

Should You Get A
COVID-19
Vaccination
Booster?
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Trust Intelligence

A Newsletter published by the Workers' Compensation Trust

\$8 Million Premium Return

We could all use some good news in these trying times and our Board of Directors has certainly delivered on that front! At their recent board meeting a new record setting premium return of \$8 million was declared for the 2021 year! This will certainly bring immeasurable joy to hundreds of Trust members with a remarkable 100% of eligible members receiving checks. The average premium return check exceeds \$19,300 with some checks ranging into the hundreds of thousands of dollars.

We are thrilled to be able to deliver a new record premium return for the third consecutive year, following 2020's return of \$7.5 million and 2019's return of \$7 million. That's an astounding \$22.5 million returned in the last 3 years alone and over \$58 million to date! It's rewarding to envision all the funding of additional services, equipment and personnel this money has provided for Trust members. Unlike traditional insurance carriers who reward stock holders, the Trust returns the profits back to its members where the money is put to good use servicing the needs of those in Connecticut.

Diane Ritucci, President and CEO stated: "We are so pleased to announce the Trust has added another successful year to its impressive track record of producing strong, profitable financial results in some of the most loss intensive occupational classes. Our focus on delivering the best possible services and pricing to our members has enabled us to set premium return records for three successive years. Consecutive results of this magnitude are a true testimony of the specialized expertise and excellent working relationship between the Trust, its members and its brokers.

When all parties are committed to reducing losses, great things happen!

Our Safety Grant program has also been a big contributor to these results with another \$450,000 in grants awarded earlier this year.

Many thanks to our members and brokers on yet another tremendous year. Members have seen an increased demand for their services during this pandemic and we thank all of you for the 'hero' work you perform daily. We are proud to be able to serve and assist in your mission. Thank you for being a Trust member and we wish you a blessed and joyous holiday season.

POLICY RENEWALS

- When your policy renews, keep in mind the competitive workers' compensation premium you receive from the Trust is even more attractive when your premium return is applied.
- The Trust caps every employee's payroll at a maximum of \$75,000.

PREMIUM RETURN PROGRAM

The premium return program rewards currently active members based on a combination of each individual member's longevity with the Trust, loss ratio and proportionate share of premium. Each member that qualifies for a premium return will receive a letter informing them of their premium return amount and when they can expect to receive their checks. Each qualifying member will receive their check in the 30 day period preceding the renewal date of their policy in 2022. Copies will be sent to the broker as well.

OSHA Announces COVID-19 Vaccination & Testing Emergency Temporary Standard

Effective November 5, 2021, OSHA issued an emergency temporary standard (ETS) to minimize the risk of COVID-19 transmission in the workplace. The ETS establishes binding requirements to protect unvaccinated employees of large employers (100 or more employees) from the risk of contracting COVID-19 in the workplace.

The ETS currently applies to private sector employers. However, CONN OSHA (who oversees public sector employers) is in the process of looking to adopt the standard within the next 30 days.

The ETS requires employers to develop, implement and enforce a mandatory COVID-19 vaccination policy, unless the employer adopts a policy requiring employees

to choose between getting vaccinated or undergoing weekly COVID-19 testing and wearing a face covering at work.

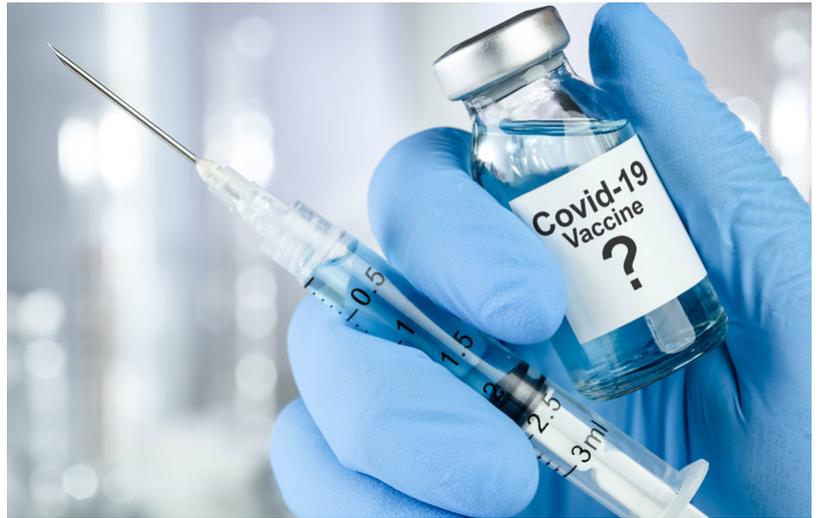
Employers have until December 5, 2021 to comply with some requirements of the standard which include recordkeeping and recording requirements, implementing mask mandates for unvaccinated employees, providing paid time off for employees to get vaccinated, and accrued paid leave, if necessary for employees to recover from side effects.

Employers have until January 4, 2022 to implement the testing requirements for unvaccinated workers. Per the ETS, fully vaccinated means a person must have received two doses of the Pfizer or Moderna COVID-19 vaccine or one dose of the Johnson & Johnson vaccine.

Employers are not required to pay or provide tests for employees unless “employer payment for testing may be required by other laws, regulations, or collective bargaining agreements”.

OSHA has developed a list of Frequently Asked Questions. We recommend you review the questions which can be found at <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/keythingstoknow.html>

To learn more about the standard OSHA has also provided training on YouTube titled “COVID-19 Vaccination and Testing Emergency Temporary Standard “.



WELCOME

TO THE TRUST

Artemis Holdings, Inc.

Connecticut Foodshare, Inc.

OBGYN Group of Eastern CT

Wachusett Ventures, LLC

Mental Health Front & Center in Workers' Compensation Claims

Mental health treatment, once avoided in workers' compensation claims that did not involve a compensable psychological injury, is now on the table front and center in the claims management arena as employers and insurers increasingly accept that many physical injuries often include a mental health component. This issue is such a hot topic these days on a national level, that several educational sessions were dedicated solely to this subject recently at the National Disability and Workers' Compensation Conference, the largest workers' compensation conference of its kind held in the United States.



Both employers and insurers are beginning to realize the psychological hurdles that an injured worker may face following a work-related injury on the job. For instance, it's not unrealistic for a caregiver to be emotionally impacted by a patient or resident who assaults them either intentionally or unintentionally while caring for them. Or, having the injured worker feel a level of perceived injustice by getting injured on the job and feeling the employer somehow wronged them by allowing the injury to occur. These are just several examples of "biopsychosocial issues" that can play into a claim and stunt recoveries or lead to unnecessary treatment costs for ongoing and seemingly endless treatments.

The Trust has been well aware of this emerging issue and has taken the initiative to train our claims staff to recognize potential signs and symptoms of an injured worker struggling with some level of biopsychosocial issues following an injury. Common red flags suggesting that there may be an emerging problem could be extended disability from work, chronic high pain levels with no relief regardless of treatment, or catastrophic thinking on the seriousness of the injury. If this is identified by the claims team, the injured worker is referred to one of the Trust's statewide behavioral health network specialists to offer behavioral, cognitive and emotional coping skills to the injured worker to minimize the negative impact these types of issues can have on an injured worker's recovery.

If you would like more information on resources available to injured workers suffering from negative biopsychosocial issues as a result of a work-related injury, please contact Robb Wright, OTR/L, Return to Work Specialist at (203) 678-0185; wright@wctrust.com.

Trust Renews Alliance with OSHA and Connecticut Dept. of Labor



In September of 2018, the Trust formed an Alliance with OSHA and the Connecticut Department of Labor. In September of 2021, the Alliance was renewed for another 5 years. The Alliance allows the Trust to have an ongoing dialogue with OSHA, partner on safety initiatives, and keep our members and clients informed of the ever-changing regulations and standards.

Under the initial agreement, the Trust has provided eighty-four educational sessions with over 3,500 attendees. Many COVID-19 resources were developed. A COVID-19 informational webpage was developed providing our members with up to date and useful information. Personal Protective Equipment vendors were identified, fit testing resources, ongoing recordkeeping guidance and as OSHA released information and new standards, our members were notified as quickly as OSHA released the information.

The renewal Alliance agreement will remain in effect for the next five years and will continue to help us to provide our members with timely education, resources, and recommendations to keep employees safe and compliant while reducing and preventing injuries.

Staffing Changes



Claims Adjuster, MaryAnn Bentley Retires

It is with both sadness and gratitude that we announce the retirement of MaryAnn Bentley, Claims Adjuster. MaryAnn joined the Trust in 2003. She was one of those adjusters that truly cared about her injured workers. She treated them with great compassion and received countless accolades as a result.

MaryAnn will be retiring to Florida where she will spend time with her family. We wish her all the best in her retirement and appreciate her 18 years of dedicated service to the Trust and its members.

New Hires at the Trust

It is a great pleasure to introduce some of the newest faces at the Trust. Welcome to all!!



Melissa DeMayo, RN, BSN (left) and Angela Forte, RN joined the Trust in June as Nurse Care Managers.

Jennifer Massimin joined the Claim Support area in August.

Diana Esposito joined us in August as a Utilization Review Assistant.



Vera Totolaku joined us as a Payment Support Representative.



Matthew Wright started in September as a Senior Claims Representative.



John Sargent began in November as a Senior Loss Control Representative

When Employers Fail to Respond to a Form 30C or 30D

Although the majority of workers' compensation injuries are commonly reported directly to the employer and insurance carrier through a company "accident report" which generates a First Report of Injury (FROI), there are times when the employee and/or an attorney representing the employee will send a Notice of Claim (Form 30C) or a Notice of Claim by a Dependent (30D) directly to the employer. By doing so, this action places the employer on official notice that the employee is claiming a work-related injury or occupational disease and is looking to seek potential benefits afforded to them under the Connecticut Workers' Compensation Act.

Once the employer receives the Form 30C or Form 30D, they have only 28 calendar days in which to respond. If an official denial is not issued within the 28 calendar days or benefits payments are not initiated, the employer and the insurance carrier must accept the compensability of the claim and lose the statutory right to defend the claim. The statute is very harsh towards the employer and that is by design. It is the Workers' Compensation Commission and the Court's view that the burden is placed solely on the shoulders of the employer, not the employee, to take prompt action when an employee is claiming a workers' compensation claim and looking to receive benefits.

It's important to note that an employer who fails to handle such notices in a timely manner can potentially be held responsible for all payments made on the claim if the deadline passed prohibiting the insurer from making a defense to deny a claim if a denial was warranted.

Helpful tips for all employers to take to minimize the risk of not responding to a properly served Form 30C or Form 30D:

1. The notice may come in the form of the actual State document that says Form 30C or 30D or may contain the same information, but in letter form, either from the injured worker or from an attorney.
2. Since the statute requires that this notice must be sent certified or hand delivered it is imperative to educate those who receive mail in your organization, so they can be alert to this important document and have a plan in place to get it immediately into the hands of your internal claim contact or Human Resource Director.
3. The delivery envelope and any other documentation that came with it should be maintained. A note of the time and date of delivery should be documented.
4. The member should notify their assigned Trust claims adjuster immediately to advise them that the document has been received and is being sent to the Trust.
5. The Form 30C or Form 30D or letter that represents these forms should be sent directly to the Trust claims adjuster and to 1streport@wctrust.com to ensure timely delivery and action.
6. Once sent, the member should follow up to ensure receipt by the Trust.

Should you have any questions or need guidance on how to develop a policy to handle internally within your organization, please contact Brian Downs, Vice President of Quality & Provider Relations at (203) 678-0103 or downs@wctrust.com.

Workers Compensation Commissioners Have New Titles Effective 10/1/2021

As of 10/1/2021, Workers' Compensation Commissioners will now be called "Administrative Law Judges". The Workers' Compensation Commission (WCC) will continue to amend various forms, publications, correspondence, statutes and regulations to reflect this statutory title change.

The Medical Corner

Mark Russi, M.D., MPH,
Medical Director

What About Boosters? ...

COVID-19 vaccine boosters are now recommended in the United States for those over 65, for adults younger than that with chronic health conditions or immune compromised, and for those in high-risk jobs or circumstances that place them at increased risk of transmission. For those who have received one of the two mRNA vaccines (Pfizer or Moderna), a booster may be given as long as at least 6 months have elapsed since the second vaccine dose. Those who received the single-dose Johnson and Johnson vaccine may receive a booster dose as early as 2 months following their original vaccine. Further, both the FDA and CDC now condone “mixing and matching”, i.e. the booster dose given does not have to be the same vaccine that was originally administered.

As discussed in the last newsletter, a number of studies have demonstrated that antibody levels generated by the COVID-19 vaccines used in the US appear to decline over time. That said, studies have also demonstrated that immunity remains reasonably good 6 months following vaccination, particularly against severe disease, hospitalization and death. Antibody levels do not tell the whole story, and we know from a number of other vaccines that antibody levels may fall while vaccine-induced protection from disease remains strong. More convincing are studies that track actual rates of COVID-19 illness among those who have received vaccine boosters vs those who have not.

One study in particular has drawn from the Israeli experience administering COVID-19 vaccine boosters to those age 60 and older and demonstrated profoundly more robust disease protection among those who have received a booster dose. The study was published in the New England Journal of Medicine in October and drew upon the experience of more than one million participants. The rate of confirmed infection was more than 11 times lower in the boosted group compared to the non-boosted group. The rate of severe illness was nearly 20 times lower in the boosted group. While the follow-up period to date has been relatively brief, the results are encouraging and strongly supportive of a recommendation for boosting. Not as well characterized is the effect of boosters among those

under the age of 60, but based upon what is known to date, both the FDA and CDC have endorsed vaccination for those groups when risk is elevated either due to underlying medical conditions or risk of COVID-19 exposure, based upon the accumulated evidence. “Mixing and matching” is regarded as permissible, and some studies have even suggested that combining two different vaccines may be better than receiving only one vaccine type.

Time will tell whether the impressive increase in COVID-19 protection among boosted individuals aged 60 and over will persist over time, and whether the accumulated experience among adults in younger age groups suggests a similar benefit. To date, there do not appear to be more severe vaccine side effects among those receiving a booster dose than the side effects associated with initial vaccination. While we would always like to see more data, what is known to date speaks more strongly for vaccine boosting, even for those under the age of 60, than it speaks against it. By the time this newsletter is published, COVID-19 will have killed more than 750,000 Americans. The relatively minor side effects of an additional vaccine dose would seem a small price to pay for better protection, and that argument is obviously strongest for those most vulnerable to severe COVID-19 illness.

Expanding the Innovation Incentive Program for Nonprofits

In June of this year Governor Lamont signed HB 6319 “An Act Concerning Payment Recoveries and Incentives Under Public Assistance Programs” into law. The bill received unanimous approval in both the House of Representatives and the Senate.

Under this bill, the Office of Policy and Management is required to expand the “Innovation Incentive” program to also include all health and human service providers. It allows those providers who have met their contractual obligations to the state the ability to retain any savings realized as a result of their efforts. The language of the bill has omitted the ability of DDS and DMHAS to take back any unspent revenue from nonprofits at fiscal yearend.

New Family & Medical Paid Leave Laws Create Challenges for Employers

Now is the time for employers to prepare for two new laws effective January 1, 2022, which dramatically expand an employee's right to take a leave of absence from work for personal and family health needs and applies to almost all private sector employers in Connecticut. Although there are still open questions about both laws, employers need to develop and revise policies and processes to govern the new employee leave rights.

Amendments to Family and Medical Leave Law Expand Employer Obligations and Employee Rights

The new Connecticut Family and Medical Leave Act ("CFMLA") greatly expands who is eligible for unpaid, job-protected leave and why:

1. CFMLA provides up to 12 weeks of unpaid, job-protected leave during a 12-month period, which differs from the current requirement of 16 weeks of leave over a two-year period. Under CFMLA, employees may also take up to 2 additional weeks of leave for a serious health condition resulting in incapacitation during pregnancy.
2. CFMLA applies to all private employers with one or more employees, which is a dramatic change to the current 75 employee threshold.
3. CFMLA has an expanded definition of the "family members" whose serious health condition may trigger an employee's leave rights, including sons or daughters of any age, grandparents, grandchildren, siblings and those that are "equivalent" to those family relationships. The Connecticut Department of Labor ("CDOL") will issue regulations to explain the meaning of "equivalent" family member, among other things.
4. Employees are now eligible for leave after only 3 months of employment, with no minimum hours worked.
5. Employers can still require employees to use available paid time off, but an employee can retain up to two weeks of accrued paid time off per year. Unionized employers will likely need to negotiate with the union before requiring employees to use paid time off.
6. The CDOL has issued guidance about the transition for employees who are already on leave as of January 1, 2022, as their leave will be capped at 12 weeks in the applicable 12-month period as of January 1, 2022.
7. At the conclusion of the leave, the employee must be returned to his or her original position, or if not available,

an equivalent position.

8. The CDOL will issue new forms for employers to use.

Paid Leave Is Separate and Administered By The Connecticut Paid Leave Authority

The permitted purposes for which employees may obtain up to 12 weeks of paid leave in a 12-month period are the same as those under the CFMLA. However, to be eligible for wage replacement benefits, which are funded by employee contributions that have been made since January 1, 2021, employees must meet certain wage thresholds and be employed currently, or have been employed within the last 12 weeks. Therefore, employees may receive wage replacement benefits even if they are not eligible for job-protected leave. Notably:

1. Aflac, a private disability insurance company, has been selected as the claims administrator for the Connecticut Paid Leave Authority and will accept applications, determine eligibility and administer benefits for paid leave, which involves communicating with the employer to verify employee wages and other information.
2. Employees will be able to submit applications for paid leave online, by email or by phone. Additional forms, information and regulations implementing the paid leave program are expected.
3. The Paid Leave Authority website indicates that employees may begin to submit applications for paid leave benefits to Aflac on December 1, 2021.

Next Steps – Policies and Preparation

Large and small employers need to develop and revise their policies and practices to reflect the changes to the CFMLA. Also, an employee's leave request may be covered by the CFMLA, the federal FMLA (which applies to employers with 50 or more employees) and other state and federal laws at the same time (e.g., Connecticut's pregnancy leave law and leave obligations under the Americans with Disabilities Act and the Connecticut Fair Employment Practices Act), which can create challenges. Employers should consult with their employment counsel as necessary.

If you would like a copy of the CDOL's transition guidance, please contact John M. Letizia at letizia@laflegal.com.



Upcoming Educational Programs

The following webinars are designed to assist members in gaining knowledge of issues that surround and support the reduction of work related injuries and create a safe and healthy workplace. To register, or obtain detailed information, go to www.wctrust.com. Your attendance is encouraged.

Supervisor's Toolkit: Understanding and Leading a Multi-Generational Workforce

Thursday, December 2 10:00 AM - 12:00 PM

Introduction to Safety Management Systems - Part 3

Thursday, December 9 10:00 AM - 11:00 AM

CT's Paid Family Medical Leave Begins January 1st. Are You Prepared?

Wednesday, December 15 1:00 PM - 2:30 PM

OSHA Recordkeeping: Intermediate

Thursday, December 16 10:00 AM - 11:00 AM

Partnering With The Trust

Thursday, January 13 10:00 AM - 11:00 AM

Safety Solutions: Safe Winter Driving

Thursday, January 20 10:00 AM - 11:00 AM

Safety Solutions: Facilities and Maintenance Teams

Thursday, January 27 10:00 AM - 11:00 AM

Safety Workshop Series: Part 4 - BBP - Ensuring Your Program is Compliant

Thursday, February 3 10:00 AM - 11:00 AM



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