

Office of the City Manager

Testimony in Support of LD 1024 ***Resolve, Directing the Workers Compensation Board to Study the Impact of Workers' Compensation Laws on Certain Public Sector Employees***

Presented to the Joint Standing Committee on Labor and Housing
Friday, April 16, 2021

Senator Hickman, Chair
Representative Sylvester, Chair
Members, Joint Standing Committee on Labor and Housing

My name is Steven Buck, City Manager of Sanford, Maine, and I speak before you today representing the City of Sanford's interest in and support of LD 1024.

The Bill seeks the study of the fiscal impacts of the implementation of the rebuttable presumptions upon the subdivisions of the State, Towns, Cities, and Plantations, for Workers' Compensation as contained within Title 39-A §328 (Cardiovascular Injury), §328-A (Communicable Disease), and §328-B (Cancer) pertaining to Firefighters of a municipal fire department.

The Study requested is the same as currently set forth in Title 39-A §201 (B.):
By January 1, 2022, the board shall submit a report to the joint standing committee of the Legislature having jurisdiction over labor matters **that includes an analysis of the number of claims brought under this paragraph, the portion of those claims that resulted in a settlement or award of benefits and the effect of the provisions of this paragraph on costs to the State and its subdivisions.** The Department of Administrative and Financial Services, Bureau of Human Resources and the Department of Public Safety shall assist the board in developing the report, and the board shall seek the input of an association, the membership of which consists exclusively of counties, municipalities and other political or administrative subdivisions, in the development of the report.

As there is now a larger number of Claims that have been processed and ruled upon, the fiscal impacts of the rebuttable presumption cases upon Municipal Operations can be better ascertained as well as the potential need to explore a high-risk pool, a State-Municipal cost sharing pool, and the proper use of resources to expedite these cases and lessen the use of resources on the "rebuttal" aspect of the rebuttable presumptions.

Support of the Study comes with full recognition of the need of our Firefighters and Police Officers to have the just coverage under Workers' Compensation for the cases as currently set forth in Statutes.

City Manager: Steven R. Buck

City Council: Anne-Marie Mastraccio, Mayor | Maura A. Herlihy, Deputy Mayor | John L. Tuttle, Jr.
Robert G. Stackpole | Ayn M. Hanselmann | Luke Lanigan | Jonathan Martell



Sanford Springvale

*Your future is **here***

City of Sanford | 919 Main Street, Sanford, Maine 04073 | (207) 324-9173 | sanfordmaine.org

For the City of Sanford, there has been 3 rebuttable presumptive cases involving cardiovascular injury, 1 case of cancer, and 1 case of Mental Stress, all of varying degrees of severity. The Insured costs for these Claims total \$185,417 in legal fees on the Rebuttable Presumption determinations and \$1,569,120 in Indemnity and Medical expenditures paid to date with some of these Claims still ongoing. In just this current year, the City's workers' compensation rates increased by \$385,000 for the year now costing over \$971,000 per year with 100% of the increase attributed to the Presumptive Claims. The fiscal burden of these Claims is impactful and are unique to the Public Sector Employer, a Town or City as a political subdivision of the State, and warrant further Study on the time, legal arguments, and costs associated with providing relief to this unique employment category, our Firefighters and Police. It is further a cost that impacts the continued operation of not only a smaller volunteer department but also that of the larger professional departments.

I observe a juncture in time of firefighters that may have started their careers when the level of understanding of carcinogenic and cardiovascular impacts were less known and that the protective equipment and decontamination practices were not of the same standards as today. I also recognize that this same workforce did not start employment with a qualified baseline physical assessment as to any pre-existing or predispositions towards various cancers or cardiovascular diagnosis thereby precluding any ability to rebut the presumptive definition of these same medical conditions. It is virtually impossible to rebut any claims as defined yet our system continues to expend resources on testing the presumption, delaying the benefits of the claims, and ultimately expending resources both fiscal and in human capital that a better system could improve. It is time to revisit the Rebuttable Presumptive Cases to the betterment of the protections of our First Responders and implementing a better means of insuring and processing these claims.

Please consider the concurrent Study of the Firefighter Rebuttable Presumptive Workers' Compensation Claims as sought within LD 1024 timely with that of the Mental Stress Claims for Police and Firefighters and bring forth comprehensive revisions to the insurance program for these essential First Responders that may be more readily born by the Towns and Cities that seek the continuation of their critical employment.

Respectfully Submitted,

Steven R. Buck
City Manager
Sanford, Maine



Sanford Springvale

*Your future is **here***

City of Sanford | 919 Main Street, Sanford, Maine 04073 | (207) 324-9173 | sanfordmaine.org