



To: Honorable Members of the Michigan House Government Operations Committee

From: Insurance Alliance of MI, MI Assoc. of Counties, MI Chamber of Commerce, MI Manufacturers Assoc., MI Municipal League, MI Townships Assoc., NFIB

Date: June 15, 2021

Re: House Bill 4822 – Workers Compensation COVID Presumption for First Responders

We greatly appreciate the time and accommodations bill sponsor and Committee Chair Mike Mueller has afforded to us regarding House Bill 4822. On behalf of our respective members, however, we write to express our continued concerns with providing for a presumption of workplace origination of COVID-19 for certain first responders as defined.

While we fully support the brave work of first responders and recognize the risks they undertake each and every day, we remain concerned that House Bill 4822 sets a precedent for COVID-19 in regard to workers' compensation benefit determinations. We believe that workers' compensation benefit determinations – regardless of occupation – should be made on a case-by-case basis, and not by state or federal mandates.

The basic principle of workers' compensation systems is to provide benefits for injuries or illness that arise out of, and in the course of, employment. Claim determinations are individual and fact specific, and the claimant must provide evidence of workplace origination. Creating a preference for a class of employees erodes this basic principle, forces extra-contractual coverage for injuries not contemplated or factored into premium, and opens the door for similar treatment for other occupations and classes of employees in Michigan and in other states. It also adds costs to local governments, businesses and insurers in an uncertain time.

Further, the landscape in 2021 is dramatically different than 2020. Communities have largely re-opened and the chance of contracting COVID-19 are higher in the interactions of everyday life than at work. On the other hand, access to vaccination is common, our rate of vaccination has exceeded 50%, and daily case counts are rapidly decreasing.

Again, we thank the sponsor for the important changes made to the bill and look forward to further discussions.