



State of Connecticut

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Labor and Public Employees Committee Public Hearing March 14, 2006

Testimony in Support of

R.B. No. 591, AN ACT CONCERNING WORKERS' COMPENSATION FOR OFF-DUTY STATE POLICE, FIREFIGHTERS AND EMERGENCY SERVICES PERSONNEL.

First, I would like to thank Senator Prague, Representative Ryan, Senator Guglielmo and Representative Hetherington for advancing this bill to public hearing.

Since 9/11, public safety workers have gained a new-found place in the hearts of all Americans. This renewed respect and admiration for our police, paramedics and firefighters is well deserved. On a daily basis, they risk their own safety for the benefit of strangers, while on duty and while off duty.

A tragic example occurred in Florida on June 8, 2002. Off-duty firefighter Shane Kelly, 26, traveling with his wife Rachel, came upon a bad accident on the Florida Turnpike. Shane, knowing that his skills and training as a firefighter could be helpful, didn't think twice about stopping to offer assistance. Unfortunately, a tractor trailer crashed into Shane and six other people assisting at the scene of the accident. Shane and another Good Samaritan, an Orlando doctor, lost their lives.

His fire department decided that his death would be considered in the line of duty since he was performing his professional duties even though he was not in the service of his department. At the time, Florida law permitted each local government to determine the meaning of "engaged in the performance of his or her firefighter duties" as worded in the Florida state statutes.

Coincidentally, Shane Kelly's death occurred while Florida's SB 108 was being debated. This bill broadened the scope in which firefighters and public safety officers are considered to be acting within the course and scope of employment by providing that a firefighter, EMT, paramedic or public safety officer responding to an emergency in the state of Florida, but outside of the employers jurisdiction or off duty, and not engaged in services by a private employer, is considered to be acting within the course of employment and thereby covered by workers' compensation in the event of injury or death.

Page Two

This bill was advanced through three committees – each time unanimous – and passed in the House and Senate without one dissenting vote. Governor J. Bush signed it into law on May 8, 2002.

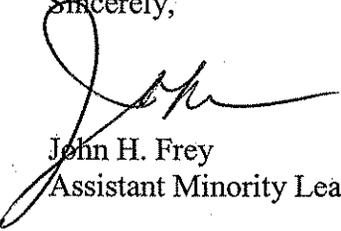
Furthermore, the Shane Kelly tragedy was the impetus for a change in federal law. In August 2003 Congress announced a bill that would ensure all police, fire and EMT's killed while serving others anywhere in the United States would be eligible for "in the line of duty" federal benefits. Up to that point, Shane Kelly's widow had been denied these benefits, including having this hero's name being placed on a plaque at the National Fire Academy.

I would respectfully ask that you consider amending the proposed bill to also cover municipal emergency personnel. Off-duty Police Officers, Firefighters, EMT's and other emergency services personnel – regardless of being employed by the state or a municipality – instinctively stop at the scene of an accident or other incident where their training can be of assistance. It is their instinct to do so. They should have equal protection in the event of an accident resulting in an injury.

Let us not, in the State of Connecticut, wait for a tragedy to take place before we allow workers compensation benefits to public safety personnel that are injured or killed while performing their trained duties while off duty.

I urge you to support RB-591. Thank you.

Sincerely,



John H. Frey
Assistant Minority Leader

JH/pb