



February 8, 2022

Dear Chairman Rarick and Senator Isaacson:

On behalf of the Minnesota Chamber of Commerce, I am writing to respectfully request that you postpone consideration of SF 2955, legislation establishing a lapsed workers' compensation COVID-19 presumption reimbursement mechanism, until the Minnesota Department of Labor and Industry (DLI) can assemble, analyze, and present the data necessary to inform the development of such a proposal.

Furthermore, this proposal has not yet been before the Workers' Compensation Advisory Council (WCAC), of which the Chamber is a member. Given the implications of this proposal on Chapter 176, it is important to preserve the precedence of the WCAC legislative process in putting properly vetted workers' compensation proposals before the legislature. Since all businesses in Minnesota are required to carry – and pay for – workers' compensation insurance, the WCAC and the legislature have a fundamental role in ensuring that the system remains solvent and sustainable.

As you know, the workers' compensation system is designed to protect employees who are injured or made ill within the course and scope of their job. Presumptions generally undermine the balanced due process system of managing claims in an efficient manner that protects workers and employers. However, in acknowledgment of the importance of facilitating the claims process for certain workers during the course of the pandemic, DLI and the WCAC put forward a recommendation to enact a targeted, limited, and prospective COVID-19 presumption covering first responders and frontline workers. Over the course of last year, we worked through a number of legislative issues and proposals – including the original extension of the COVID-19 presumption as well as a reinstatement of the COVID-19 presumption that ended up expiring during the legislative interim after the peacetime emergency was not extended.

As we continue to collectively manage through the COVID-19 pandemic, workers' compensation and other workplace related issues have deservedly required special attention and focus to keep employees, employers and the customers they serve protected from the effects of the virus. While the workers' compensation system itself covers any worker who contracts COVID-19 within the course and cope of their job – with or without a presumption in effect – we understand the intent behind SF 2955 given the collective agreement by the WCAC and the legislature to reinstate the presumption earlier this month.

That being said, at this time, it is unclear whether this legislation is even necessary. Furthermore, as drafted, we object to the utilization of the workers' compensation fund as the financing mechanism. We have grave concerns about utilizing the tools of the workers' compensation system beyond their designed purpose.

We appreciate the opportunity to share these initial concerns with you, and look forward to hearing from DLI and other stakeholders regarding the data and need for this legislation.

Sincerely,

Doug Loon
President

cc: Speaker Hortman, Minority Leader Daudt, Representative Sundin, Representative Albright, Representative Wolgamott, Senator Utke, and Commissioner Robertson