



General Assembly

February Session, 2004

Raised Bill No. 5051

LCO No. 290

00290_____LAB

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 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3 session, is repealed and the following is substituted in lieu thereof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
44 drugs" means all controlled substances, as designated by the

45 Commissioner of Agriculture and Consumer Protection pursuant to
46 subsection (c) of section 21a-243, as amended, but does not include
47 drugs prescribed in the course of medical treatment or in a program of
48 research operated under the direction of a physician or
49 pharmacologist. For purposes of subparagraph (E) of this subdivision,
50 "place of abode" includes the inside of the residential structure, the
51 garage, the common hallways, stairways, driveways, walkways and
52 the yard;

53 (G) The Workers' Compensation Commission shall adopt
54 regulations, in accordance with the provisions of chapter 54, to
55 implement the provisions of this section and shall define the terms "a
56 preliminary act", [and] "acts in preparation for work", "departure from
57 place of abode to duty" and "return to place of abode after duty" on or
58 before [October 1, 1995] January 1, 2005.

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>

Statement of Purpose:

To include employees of the Department of Correction among those employees who are covered under the Workers' Compensation Act for injuries sustained while going to and from work.

[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.]