



House of Representatives

General Assembly

File No. 497

January Session, 2001

Substitute House Bill No. 6886

House of Representatives, April 26, 2001

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CLARIFYING ELIGIBILITY FOR HAZARDOUS DUTY DISABILITY COMPENSATION BENEFITS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Subsection (a) of section 5-142 of the general statutes is repealed and
2 the following is substituted in lieu thereof:

3 (a) If any member of the Division of State Police within the
4 Department of Public Safety or of any correctional institution, or any
5 institution or facility of the Department of Mental Health and
6 Addiction Services giving care and treatment to persons afflicted with
7 a mental disorder or disease, or any institution for the care and
8 treatment of persons afflicted with any mental defect, or any full-time
9 enforcement officer of the Department of Environmental Protection,
10 the Department of Motor Vehicles, the Department of Consumer
11 Protection who carries out the duties and responsibilities of sections
12 30-2 to 30-68m, inclusive, the Office of Adult Probation, the
13 Department of Public Works or the Board of Parole, any probation

14 officer for juveniles or any employee of any juvenile detention home,
15 any member of the police or fire security force of The University of
16 Connecticut, any member of the police or fire security force of Bradley
17 International Airport, any member of the Office of State Capitol Police
18 or any person appointed under section 29-18 as a special policeman for
19 the State Capitol building and grounds and the Legislative Office
20 Building and parking garage and related structures and facilities and
21 other areas under the supervision and control of the Joint Committee
22 on Legislative Management, the Chief State's Attorney, the Chief
23 Public Defender, the Deputy Chief State's Attorney, the Deputy Chief
24 Public Defender, any state's attorney, any assistant state's attorney or
25 deputy assistant state's attorney, any public defender, assistant public
26 defender or deputy assistant public defender, any chief inspector or
27 inspector appointed under section 51-286 or any staff member or
28 employee of the Division of Criminal Justice or of the Division of
29 Public Defender Services, or any Judicial Department employee
30 sustains any injury (1) while making an arrest or in the actual
31 performance of such police duties or guard duties or fire duties or
32 inspection duties, or prosecution or public defender or courthouse
33 duties, or while attending or restraining an inmate of any such
34 institution or as a result of being assaulted in the performance of [his
35 duty] such person's duty, or while responding to an emergency or
36 code at a correctional institution, and (2) that is a direct result of the
37 special hazards inherent in such duties, the state shall pay all necessary
38 medical and hospital expenses resulting from such injury. If total
39 incapacity results from such injury, such person shall be removed from
40 the active payroll the first day of incapacity, exclusive of the day of
41 injury, and placed on an inactive payroll. [He] Such person shall
42 continue to receive the full salary [which he] that such person was
43 receiving at the time of injury subject to all salary benefits of active
44 employees, including annual increments, and all salary adjustments,
45 including salary deductions, required in the case of active employees,
46 for a period of two hundred sixty weeks from the date of the beginning

47 of such incapacity. Thereafter, such person shall be removed from the
48 payroll and shall receive compensation at the rate of fifty per cent of
49 the salary [which he] that such person was receiving at the expiration
50 of said two hundred sixty weeks so long as [he] such person remains
51 so disabled, except that any such person who is a member of the
52 Division of State Police within the Department of Public Safety shall
53 receive compensation at the rate of sixty-five per cent of such salary so
54 long as [he] such person remains so disabled. Such benefits shall be
55 payable to a member of the Division of State Police after two hundred
56 sixty weeks of disability only if the member elects in writing to receive
57 such benefits in lieu of any benefits payable to the employee under the
58 state employees retirement system. In the event that such disabled
59 member of the Division of State Police elects the compensation
60 provided under this subsection, no benefits shall be payable under
61 chapter 568 or the state employees retirement system until the former
62 of the employee's death or recovery from such disability. The
63 provisions of section 31-293 shall apply to any such payments, and the
64 state of Connecticut is authorized to bring an action or join in an action
65 as provided by said section for reimbursement of moneys paid and
66 which it is obligated to pay under the terms of this subsection. All
67 other provisions of the workers' compensation law not inconsistent
68 [herewith] with this subsection, including the specific indemnities and
69 provisions for hearing and appeal, shall be available to any such state
70 employee or the dependents of such a deceased employee. All
71 payments of compensation made to a state employee under this
72 subsection shall be charged to the appropriation provided for
73 compensation awards to state employees. On and after October 1,
74 1991, any full-time officer of the Department of Environmental
75 Protection, the Department of Motor Vehicles, the Department of
76 Consumer Protection who carries out the duties and responsibilities of
77 sections 30-2 to 30-68m, inclusive, the Office of Adult Probation, the
78 Department of Public Works or the Board of Parole, any probation
79 officer for juveniles or any employee of any juvenile detention home,

80 the Chief State's Attorney, the Chief Public Defender, the Deputy Chief
81 State's Attorney, the Deputy Chief Public Defender, any state's
82 attorney, assistant state's attorney or deputy assistant state's attorney,
83 any public defender, assistant public defender or deputy assistant
84 public defender, any chief inspector or inspector appointed under
85 section 51-286 or any staff member or employee of the Division of
86 Criminal Justice or the Division of Public Defender Services, or any
87 Judicial Department employee who sustains any injury in the course
88 and scope of [his] such person's employment shall be paid
89 compensation in accordance with the provisions of section 5-143 and
90 chapter 568, except, if such injury is sustained as a result of being
91 assaulted in the performance of [his] such person's duty, any such
92 person shall be compensated pursuant to the provisions of this
93 subsection.

LAB **JOINT FAVORABLE SUBST. C/R** **JUD**
JUD **JOINT FAVORABLE**

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Indeterminate Costs

Affected Agencies: Department of Correction

Municipal Impact: None

Explanation

State Impact:

The Department of Correction (DOC) consists of 20 correctional facilities and over 4,500 employees who may potentially be required to respond to emergency situations in those facilities. The bill allows correctional officers who are injured while responding to an emergency at a prison to collect hazardous duty benefits if the injury is the direct result of the special hazards inherent in their duties. Current law is limited to incidents involving injuries resulting from restraining inmates and assaults occurring in the performance of a correctional officer's duties.

Because the number of individuals who may be injured under this proposal is unknown, passage of the bill would result in indeterminate costs to DOC. Unlike recovery under basic workers' compensation provisions, hazardous duty positions receive 100% of their salary for the first five years if they are totally disabled due to a job-related injury. Funds appropriated for DOC workers' compensation have grown significantly over the last several years.

DOC's FY 02 estimated expenditures for workers' compensation are projected at \$18 million.

OLR Bill Analysis

sHB 6886

***AN ACT CLARIFYING ELIGIBILITY FOR HAZARDOUS DUTY
DISABILITY COMPENSATION BENEFITS.***

SUMMARY:

This bill allows certain state employees injured while responding to an emergency or code at a correctional institution to collect hazardous duty benefits if the injury is the direct result of the special hazards inherent in their duties. Under current law, these employees may only collect the benefits when such injuries come directly (1) while making an arrest; (2) while actually performing police, guard, fire, inspection, prosecution, public defender, or courthouse duties; (3) while attending or restraining an inmate of a state institution; or (4) from an assault in the line of duty.

EFFECTIVE DATE: October 1, 2001

BACKGROUND

Hazardous Duty Benefits

State employees in hazardous duty positions receive special benefits if they are totally disabled due to a job-related injury. The employees receive 100% of their base salary for up to five years, including normal salary increases. At the end of five years, if the employee is still totally disabled, the benefit drops to 50% of the base pay, except for state police officers who can receive 65% if they agree in writing to forego other disability retirement and workers' compensation benefits.

Hazardous Duty Positions

State personnel considered to have hazardous duty positions include: (1) state police officers; (2) correctional institution employees; (3) employees of institutions that treat people with mental disorders; (4) full-time enforcement officers of the Board of Parole, Office of Adult

Probation, the departments of environmental protection, motor vehicles, public works, and the Department of Consumer Protection who carry out duties under the Liquor Control Act; (5) employees of the Division of Criminal Justice, Division of Public Defender Services, and Judicial Department; (6) juvenile probation officers and employees of juvenile detention homes; (7) members of the police or fire security force at the University of Connecticut or Bradley International Airport; (8) members of the State Capitol Police or special police officers appointed for the State Capitol, Legislative Office Building, and any other area under the control of the Joint Committee on Legislative Management; and (9) public defenders, state's attorneys, and inspectors.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Substitute Change of Reference
Yea 14 Nay 0

Judiciary Committee

Joint Favorable Report
Yea 39 Nay 0