



# House of Representatives

General Assembly

**File No. 147**

February Session, 2010

Substitute House Bill No. 5282

*House of Representatives, March 25, 2010*

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

***AN ACT CONCERNING FIREFIGHTERS, POLICE OFFICERS AND WORKERS' COMPENSATION CLAIMS PERTAINING TO CERTAIN DISEASES.***

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

1 Section 1. (NEW) (*Effective October 1, 2010*) For the purpose of  
2 adjudication of claims for payment of benefits under the provisions of  
3 chapter 568 of the general statutes, a uniformed member of a paid  
4 municipal or volunteer fire department or a regular member of a paid  
5 municipal police department or constable, as defined in section 31-294i  
6 of the general statutes, shall be eligible for such benefits for any disease  
7 arising out of and in the course of employment, including, but not  
8 limited to, hepatitis, meningococcal meningitis, tuberculosis, multiple  
9 myeloma, non-Hodgkin's lymphoma, and prostate or testicular cancer  
10 that results in death or temporary or permanent total or partial  
11 disability.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	New section

**LAB**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:**

Municipalities	Effect	FY 11 \$	FY 12 \$
All Municipalities	STATE MANDATE - Cost	Significant	Significant

**Explanation**

The bill may result in a significant fiscal impact to municipalities as it expands the types of diseases for which a uniformed member of a paid municipal or volunteer fire department or a regular member of a paid municipal police department or constable, who began employment on or after July 1, 1996, may be eligible to receive workers' compensation benefits.

It is unclear how many claims are filed in a given year for the diseases included in the bill by municipal police officers and firefighters<sup>1</sup>. The workers' compensation medical liability for hepatitis could be as high as \$500,000 per claim. The worker's compensation medical liability for certain strands of tuberculosis could be as high as \$250,000. The average cost per claim may vary depending on the age of the claimant and the severity of the disease and does not include indemnity benefit costs.

<sup>1</sup> There were 33 claims filed with the Worker's Compensation Commission by municipal employees for communicable diseases and cancer in 2008 and 2009. The nature of the diseases or type of cancer for filed claims is unknown. It is also unknown how many of these claims were filed by firefighters or police officers.

The average worker's compensation liability for the various types of cancers included in the bill (myeloma, non-Hodgkin's lymphoma, prostate and testicular cancer) could exceed \$1 million per claim. The average cost per claim does not include indemnity benefit costs.

There are approximately 7,113 municipal police officers<sup>2</sup> and 26,435 firefighters<sup>3</sup> in the State of Connecticut.

### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of approved claims filed.

*Sources: Police Officer Standards and Training Council  
Connecticut State Firefighters Association*

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<sup>2</sup> Data as of March 2009.

<sup>3</sup> Data as of 2005.

**OLR Bill Analysis****sHB 5282*****AN ACT CONCERNING FIREFIGHTERS, POLICE OFFICERS AND WORKERS' COMPENSATION CLAIMS PERTAINING TO CERTAIN DISEASES.*****SUMMARY:**

Under this bill, a paid municipal or volunteer firefighter, municipal police officer, or constable is eligible for workers compensation benefits for diseases, including the following, if they arise out of and are in the course of employment: (1) hepatitis, (2) meningococcal meningitis, (3) tuberculosis, (4) multiple myeloma, (5) non-Hodgkin's lymphoma, (6) prostate cancer, or (7) testicular cancer. As with all workers' compensation claims, the disease must result in death or temporary or permanent total or partial disability in order to be eligible for benefits. A constable is a municipal law enforcement officer who is authorized to make arrests and has completed the Police Officer Standards and Training Council's certified training.

The bill's legal effect is unclear because under current law any disease or injury that is shown to arise out of and in the course of an employee's job makes the employee eligible for workers' compensation benefits.

EFFECTIVE DATE: October 1, 2010

**BACKGROUND*****Arising Out of and In the Course of Employment***

By law, "arising out of and in the course of employment" means an accidental injury or an occupational disease originating while an employee was engaged in the line of duty in the business or affairs of the employer on the employer's premises, or while engaged elsewhere

in the employer's business or affairs by the employer's direction, express or implied. For a police officer or firefighter, it includes the period travelling from the employee's place of abode (i.e., home) to work, time at work, and departure from work until arrival home (CGS § 31-275 (1)).

**COMMITTEE ACTION**

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 10 Nay 1 (03/16/2010)