



January 30, 2022

Dear Chairman Ecklund and Representative Wolgamott:

On behalf of the Minnesota Chamber of Commerce, I am writing to respectfully request that you withdraw HF 2656 – as introduced and including the A22 Author’s Amendment – from the House Labor Committee’s agenda scheduled for January 31, 2022 until the Workers’ Compensation Advisory Council (WCAC) meets on Tuesday February 1, 2022. 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. That is why during the legislative interim, the WCAC has formally worked through a number of legislative issues and proposals – including the COVID-19 presumption – and is scheduled to conclude its legislative recommendations on Tuesday.

By now you know that the WCAC was established to develop consensus positions on workers’ compensation issues to present to the Legislature given the complexities of this unique type of insurance. It was determined that those most directly impacted and with technical expertise should have the opportunity to work through these issues among themselves in a cooperative setting, rather than the potentially adversarial circumstances often found in the legislative process.

The workers’ compensation system is designed to protect employees who are injured or made ill within the course and scope of their job. Since all businesses in Minnesota are required to carry – and pay for - workers’ compensation insurance, the WCAC also has a fundamental role in ensuring that the system remains solvent and sustainable.

As you know, 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 protecting workers during those early days of the coronavirus pandemic, the WCAC put forward a recommendation to enact a COVID-19 presumption covering first responders and frontline workers. It was through this same process that the WCAC representatives reached consensus on extending this presumption through the end of last year. And tomorrow, the WCAC will be voting to reinstate the presumption through the end of 2022 in a proposal that will pass legal muster.

While we understand the intent behind HF 2656, the proposal itself risks the integrity of the workers’ compensation system due to retroactive provisions that will be legally challenged in court. In our view its consideration is also disruptive to the WCAC process that has been well underway. **Given the precedence of the WCAC legislative process, and the importance of putting properly vetted workers’ compensation proposals before the legislature, we cannot support any House action on HF 2656. Instead, we respectfully request that you postpone its consideration and encourage the expeditious consideration of the WCAC package that will contain similar provisions on this matter.**

Sincerely,

Doug Loon
President

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