



General Assembly

January Session, 2005

Committee Bill No. 6565

LCO No. 4451

04451HB06565LAB

Referred to Committee on Labor and Public Employees

Introduced by:
(LAB)

**AN ACT PROVIDING WORKERS' COMPENSATION BENEFITS FOR
CONNECTICUT NATIONAL GUARD MEMBERS CALLED TO ACTIVE
DUTY.**

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

1 Section 1. Section 27-67 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2005*):

3 The commanding officer of any officer, soldier or sailor wounded,
4 disabled or killed, when such disability or death is incident to the
5 service, shall immediately make or cause to be made, by one or more
6 officers detailed for the purpose, full inquiry and report concerning
7 such injury or death, in writing, through channels to the Adjutant
8 General, with the names and addresses of qualified witnesses and a
9 full statement of the testimony of each concerning the nature and
10 extent of the injury and the manner of its occurrence. Each member of
11 the armed forces of the state who, when on duty or assembled therefor,
12 in accordance with orders of competent authority, or when called in
13 aid of any civil authority, is injured or contracts any disease while in
14 the performance of his or her duty or assembly therefor, without fault
15 or neglect on his or her part, and thereby is temporarily or

16 permanently disabled from continuing to perform his or her usual
17 duties or occupation, shall, during the period of [his] disability, receive
18 [such compensation as may be determined consistent with] benefits in
19 accordance with the provisions of chapter 568. [and actual necessary
20 expenses for care and medical attendance. The Adjutant General may
21 cause examination of each claimant under the provisions of this section
22 to be made from time to time by a medical officer or officers
23 designated for the purpose by the Adjutant General, and he may direct
24 the removal of any claimant to and his treatment in a hospital
25 designated by the Adjutant General and, if the claimant refuses to
26 permit any such examination or if he refuses to go to such hospital or
27 to follow the direction of the Adjutant General or the treatment so
28 prescribed for him, he shall forfeit all right to any claim or allowance
29 under this section. The Adjutant General may appoint a medical
30 examiner or a board of three officers, at least one of whom shall be a
31 medical officer, to inquire into the merits of any claim, who shall fix
32 the amount to be allowed under this section. A medical examiner or
33 board, appointed under this section, shall have the same power to take
34 evidence, administer oaths, issue subpoenas and compel witnesses to
35 attend and testify and produce books and papers and to punish for
36 failure to do so as possessed by a general court-martial. The findings of
37 the medical examiner or board shall be subject to the approval of the
38 Adjutant General, who may return the proceedings of the medical
39 examiner or board for revision and for further testimony. The amount
40 found due any member by such medical examiner or board and
41 approved by the Adjutant General shall be paid by the Comptroller
42 upon the order of the Adjutant General. The Adjutant General may
43 disapprove the report of any medical examiner or board appointed
44 under the provisions of this section and may thereupon determine the
45 amount of any such claim. He may, upon the application of any
46 claimant made within six months after the service of notice upon such
47 claimant or his attorney of the disapproval or disallowance of his claim
48 or any part thereof, reopen such claim and order a rehearing before
49 another medical examiner or board. Any person making any claim

50 under the provisions of this section may appeal to the Adjutant
51 General from the decision or finding of any medical examiner or board
52 within six months after notice of such decision or finding has been
53 served on him or his attorney, and the Adjutant General shall hear and
54 determine such appeal on its merits and may take testimony in the
55 same manner as upon an original application and may approve,
56 disapprove or modify the findings and decisions of any medical
57 examiner or board.]

58 Sec. 2. Subparagraph (A) of subdivision (9) of section 31-275 of the
59 general statutes is repealed and the following is substituted in lieu
60 thereof (*Effective July 1, 2005*):

61 (9) (A) "Employee" means any person who:

62 (i) Has entered into or works under any contract of service or
63 apprenticeship with an employer, whether the contract contemplated
64 the performance of duties within or without the state;

65 (ii) Is a sole proprietor or business partner who accepts the
66 provisions of this chapter in accordance with subdivision (10) of this
67 section;

68 (iii) Is elected to serve as a member of the General Assembly of this
69 state;

70 (iv) Is a salaried officer or paid member of any police department or
71 fire department;

72 (v) Is a volunteer police officer, whether the officer is designated as
73 special or auxiliary, upon vote of the legislative body of the town, city
74 or borough in which the officer serves; [or]

75 (vi) Is an elected or appointed official or agent of any town, city or
76 borough in the state, upon vote of the proper authority of the town,
77 city or borough, including the elected or appointed official or agent,
78 irrespective of the manner in which he or she is appointed or

79 employed. Nothing in this subdivision shall be construed as affecting
80 any existing rights as to pensions which such persons or their
81 dependents had on July 1, 1927, or as preventing any existing custom
82 of paying the full salary of any such person during disability due to
83 injury arising out of and in the course of his or her employment; or

84 (vii) Is an officer or enlisted person of the National Guard or naval
85 militia called to active duty by the Governor while performing his or
86 her active duty service.

87 Sec. 3. Section 27-68 of the general statutes is repealed. (*Effective July*
88 *1, 2005*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2005</i>	27-67
Sec. 2	<i>July 1, 2005</i>	31-275(9)(A)
Sec. 3	<i>July 1, 2005</i>	27-68 repealed

Statement of Purpose:

To provide workers' compensation benefits for members of the Connecticut National Guard called to active duty by the Governor.

[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. NOUJAIM, 74th Dist.; REP. ADINOLFI, 103rd Dist.

H.B. 6565