



# House of Representatives

General Assembly

**File No. 236**

February Session, 2008

House Bill No. 5625

*House of Representatives, March 27, 2008*

The Committee on Labor and Public Employees reported through REP. RYAN, K. of the 139th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

***AN ACT CONCERNING WORKERS' COMPENSATION FOR  
EMPLOYEES OF THE DEPARTMENT OF CHILDREN AND FAMILIES  
INJURED AS A RESULT OF EMPLOYMENT.***

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

1 Section 1. Subsection (a) of section 5-142 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2008*):

4 (a) If any member of the Division of State Police within the  
5 Department of Public Safety or of any correctional institution, or any  
6 institution or facility of the Department of Mental Health and  
7 Addiction Services giving care and treatment to persons afflicted with  
8 a mental disorder or disease, or any institution for the care and  
9 treatment of persons afflicted with any mental defect, or any full-time  
10 enforcement officer of the Department of Environmental Protection,  
11 the Department of Motor Vehicles, the Department of Consumer  
12 Protection who carries out the duties and responsibilities of sections  
13 30-2 to 30-68m, inclusive, the Office of Adult Probation, the

14 Department of Public Works or the Board of Pardons and Paroles, any  
15 probation officer for juveniles or any employee of any juvenile  
16 detention home, any member of the police or fire security force of The  
17 University of Connecticut, any member of the police or fire security  
18 force of Bradley International Airport, any member of the Office of  
19 State Capitol Police or any person appointed under section 29-18 as a  
20 special policeman for the State Capitol building and grounds and the  
21 Legislative Office Building and parking garage and related structures  
22 and facilities and other areas under the supervision and control of the  
23 Joint Committee on Legislative Management, the Chief State's  
24 Attorney, the Chief Public Defender, the Deputy Chief State's  
25 Attorney, the Deputy Chief Public Defender, any state's attorney, any  
26 assistant state's attorney or deputy assistant state's attorney, any public  
27 defender, assistant public defender or deputy assistant public  
28 defender, any chief inspector or inspector appointed under section 51-  
29 286 or any staff member or employee of the Division of Criminal  
30 Justice or of the Division of Public Defender Services, or any Judicial  
31 Department employee, or any employee of the Department of Children  
32 and Families sustains any injury (1) while making an arrest or in the  
33 actual performance of such police duties or guard duties or fire duties  
34 or inspection duties or child welfare related duties, or prosecution or  
35 public defender or courthouse duties, or while attending or restraining  
36 an inmate of any such institution or as a result of being assaulted in the  
37 performance of such person's duty, or while responding to an  
38 emergency or code at a correctional institution, and (2) that is a direct  
39 result of the special hazards inherent in such duties, the state shall pay  
40 all necessary medical and hospital expenses resulting from such injury.  
41 If total incapacity results from such injury, such person shall be  
42 removed from the active payroll the first day of incapacity, exclusive of  
43 the day of injury, and placed on an inactive payroll. Such person shall  
44 continue to receive the full salary that such person was receiving at the  
45 time of injury subject to all salary benefits of active employees,  
46 including annual increments, and all salary adjustments, including  
47 salary deductions, required in the case of active employees, for a  
48 period of two hundred sixty weeks from the date of the beginning of

49 such incapacity. Thereafter, such person shall be removed from the  
50 payroll and shall receive compensation at the rate of fifty per cent of  
51 the salary that such person was receiving at the expiration of said two  
52 hundred sixty weeks as long as such person remains so disabled,  
53 except that any such person who is a member of the Division of State  
54 Police within the Department of Public Safety shall receive  
55 compensation at the rate of sixty-five per cent of such salary as long as  
56 such person remains so disabled. Such benefits shall be payable to a  
57 member of the Division of State Police after two hundred sixty weeks  
58 of disability only if the member elects in writing to receive such  
59 benefits in lieu of any benefits payable to the employee under the state  
60 employees retirement system. In the event that such disabled member  
61 of the Division of State Police elects the compensation provided under  
62 this subsection, no benefits shall be payable under chapter 568 or the  
63 state employees retirement system until the former of the employee's  
64 death or recovery from such disability. The provisions of section 31-  
65 293 shall apply to any such payments, and the state of Connecticut is  
66 authorized to bring an action or join in an action as provided by said  
67 section for reimbursement of moneys paid and which it is obligated to  
68 pay under the terms of this subsection. All other provisions of the  
69 workers' compensation law not inconsistent with this subsection,  
70 including the specific indemnities and provisions for hearing and  
71 appeal, shall be available to any such state employee or the dependents  
72 of such a deceased employee. All payments of compensation made to a  
73 state employee under this subsection shall be charged to the  
74 appropriation provided for compensation awards to state employees.  
75 On and after October 1, 1991, any full-time officer of the Department of  
76 Environmental Protection, the Department of Motor Vehicles, the  
77 Department of Consumer Protection who carries out the duties and  
78 responsibilities of sections 30-2 to 30-68m, inclusive, the Office of  
79 Adult Probation, the Department of Public Works or the Board of  
80 Pardons and Paroles, any probation officer for juveniles or any  
81 employee of any juvenile detention home, the Chief State's Attorney,  
82 the Chief Public Defender, the Deputy Chief State's Attorney, the  
83 Deputy Chief Public Defender, any state's attorney, assistant state's

84 attorney or deputy assistant state's attorney, any public defender,  
85 assistant public defender or deputy assistant public defender, any chief  
86 inspector or inspector appointed under section 51-286 or any staff  
87 member or employee of the Division of Criminal Justice or the  
88 Division of Public Defender Services, or any Judicial Department  
89 employee who sustains any injury in the course and scope of such  
90 person's employment shall be paid compensation in accordance with  
91 the provisions of section 5-143 and chapter 568, except, if such injury is  
92 sustained as a result of being assaulted in the performance of such  
93 person's duty, any such person shall be compensated pursuant to the  
94 provisions of this subsection.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	5-142(a)

**LAB**      *Joint Favorable*

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 chamber thereof for any purpose:

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$
Children & Families, Dept.	GF - Cost	Significant	Significant

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill adds certain Department of Children and Families (DCF) employees to the list of state employees eligible for hazardous duty workers compensation. The bill specifically adds that any injury that takes place while performing "child welfare related duties" that are a direct result of the special hazards inherent in such duty will qualify for the higher rate of compensation.<sup>1</sup>

The expansive language qualifying any injury incurred while performing "child welfare related duties" as hazardous duty will significantly increase DCF workers' compensation claim costs as employees receiving hazardous duty benefits receive 100% of their salary while an employee with a standard workers' compensation claim receives 75% of their salary. This bill would expand hazardous duty benefits to more than 1,400 DCF employees.

<sup>1</sup> Under current law, certain DCF employees get hazardous duty benefits if the injury takes place at a state facility that handles clients with a mental or behavioral disorder.

**OLR Bill Analysis****HB 5625*****AN ACT CONCERNING WORKERS' COMPENSATION FOR EMPLOYEES OF THE DEPARTMENT OF CHILDREN AND FAMILIES INJURED AS A RESULT OF EMPLOYMENT.*****SUMMARY:**

This bill adds Department of Children and Families (DCF) employees to the list of state employees eligible for hazardous duty workers compensation, which means they get 100% of their pay if a work-related injury was related to the hazardous part of their job. The bill specifically makes any injury that takes place while performing "child welfare related duties" that are a direct result of the special hazards inherent in such duties qualify for the higher rate of compensation. Some DCF employees get such coverage now if the injury takes place at a state facility that handles clients with "a mental defect." This is typically interpreted as covering DCF employees who work in a DCF residential facility.

EFFECTIVE DATE: October 1, 2008

***Hazardous Duty Positions***

State personnel considered in hazardous duty positions include:

1. state police officers;
2. correctional institution employees (except for clerical);
3. employees of institutions that treat people with mental disorders;
4. full-time enforcement officers of the Board of Parole, Office of Adult Probation, the departments of Environmental Protection,

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- Motor Vehicles, Public Works, and the Department of Consumer Protection who carry out duties under the Liquor Control Act;
5. employees of the Division of Criminal Justice, Division of Public Defender Services, and Judicial Department;
  6. juvenile probation officers and employees of juvenile detention homes;
  7. members of the police or fire security force at the University of Connecticut or Bradley International Airport;
  8. members of the State Capitol Police or special police officers appointed for the State Capitol, Legislative Office Building, and any other area under the control of the Joint Committee on Legislative Management; and
  9. public defenders, state's attorneys, and inspectors.

### ***Hazardous Duty Workers' Compensation Benefits***

State employees in hazardous duty positions receive 100% of their base salary for up to five years, including normal salary increases, if they are totally disabled due to a job-related injury that stems from the hazardous part of their job. If the employee is still totally disabled at the end of five years, the benefit, in most cases, drops to 50% of base pay.

Work-related injuries that do not stem from the special hazards of a state job are compensated for at the standard rate of 75% of an employee's net pay. For example, a corrections officer receives hazardous duty benefits if injured while restraining an inmate, but receives the standard benefits from a fall at work in a non-emergency situation.

### **COMMITTEE ACTION**

Labor and Public Employees Committee

Joint Favorable

Yea 9      Nay 0      (03/11/2008)