



# House of Representatives

General Assembly

**File No. 476**

*February Session, 2004*

House Bill No. 5051

*House of Representatives, April 6, 2004*

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

***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 Section 1. Subdivision (1) of section 31-275 of the general statutes, as  
2 amended by section 146 of public act 03-6 of the June 30 special  
3 session, is repealed and the following is substituted in lieu thereof  
4 (*Effective October 1, 2004*):

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

12 (A) (i) For a police officer, [or] firefighter and any employee of the

13 Department of Correction, "in the course of his employment"  
14 encompasses such individual's departure from such individual's place  
15 of abode to duty, such individual's duty, and the return to such  
16 individual's place of abode after duty.

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

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

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

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

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

43 (F) For purposes of subparagraph (C) of this subdivision, "narcotic



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:

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**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 05 \$	FY 06 \$
Correction, Dept.	GF - Cost	Significant	Significant

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill adds all employees of the Department of Correction (DOC) to the list of employees covered under workers' compensation for injuries sustained while traveling to and from work. Under current law, only police officers and firefighters receive such treatment.

This bill will result in significant costs to DOC. There are approximately 6,800 DOC employees who will be eligible for workers' compensation benefits if they sustain injuries traveling between home and work. There will be a significant increase in DOC workers' compensation claim costs, and also a potentially significant increase in administrative costs. In FY 03, DOC expenditures for workers' compensation claims was \$22.2 million.

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**OLR BILL ANALYSIS**

HB 5051

***AN ACT CONCERNING PORTAL-TO-PORTAL WORKERS' COMPENSATION COVERAGE FOR CERTAIN HAZARDOUS DUTY EMPLOYEES*****SUMMARY:**

For workers' compensation purposes, this bill adds Department of Correction (DOC) employees to the list of employees treated as if they are at work when they travel between home and work. This means these employees are eligible for compensation if injured during such travel. Under current law, only police officers and firefighters receive such treatment.

The bill also requires the Workers' Compensation Commission to adopt regulations, on or before January 1, 2005, that implement the bill and define "departure from place of abode to duty," and "return to place of abode after duty." These definitions apply to police officers and firefighters as well as DOC employees.

EFFECTIVE DATE: October 1, 2004

**COMMITTEE ACTION**

Labor and Public Employees Committee

Joint Favorable Change of Reference

Yea 11 Nay 2

Judiciary Committee

Joint Favorable Report

Yea 41 Nay 1