

PLEASE VOTE NO ON S.342

June 25, 2020

Dear Representative:

We are writing to express our serious concerns and strong opposition to S.342, which would create potential presumptions across all sectors for workers' compensation liability for cases of COVID-19 regardless of whether it is actually contracted at work.

This would create uncertainty and unreasonable cost risks for private and public employers during a period when so many are struggling to recover and continue operating and employing Vermonters.

It also comes at a time when state and federal laws and regulations have already been enacted to address both healthcare costs and wage replacement needs for those who become ill with COVID-19 and cannot work, support that we all recognize as critical. Moreover, Vermont's workers' compensation laws can already recognize legitimate work-related cases of COVID-19.

Workers' compensation is supposed to address truly work-based injuries. Presumptions, especially for non-physical injuries that are commonly unrelated to the workplace, are always problematic.

But now Vermont businesses are required to follow reopening and operating guidelines that are designed specifically to avoid contagion and protect the health of Vermont workers we all value and depend upon, making many workplaces arguably among the least likely places to contract COVID-19.

As a wide array of social interactions and other, more risky exposure pathways continue to open and expand, imposing a potential presumption that any given infection occurred in the workplace is increasingly unreasonable and betrays the purpose and the credibility of the workers' compensation system.

Relatively few states have created new presumptions for workers' compensation liability for COVID-19 even in the highest-risk jobs, and only two have taken steps as far reaching as S.342 would impose.

We have state and federal protections for healthcare and wage replacement for Vermonters who become ill during this crisis. Adding new COVID-19 liabilities to workers' compensation is unnecessary and creates unreasonable risks for public and private employers and the working Vermonters and their families who depend on their recovery and survival.

We respectfully ask that you do not support S.342.

Sincerely:

American Property and Casualty Insurance Association
Associated General Contractors of Vermont
Associated Industries of Vermont
Barre Granite Association
Bi-State Primary Care Association
Green Mountain Dairy Association
Lake Champlain Chamber
National Federation of Independent Business/VT
Regional Development Corporations of Vermont
Vermont Association of Broadcasters
Vermont Association of Hospitals and Health Systems
Vermont Builders and Remodelers Association
Vermont Care Partners
Vermont Chamber of Commerce

Vermont Forest Products Association
Vermont Fuel Dealers Association
Vermont Groundwater Association
Vermont Healthcare Association
Vermont Insurance Agents Association
Vermont Petroleum Association
Vermont Retail & Grocers Association
Vermont Ski Areas Association
Vermont Specialty Foods Association
Vermont State Dental Society
Vermont Truck & Bus Association
Vermont Vehicle and Automotive Distributors Association
VNAs of Vermont

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