



STATEMENT IN SUPPORT OF SB 801 & 802

To: Senator Riley and Committee on Labor and Business

From: United Food and Commercial Workers Local 555, on behalf of Antonio

8/23/2021

Thank you for the opportunity to testify today. Senator Riley and Committee on Labor and Business:

My name is Antonio. I have worked for several years at [EMPLOYER REDACTED] in a number of roles, and I interact with the general public and my co-workers on a daily basis when at work.

Over the past year, I, my family, and my co-workers' families have been placed at risk by a system that is designed to shield employers from liability, but that doesn't shield employees from infection.

Throughout the COVID-19 epidemic, my family and I have been extremely careful for the sake of our two small children. Although my job in the grocery industry requires me to be a front-line, public-facing worker, I take every precaution possible and our family does not go on unnecessary outings. So when I began exhibiting symptoms of COVID-19 and received a positive diagnosis, I knew I had caught it at work because I hadn't been anywhere else for the previous month.

I called human resources to inform them that I wouldn't be able to come in to work because of my diagnosis. They immediately asked me to send my test results to them. They then asked me if I had been anywhere aside from work recently. I now suspect that this was so that my employer could begin defending against a prospective workers compensation claim, even though that hadn't yet been discussed. I was told to not come to work for ten days, and to contact them when I had been symptom-free for 24 hours.

Near the end of that period, my employer reached out to confirm that I would be returning to work. Around that time, I received an e-mail from what I now know is my employer's workers compensation processor. Although my employer is self-insured, they use a third party to process claims, and I didn't know that at the time. According to the e-mail my claim had already been filed, without anyone first coming to me to ask details about my activities or whether any incidents in the store may have led to my infection. The e-mail said that if the claim involved lost time, a claim examiner would be in touch with me, said "Nothing else is required at this time," and wished me a speedy recovery.

Without anyone ever getting back to me, the claim was denied several weeks later. I didn't have an opportunity to participate in the claim process in any way whatsoever. There was no way for me to make my case. As soon as my employer knew I had contracted COVID-19, a claim was filed and denied without even involving me. This was described in the e-mail as a "courtesy."

During that time, my wife contracted COVID-19 as well, and we had limited contact with our two children in hopes that they did not catch it as well. The older one was only briefly symptomatic, thankfully, which was a scary time for our family. It is heart-wrenching to want to comfort your children while knowing that you are carrying a disease that is potentially deadly to you or to them.

But my family has been extraordinarily blessed: We are a little worse for the wear but have a support network of family and friends that made all the difference, and we started out healthy.

When I returned to work I encountered a co-worker who I had been closely training the day I began exhibiting symptoms of my infection. He asked me where I had been, which was the first time I realized that the reason for my absence had been kept from my co-workers. When I explained that I had been COVID-quarantined, he responded with shock and fear. This co-worker, who I had been working with closely while symptomatic, lives with and cares for his mother who has stage-2 cancer.

Had he brought COVID-19 back to his home and had an experience similar to mine, the company would have simply filed and denied a claim before they'd had a chance to ask some basic questions of him, such as "Who had you been working closely with over the past few weeks?" Questions that might have actually showed that the infection was work-related.

As far as I know, that co-worker did not become infected, but it certainly made me think about the questions I hadn't been asked before my claim was denied.

Many employees where I work, even before 2020, don't bother filing workers comp claims. Those who are injured at work tend to go on working through the injury or just get it settled with our health insurance and sick leave. Workers compensation has become a joke. Our employer has become exceedingly efficient at denying claims -- they denied mine before I even had a chance to file it.

Please pass SB 801 and SB 802 to reform workers comp plans and make the system work for families like mine.

Sincerely,

Antonio