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Testimony of

**Melanie I. Kolek, Legal Counsel**  
**Connecticut Education Association**

Before the  
**Labor And Public Employees Committee**

Re:

**SB 321 An Act Expanding Workers' Compensation Coverage for Post-Traumatic Stress Injuries for All Employees**

**HB 5356 An Act Concerning Pandemic Pay for Essential Workers**

***SB 312 An Act Concerning the Expansion of Connecticut Paid Sick Days***

***SB 317 An Act Concerning Unemployment for Striking Employees***

March 8, 2022

Senator Kushner, Representative Porter, and members of this esteemed committee, my name is Melanie I. Kolek, and I serve as legal counsel for the Connecticut Education Association, proudly representing public school teachers across our state. A majority of my practice is before the Workers' Compensation Commission.

**SB 321 An Act Expanding Workers' Compensation Coverage for Post-Traumatic Stress Injuries for All Employees**

CEA supports many aspects of this bill. It is critical, though, that our Workers' Compensation Act be expanded to include mental and emotional impairments for all employees arising out of and in the course of one's employment, not just compensability under certain qualifying events. Nearly 50% of our clients suffer from some component of mental or emotional damage as a result of the injury occurring. In representing

teachers, we 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.

Over the last eight years, we have heard the 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.

Critics of this bill and ones who have come before it have argued 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.

This is a fundamental mental health issue. With advances in medical science and increased availability of mental health care, we must provide our working population who suffer in silence the opportunity and resources for treatment. Inclusion of mental and emotional claims for all employees under any circumstance is necessary, timely, and in the very best interest of all of our working citizens.

### **HB 5356 AAC Pandemic Pay for Essential Workers**

CEA fully supports HB 5356 in order to provide essential workers, like educators, pandemic pay under the Connecticut Essential Workers Pandemic Pay Program. It was and continues to be of no surprise the lengths teachers have taken to ensure they are and remain healthy for their students during this pandemic. In the past two years, we have spoken with hundreds of members of our organization who have and continue to suffer from the personal effects of the COVID virus and resulting illness, whether it is them personally or their ailing family members. Nearly every one of the teachers I spoke with 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. Teachers rightfully feared for their own safety and those of their loved ones by walking through the school building every morning.

Front line essential workers like our teachers and other school workers deserve our support now more than ever before given all they have been through these past two years. Please consider implementing this program for pandemic pay.

### **SB 312 An Act Concerning the Expansion of Connecticut Paid Sick Days**

CEA supports SB 312. Among the lessons from the pandemic is the importance of providing workers the opportunity to tend to their health and the health of their families in the collective effort to prevent the spread of COVID-19, and illnesses in general. SB 312 provides workers this opportunity by ensuring access to accumulated sick leave for those who would otherwise lose pay to care for their family.

For CEA members, many are parents who had to stay home to care for children whose schools had closed. SB 312 would prevent parents in similar situations from being forced to take unpaid leave, if they had accumulated sick leave. We think that this is a wise thing to do.

### **SB 317 An Act Concerning Unemployment for Striking Employees**

CEA supports SB 317. SB 317 enables certain individuals affected by a strike to qualify for unemployment compensation. We believe that this is a step toward equitably balancing the employee-employer relationship at times when workers are at a disadvantage in advocating for fairer wages and better working conditions.

Thank you for your consideration.