the example I present here, and I am sure many others that go unreported.

It is also critical that our Workers' Compensation Act be expanded to include mental and emotional impairments for all employees arising out of and in the course of their employment. Nearly 60% of my clients suffer from some component of mental or emotional damage as a result of the injury occurring. In representing teachers, I have found that the types of actions that cause these unseen injuries include, but are not limited to, being bitten, scratched, pulled, shoved to the ground, and punched by the students they are charged to care for and educate.

There may be many arguments against this expansion, including cost and abuse factors that were discussed before the 1993 Workers' Compensation Act Reforms. Taking a closer look at the statutes and case law, however, checks and balances to prevent abuse are already in place, which can simply be converted to mental and emotional impairment claims. There are significant burdens placed upon the employee to prove a physical injury, and emotional impairments would similarly fall under this requirement, allowing the employer to challenge the compensability and causality of that impairment just as they now do with physical claims.

You undoubtedly will hear testimony from critics of this bill that nearly 10% of the population suffers some type of mental anguish or injury at some point in their lives. In fact, several studies show almost 80% of Americans suffer from lumbar or cervical symptoms in their lifetime, yet those physical injuries are recognized under the Act.

These matters I have discussed are fundamental issues for our state's students and educators, which is why they need to be implemented immediately. Thank you.