



General Assembly

January Session, 2001

Committee Bill No. 5862

LCO No. 3776

Referred to Committee on Labor and Public Employees

Introduced by:
(LAB)

**AN ACT CONCERNING PORTAL TO PORTAL WORKERS'
COMPENSATION COVERAGE FOR CERTAIN HAZARDOUS DUTY
EMPLOYEES.**

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

1 Subdivision (1) of section 31-275 of the general statutes is repealed
2 and the following is substituted in lieu thereof:

3 (1) "Arising out of and in the course of [his] employment" means an
4 accidental injury happening to an employee or an occupational disease
5 of an employee originating while [he] the employee has been engaged
6 in the line of [his] duty in the business or affairs of the employer upon
7 the employer's premises, or while engaged elsewhere upon the
8 employer's business or affairs by the direction, express or implied, of
9 the employer, provided:

10 (A) (i) For a [policeman and a fireman] police officer, firefighter and
11 any employee of the Department of Correction, "in the course of [his]
12 the employment" [shall encompass his] encompasses such individual's
13 departure from [his] such individual's place of abode to duty, [his]
14 such individual's duty, and [his] the return to [his] such individual's

15 place of abode after duty.

16 (ii) For purposes of this subparagraph, the dependents of any
17 deceased employee of the Department of Correction who was injured
18 in the course of the employment, as defined in this subparagraph, on
19 or after July 1, 2000, and who died not later than July 15, 2000, shall be
20 paid compensation on account of the death, in accordance with the
21 provisions of section 31-306, retroactively to the date of the employee's
22 death. The cost of the payment shall be paid by the employer or its
23 insurance carrier which shall be reimbursed for such cost from the
24 Second Injury Fund as provided in section 31-354 upon presentation of
25 any vouchers and information that the Treasurer may require;

26 (B) [a] A personal injury shall not be deemed to arise out of the
27 employment unless causally traceable to the employment other than
28 through weakened resistance or lowered vitality;

29 (C) [in] In the case of an accidental injury, a disability or a death due
30 to the use of alcohol or narcotic drugs shall not be construed to be a
31 compensable injury;

32 (D) [for] For aggravation of a preexisting disease, compensation
33 shall be allowed only for that proportion of the disability or death due
34 to the aggravation of the preexisting disease as may be reasonably
35 attributed to the injury upon which the claim is based;

36 (E) [a] A personal injury shall not be deemed to arise out of the
37 employment if the injury is sustained: (i) At the employee's place of
38 abode, and (ii) while the employee is engaged in a preliminary act or
39 acts in preparation for work unless such act or acts are undertaken at
40 the express direction or request of the employer; [.]

41 (F) For purposes of subparagraph (C) of this subdivision, "narcotic
42 drugs" means all controlled substances, as designated by the
43 Commissioner of Consumer Protection pursuant to subsection (c) of
44 section 21a-243, but does not include drugs prescribed in the course of

45 medical treatment or in a program of research operated under the
46 direction of a physician or pharmacologist. For purposes of
47 subparagraph (E) of this subdivision, "place of abode" includes the
48 inside of the residential structure, the garage, the common hallways,
49 stairways, driveways, walkways and the yard; [.]

50 (G) The Workers' Compensation Commission shall adopt
51 regulations, in accordance with the provisions of chapter 54, to
52 implement the provisions of this section and shall define the terms "a
53 preliminary act" and "acts in preparation for work" on or before
54 October 1, 1995.

Statement of Purpose:

To provide portal to portal workers' compensation coverage to Department of Correction staff.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. MERRILL, 54th Dist.