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Testimony on H.197  
Worker's Compensation PTSD Presumption for Public Safety Workers  
Vermont House Committee on Commerce and Economic Development  
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I have continued to think about the PTSD presumption language and it dawned on me that there is a much less disruptive and easily implemented approach to addressing the issue of PTSD for police, fire and ambulance workers within the workers' compensation system. The challenge that has arisen in these types of claims is a test spelled out in the Crosby decision. This test is that the work-related stress must be extraordinary and unusual in comparison to pressures and tensions experienced within that profession.

A simple way to address this issue is to simply say that this criterion does not apply in the case of police, fire and ambulance workers.

The language in Draft No. 3.2 -- H.197 actually accomplishes this without the need for a presumption or exemption from this test. Item (I) on page 3, lines 3-5 changes this standard to say that "the work-related event or work-related stress was extraordinary and unusual in comparison to... the average employee across all occupations". I have underlined the key words for emphasis.

This language, if adopted, would allow police, fire and ambulance claims to be treated in the same manner as any other workers' compensation claims. If the stress was extraordinary or unusual in comparison to the broader work force, then the claim could go forward as long as it was demonstrated to be work related, and not arising out of and in the course of work related disciplinary action, work evaluation or similar employment decision taken in good faith by the employer.

Based on testimony to the Committee it is clear that the much of the stress that can lead to a higher incidence of PTSD among police, fire and ambulance workers is extraordinary and unusual in comparison to the work related stress for the "average employee". This means that police fire and ambulance PTSD claims based on the extraordinary stress of their job could not be denied based on the specific characteristics of their profession.

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We continue to believe that the legislature has an opportunity to deal with the broader issue of proactively managing the stress faced by public safety employees in their day to day jobs. A comprehensive hire through retire program to manage workplace stress for public safety employees offers a way to help manage workplace stress before it rises to the level of PTSD or other serious mental conditions.

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