



General Assembly

**Substitute Bill No. 956**

January Session, 2005

\* SB00956JUD\_\_041505\_\_ \*

**AN ACT CONCERNING PORTAL-TO-PORTAL WORKERS'  
COMPENSATION COVERAGE FOR CORRECTION OFFICERS AND  
EMERGENCY MEDICAL SERVICES DISPATCHERS AND CLAIMS  
FOR COMPENSATION BY DEPENDENTS OF DECEASED  
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 is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2005*):

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

11 (A) (i) For a police officer or firefighter, "in the course of his  
12 employment" encompasses such individual's departure from such  
13 individual's place of abode to duty, such individual's duty, and the  
14 return to such individual's place of abode after duty;

15 (ii) For an employee of the Department of Correction, (I) when  
16 responding to a direct order to appear at his or her work assignment

17 under circumstances in which nonessential employees are excused  
18 from working, or (II) following two or more mandatory overtime work  
19 shifts on consecutive days, "in the course of his employment"  
20 encompasses such individual's departure from such individual's place  
21 of abode directly to duty, such individual's duty, and the return  
22 directly to such individual's place of abode after duty;

23 (iii) For an individual employed as a dispatcher for an emergency  
24 medical services provider, (I) when responding to a direct order to  
25 appear at his or her work assignment under circumstances in which  
26 nonessential employees are excused from working, or (II) following  
27 two or more mandatory overtime work shifts on consecutive days, "in  
28 the course of his employment" encompasses such individual's  
29 departure from such individual's place of abode directly to duty, such  
30 individual's duty, and the return directly to such individual's place of  
31 abode after duty;

32 [(ii)] (iv) Notwithstanding the provisions of [clause] clauses (i) and  
33 (ii) of this subparagraph, the dependents of any deceased employee of  
34 the Department of Correction who was injured in the course of his  
35 employment, as defined in this subparagraph, on or after July 1, 2000,  
36 and who died not later than July 15, 2000, shall be paid compensation  
37 on account of the death, in accordance with the provisions of section  
38 31-306, retroactively to the date of the employee's death. The cost of the  
39 payment shall be paid by the employer or its insurance carrier which  
40 shall be reimbursed for such cost from the Second Injury Fund as  
41 provided in section 31-354 upon presentation of any vouchers and  
42 information that the Treasurer may require;

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

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

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

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

58 (F) For purposes of subparagraph (C) of this subdivision, "narcotic  
59 drugs" means all controlled substances, as designated by the  
60 Commissioner of Consumer Protection pursuant to subsection (c) of  
61 section 21a-243, but does not include drugs prescribed in the course of  
62 medical treatment or in a program of research operated under the  
63 direction of a physician or pharmacologist. For purposes of  
64 subparagraph (E) of this subdivision, "place of abode" includes the  
65 inside of the residential structure, the garage, the common hallways,  
66 stairways, driveways, walkways and the yard;

67 (G) The Workers' Compensation Commission shall adopt  
68 regulations, in accordance with the provisions of chapter 54, to  
69 implement the provisions of this section and shall define the terms "a  
70 preliminary act", [and] "acts in preparation for work", "departure from  
71 place of abode directly to duty" and "return directly to place of abode  
72 after duty" on or before [October 1, 1995] January 1, 2006.

73 Sec. 2. Section 31-294c of the general statutes is amended by adding  
74 subsection (d) as follows (*Effective from passage and applicable to claims*  
75 *pending on or filed on and after said date*):

76 (NEW) (d) Notwithstanding the provisions of subsection (a) of this  
77 section, a dependent or dependents of a deceased employee seeking  
78 compensation under section 31-306 of the general statutes shall not be  
79 required to give a written notice of claim for compensation to the  
80 employer or any commissioner if such employee had filed a timely

81 written notice of claim for compensation in accordance with subsection  
82 (a) of this section prior to such employee's death.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2005</i>	31-275(1)
Sec. 2	<i>from passage and applicable to claims pending on or filed on and after said date</i>	31-294c

**LAB**      *Joint Favorable Subst. C/R*

JUD

**JUD**      *Joint Favorable Subst.*