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Senate Committee on Commerce  
February 21, 2022  
Opposing Testimony on SB 491

Chairman Erickson and Honorable Committee Members,

My name is Dina Cox and I am appearing on behalf of Kansas Society for Human Resource Management (KS SHRM). For those unfamiliar with KS SHRM, it is a professional organization comprised of 2,300+ HR professionals in Kansas. KS SHRM serves the needs of HR professionals and advances the interests of the HR profession throughout the state. Our members are responsible for developing and implementing workplace policies and practices that comply with federal, state, and local laws and provide guidance to managers at all levels about fair and effective people management practices. Our members serve in the public and private sectors representing unionized and non-unionized businesses of all sizes.

On behalf of KS SHRM and its members, I am here to provide opposition on SB 491 and would like to offer my professional expertise on this legislation.

- KSSHHRM opposes SB 491 because the first responders deserve a better, more holistic solution.
  - As in most industries, police, fire and other first responder agencies are facing staffing shortages and because of this, higher costs of overtime and increased burnout. To assist in resolving these issues, retention of quality employees is key. The goal of PTSD remediation should be “return to work” not “permanent disability.” Workers’ compensation laws often skew to the side of “permanent disability.”
  - In addition to appropriate selection and training, there needs to be a clear and non-stigmatized path to post-incident counseling with focused counselors who are specially trained in similar therapies.
  - Prevention of PTSD should be a main focus of responder agencies.
- KSSHHRM also suggests that there are other ways to address our first responder needs. This document from the Ohio Police & Fire Pension Fund is an example of one way to address this need without revising Workers’ Compensation statutes. It suggests a pilot program for establishing a separate fund for police and firefighters in Ohio. This is a unique approach, but one worth considering instead of this legislation.  
[Ohio Police & Fire Pension Fund PTS Fund Report](#)
- KSSHHRM also has hesitations because the language in the bill is vague.



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- The legislation does not specifically define what would be an acceptable cause when seeking benefits for PTSD.
  - Are pre-existing conditions allowed to be considered by medical professionals when diagnosing employees' PTSD? Which ones? For how long?
  - Are employees who claim stress allowed benefits under this legislation because of normally occurring workplace events such as job transfers, layoffs, disciplinary action, and termination?
  - Do circumstances in the workplace have to be extraordinary—not something that an employee's peer would find stressful?
  - Would employees be grandfathered and how far back?
- KSSHrm also believes that this proposed legislation will start to open-up the doors for employees of all industries who seldom experience PTSD. The cost of workers' compensation coverage will increase significantly for all employers under the *possibility* of a claim.

We respectfully ask the committee to oppose this legislation. Thank you for the opportunity to appear before you today. I am happy to answer questions.