



Senate

General Assembly

February Session, 2002

File No. 61

Senate Bill No. 57

Senate, March 18, 2002

The Committee on Labor and Public Employees reported through SEN. PRAGUE of the 19th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CLARIFYING WORKERS' COMPENSATION COVERAGE FOR THE AGGRAVATION OF PREEXISTING CONDITIONS.

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

1 Section 1. Subparagraph (D) of subdivision (1) of section 31-275 of
2 the general statutes, as amended by section 2 of public act 01-208, is
3 repealed and the following is substituted in lieu thereof (*Effective from*
4 *passage*):

5 (D) For aggravation of a preexisting occupational disease,
6 compensation shall be allowed only for that proportion of the
7 disability or death due to the aggravation of the preexisting
8 occupational disease as may be reasonably attributed to the injury
9 upon which the claim is based.

10 Sec. 2. Subparagraph (B) of subdivision (16) of section 31-275 of the
11 general statutes is repealed and the following is substituted in lieu
12 thereof (*Effective from passage*):

13 (B) "Personal injury" or "injury" shall not be construed to include:

14 (i) An injury to an employee [which] that results from [his] the
15 employee's voluntary participation in any activity the major purpose
16 of which is social or recreational, including, but not limited to, athletic
17 events, parties and picnics, whether or not the employer pays some or
18 all of the cost of such activity;

19 (ii) A mental or emotional impairment, unless such impairment
20 arises from or is aggravated by a physical injury or occupational
21 disease;

22 (iii) A mental or emotional impairment [which] that results from a
23 personnel action, including, but not limited to, a transfer, promotion,
24 demotion or termination; or

25 (iv) Notwithstanding the provisions of clause (i) of this
26 subparagraph, "personal injury" or "injury" includes injuries to
27 employees of local or regional boards of education resulting from
28 participation in a school-sponsored activity but does not include any
29 injury incurred while going to or from such activity. As used in this
30 clause, "school-sponsored activity" means any activity sponsored,
31 recognized or authorized by a board of education and includes
32 activities conducted on or off school property and "participation"
33 means acting as a chaperone, advisor, supervisor or instructor at the
34 request of an administrator with supervisory authority over the
35 employee.

36 Sec. 3. Subdivision (20) of section 31-275 of the general statutes is
37 repealed and the following is substituted in lieu thereof (*Effective from*
38 *passage*):

39 (20) "Previous disability" means an employee's preexisting condition
40 caused by the total or partial loss of, or loss of use of, one hand, one
41 arm, one foot or one eye resulting from accidental injury, disease or
42 congenital causes, or other permanent physical, mental or emotional
43 impairment.

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>from passage</i>
Sec. 3	<i>from passage</i>

LAB *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:

Fund-Type	Agency Affected	FY 03 \$	FY 04 \$
GF - Cost	Various	Potential Significant	Potential Significant
TF - Cost	Workers' Comp. Claims-Admin. Serv. Dept.	Potential Significant	Potential Significant
WCF - Cost	Workers' Compensation Com.	Minimal	Minimal

Note: GF=General Fund; TF=Transportation Fund; WCF=Workers' Compensation Fund

Municipal Impact:

Effect	Municipalities	FY 03 \$	FY 04 \$
STATE MANDATE - Cost	All Municipalities	Potential Significant	Potential Significant

Explanation

This bill results in potential significant costs to the state and municipalities as employers. It is an un-funded State Mandate on municipalities. It also results in minimal additional costs to the Workers' Compensation Commission (Workers' Compensation Administration Fund) that could be absorbed within existing resources. The bill makes the aggravation of a mental or emotional impairment in the workplace eligible for workers' compensation, even if the mental or emotional impairment did not result from a workplace physical injury or occupational disease.

The number of cases of aggravation of mental or emotional impairment cannot be estimated, but many claims could be filed. As impairment claims are filed and standards for compensation are developed, the actual costs would result from the benefit decisions made by the state and municipalities as employers, by workers'

compensation insurers and by the Workers' Compensation Commission (WCC). The cost of just one mental and emotional impairment case could be significant to the state, and to municipalities that are self-insured, because these costs would be reflected directly in their experience. It could also result in an increase in the workers' compensation insurance premiums for towns that are insured. Also, additional appeals would result in additional legal costs to the state and municipalities as they participate in the appeals process.

It is also anticipated that there will be an increase in the number of cases brought before the WCC and the Compensation Review Board. They are anticipated to cover the additional costs within existing resources.

OLR Bill Analysis

SB 57

AN ACT CLARIFYING WORKERS' COMPENSATION COVERAGE FOR THE AGGRAVATION OF PREEXISTING CONDITIONS**SUMMARY:**

This bill allows individuals with pre-existing mental or emotional impairments to receive workers' compensation if their impairments are aggravated by on-the-job physical injuries or occupational diseases. It also makes a technical change.

Generally, the workers' compensation law makes an injury compensable if it arises out of and in the course of employment. Under current law, mental and emotional impairments are only compensable if they arise out of on-the-job physical injuries or occupational diseases.

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Report

Yea 9 Nay 5