



General Assembly

Amendment

January Session, 2003

LCO No. 5306

SB0038005306SD0

Offered by:

SEN. PRAGUE, 19th Dist.

To: Subst. Senate Bill No. 380

File No. 355

Cal. No. 251

**"AN ACT CONCERNING INFORMAL WORKERS' COMPENSATION
HEARINGS AND AN ACCIDENTAL FAILURE OF CLAIM STATUTE
FOR WORKERS' COMPENSATION CLAIMANTS."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Subdivision (16) of section 31-275 of the general statutes is
4 repealed and the following is substituted in lieu thereof (*Effective*
5 *October 1, 2003*):

6 (16) (A) "Personal injury" or "injury" includes, in addition to
7 accidental injury [which] that may be definitely located as to the time
8 when and the place where the accident occurred, an injury to an
9 employee [which] that is causally connected with [his] employment
10 and is the direct result of repetitive trauma or repetitive acts incident
11 to such employment, and occupational disease.

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

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

18 (ii) A mental or emotional impairment, unless such impairment
19 arises (I) from a physical injury or occupational disease, (II) from the
20 conduct of an employer or an agent of an employer that is determined
21 to constitute sexual harassment in violation of section 46a-60 or Title
22 VII of the Civil Rights Act of 1964, as from time to time amended, (III)
23 from witnessing the death of another employee or a client, provided
24 such death is witnessed while in the course of employment, or (IV) in
25 the case of a police officer, from such police officer's use of deadly
26 force or subjection to deadly force in the line of duty, regardless of
27 whether such police officer is physically injured, provided such police
28 officer is the subject of an attempt by another person to cause such
29 police officer serious physical injury or death through the use of
30 deadly force, and such police officer reasonably believes such police
31 officer to be the subject of such an attempt. As used in this clause,
32 "police officer" means a member of the Division of State Police within
33 the Department of Public Safety or an organized local police
34 department, a chief inspector or inspector in the Division of Criminal
35 Justice, a conservation officer or special conservation officer appointed
36 under section 26-5, an appointed constable who performs criminal law
37 enforcement duties, a special police officer appointed under section 29-
38 18, 29-18a, 29-18b, 29-18c or 29-19, an adult probation officer, an
39 employee of the Department of Correction, a member of the Office of
40 State Capitol Police and a member of a special police force established
41 under section 10a-142 or a person providing security services for a
42 public institution of higher education; and "in the line of duty" means
43 any action that a police officer is obligated or authorized by law, rule,
44 regulation or written condition of employment service to perform, or
45 for which the police officer is compensated by the public entity such
46 officer serves;

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

50 (iv) Notwithstanding the provisions of [clause (i) of this]
51 subparagraph (B)(i) of this subdivision, "personal injury" or "injury"
52 includes injuries to employees of local or regional boards of education
53 resulting from participation in a school-sponsored activity but does not
54 include any injury incurred while going to or from such activity. As
55 used in this clause, "school-sponsored activity" means any activity
56 sponsored, recognized or authorized by a board of education and
57 includes activities conducted on or off school property and
58 "participation" means acting as a chaperone, advisor, supervisor or
59 instructor at the request of an administrator with supervisory
60 authority over the employee.

61 Sec. 502. (NEW) (*Effective October 1, 2003*) Notwithstanding any
62 provision of chapter 568 of the general statutes, workers' compensation
63 benefits for (1) any police officer, as defined in subparagraph (B)(ii) of
64 subdivision (16) of section 31-275 of the general statutes, as amended
65 by this act, who suffers a mental or emotional impairment arising from
66 such police officer's use of deadly force or subjection to deadly force in
67 the line of duty, (2) any employee who suffers a mental or emotional
68 impairment arising from witnessing the death of another employee or
69 a client, and (3) any employee who suffers a mental or emotional
70 impairment arising from the conduct of an employer or an agent of an
71 employer that is determined to constitute sexual harassment in
72 violation of section 46a-60 of the general statutes or Title VII of the
73 Civil Rights Act of 1964, as from time to time amended, shall be
74 limited to treatment by a psychologist or a psychiatrist who is on the
75 approved list of practicing physicians established by the chairperson of
76 the Workers' Compensation Commission pursuant to section 31-280 of
77 the general statutes."