



General Assembly

February Session, 2012

**Raised Bill No. 5172**

LCO No. 906

\*00906\_\_\_\_\_VA\_\*

Referred to Committee on Select Committee on Veterans' Affairs

Introduced by:  
(VA)

***AN ACT CONCERNING STATE MILITARY SERVICE.***

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

1 Section 1. Section 27-61 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) For military service when ordered out by the Governor, except  
4 when federal pay has been authorized, each [commissioned officer,  
5 warrant officer and enlisted person] member of the armed forces of the  
6 state assigned to a federally recognized National Guard unit in  
7 Connecticut shall be paid at the same rate, including longevity pay and  
8 allowances, as would be authorized if ordered out by federal  
9 authority. [but such rate shall be increased by the amount of ten  
10 dollars for enlisted persons and five dollars for warrant officers and  
11 first and second lieutenants.]

12 (b) For military service when ordered out by the Governor, each  
13 [commissioned officer, warrant officer and enlisted person] member of  
14 the armed forces of the state in a unit of the organized militia which is  
15 not federally recognized shall be paid on the same scale as the federal  
16 pay for corresponding grades [in the tables of organization] of the

17 federally recognized National Guard, [increased by the amount of ten  
18 dollars for enlisted persons and five dollars for warrant officers and  
19 first and second lieutenants] including longevity pay and allowances.

20 (c) Unless otherwise provided by law, the determination of the  
21 corresponding grades in the [organized militia, other than the federally  
22 recognized National Guard] armed forces of the state, shall be made by  
23 the Adjutant General. [Officers, warrant officers and enlisted personnel  
24 of the Connecticut National Guard who attend schools, conferences or  
25 staff or ceremonial exercises by order of the Governor shall be paid  
26 their travel and actual expenses. Commissioned officers serving on  
27 boards or military commissions or attending conferences called by  
28 higher headquarters in or out of the state shall receive pay and  
29 allowance of their grade plus actual expenses.]

30 (d) Each [commissioned and warrant officer, chief petty officer and  
31 enlisted person] member of the naval militia when ordered out by the  
32 Governor, except when federal pay has been authorized, shall receive  
33 for each day's service the same pay and allowances as are prescribed  
34 by the federal government for the corresponding grades of members of  
35 the United States Navy. [but such pay shall be increased by the  
36 amount of ten dollars for enlisted persons and five dollars for chief  
37 petty officers, warrant officers, lieutenants junior grade and ensigns.]

38 (e) Members of the armed forces of the state, with the consent of the  
39 member and the consent of the Governor, may be ordered to perform  
40 military duty, including training, with or without pay and allowances.  
41 When performing military duty with pay and allowances, such  
42 member shall be entitled to pay and allowances on the same scale as  
43 the corresponding grades of the federally recognized National Guard.  
44 Military duty without pay and allowances shall be, for all purposes  
45 other than for compensation for the duty performed, construed as if it  
46 were duty with pay and allowances.

47 (f) Members of the armed forces detailed from the retired list in  
48 accordance with section 27-54, with the consent of the member and the

49 consent of the Governor, may be ordered to perform military duty  
50 with or without pay. When performing military duty with pay and  
51 allowances, such member shall be entitled to pay and allowances in  
52 their state retired grade on the same scale as the corresponding grades  
53 of the federally recognized National Guard. Military duty without pay  
54 and allowances shall be, for all purposes other than for compensation  
55 for the duty performed, construed as if it were duty with pay and  
56 allowances.

57 Sec. 2. Section 27-67 of the general statutes is repealed and the  
58 following is substituted in lieu thereof (*Effective from passage*):

59 [The commanding officer of any officer, soldier or sailor wounded,  
60 disabled or killed, when such disability or death is incident to the  
61 service, shall immediately make or cause to be made, by one or more  
62 officers detailed for the purpose, full inquiry and report concerning  
63 such injury or death, in writing, through channels to the Adjutant  
64 General, with the names and addresses of qualified witnesses and a  
65 full statement of the testimony of each concerning the nature and  
66 extent of the injury and the manner of its occurrence. Each member of  
67 the armed forces of the state who, when on duty or assembled therefor,  
68 in accordance with orders of competent authority, or when called in  
69 aid of any civil authority, is injured or contracts any disease while in  
70 the performance of his or her duty or assembly therefor, without fault  
71 or neglect on his or her part, and thereby is temporarily or  
72 permanently disabled from continuing to perform his or her usual  
73 duties or occupation, shall, during the period of disability, receive  
74 benefits in accordance with the provisions of chapter 568.]

75 (a) Except as provided in section 4-165 and in subsections (e) and (f)  
76 of this section, a member of the armed forces of the state performing  
77 military duty in accordance with section 27-61, as amended by this act,  
78 shall be construed to be an employee of the state for the specific  
79 purposes of liability, immunity and for being subject to the jurisdiction  
80 of the Workers' Compensation Commission and shall be compensated

81 in accordance with the provisions of chapter 568 for death, disability or  
82 injury incurred while performing military duty. A member of the  
83 armed forces of the state performing such military duty shall not be  
84 considered an employee of the state for other purposes.

85 (b) For the purpose of this section, the average weekly wage of a  
86 member of the armed forces of the state shall be construed to be the  
87 average production wage in the state as determined by the Labor  
88 Commissioner under the provisions of section 31-309.

89 (c) For the purpose of this section, there shall be no prorating of  
90 compensation benefits because of other employment by a member of  
91 the armed forces of the state.

92 (d) Any member of the armed forces of the state who performs  
93 military duties pursuant to sections 27-17 and 27-18, shall be construed  
94 to be an employee of the state for the specific purposes of liability,  
95 immunity and for being subject to the jurisdiction of the Workers'  
96 Compensation Commission and shall be compensated in accordance  
97 with the provisions of chapter 568 for death, disability or injury  
98 incurred while performing said military duties. A member of the  
99 armed forces of the state performing such military duty shall not be  
100 considered an employee of the state for other purposes.

101 Sec. 3. Section 27-67a of the general statutes is repealed and the  
102 following is substituted in lieu thereof (*Effective from passage*):

103 (a) Any member of the armed forces of the state [who has been  
104 temporarily or permanently disabled incident to state service prior to  
105 June 6, 1977, who has made application for disability compensation  
106 and has a claim pending before the Adjutant General, and who has not  
107 signed a written release of his claim for such disability, shall be eligible  
108 for disability compensation under the provisions of section 27-67]  
109 performing state military duty in accordance with sections 27-17, 27-18  
110 or 27-61, as amended by this act, may collect benefits under the  
111 provisions of chapter 568 based on the salary of the member's

112 employment or the amount specified in subsection (b) of section 27-67,  
113 as amended by this act, whichever is greater, if the member of the  
114 armed forces is injured while engaged in military duties.

115 (b) As used in this section, "military duty" means the performance of  
116 military service by a member of the armed forces of the state pursuant  
117 to competent state military orders, whether paid or not paid for such  
118 military service, including training, performance of emergency  
119 response missions, and while travelling directly to or returning  
120 directly from the location of such military duty.

121 (c) The provisions of subsection (a) of this section shall only apply if  
122 the member of the armed forces of the state is unable to perform the  
123 member's regular employment duties.

124 Sec. 4. Subsection (f) of section 31-58 of the general statutes is  
125 repealed and the following is substituted in lieu thereof (*Effective from*  
126 *passage*):

127 (f) "Employee" means any individual employed or permitted to  
128 work by an employer but shall not include any individual employed in  
129 camps or resorts which are open no more than six months of the year  
130 or in domestic service in or about a private home, except any  
131 individual in domestic service employment as defined in the  
132 regulations of the federal Fair Labor Standards Act, or an individual  
133 employed in a bona fide executive, administrative or professional  
134 capacity as defined in the regulations of the Labor Commissioner or an  
135 individual employed by the federal government, or any individual  
136 engaged in the activities of an educational, charitable, religious,  
137 scientific, historical, literary or nonprofit organization where the  
138 employer-employee relationship does not, in fact, exist or where the  
139 services rendered to such organizations are on a voluntary basis, or  
140 any individual employed as a head resident or resident assistant by a  
141 college or university, or any individual engaged in baby sitting, or an  
142 outside salesman as defined in the regulations of the federal Fair Labor  
143 Standards Act; or any individual employed by a nonprofit theater,

144 provided such theater does not operate for more than seven months in  
145 any calendar year; or a member of the armed forces of the state  
146 performing military duty;

147 Sec. 5. Subdivision (9) of section 31-275 of the 2012 supplement to  
148 the general statutes is repealed and the following is substituted in lieu  
149 thereof (*Effective from passage*):

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

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

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

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

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

161 (v) Is a volunteer police officer, whether the officer is designated as  
162 special or auxiliary, upon vote of the legislative body of the town, city  
163 or borough in which the officer serves;

164 (vi) Is an elected or appointed official or agent of any town, city or  
165 borough in the state, upon vote of the proper authority of the town,  
166 city or borough, including the elected or appointed official or agent,  
167 irrespective of the manner in which he or she is appointed or  
168 employed. Nothing in this subdivision shall be construed as affecting  
169 any existing rights as to pensions which such persons or their  
170 dependents had on July 1, 1927, or as preventing any existing custom  
171 of paying the full salary of any such person during disability due to  
172 injury arising out of and in the course of his or her employment;

173 (vii) Is [an officer or enlisted person of the National Guard or other]  
174 a member of the armed forces of the state [called to active duty by the  
175 Governor while performing his or her active duty service] performing  
176 military duty, whether paid or not paid for such military duty, in  
177 accordance with the provisions of sections 27-17, 27-18 or 27-61, as  
178 amended by this act, while performing such member's military duty;  
179 or

180 (viii) Is elected to serve as a probate judge for a probate district  
181 established in section 45a-2.

182 (B) "Employee" shall not be construed to include:

183 (i) Any person to whom articles or material are given to be treated  
184 in any way on premises not under the control or management of the  
185 person who gave them out;

186 (ii) One whose employment is of a casual nature and who is  
187 employed otherwise than for the purposes of the employer's trade or  
188 business;

189 (iii) A member of the employer's family dwelling in his house; but,  
190 if, in any contract of insurance, the wages or salary of a member of the  
191 employer's family dwelling in his house is included in the payroll on  
192 which the premium is based, then that person shall, if he sustains an  
193 injury arising out of and in the course of his employment, be deemed  
194 an employee and compensated in accordance with the provisions of  
195 this chapter;

196 (iv) Any person engaged in any type of service in or about a private  
197 dwelling provided he is not regularly employed by the owner or  
198 occupier over twenty-six hours per week;

199 (v) An employee of a corporation who is a corporate officer and  
200 who elects to be excluded from coverage under this chapter by notice  
201 in writing to his employer and to the commissioner; or

202 (vi) Any person who is not a resident of this state but is injured in  
203 this state during the course of his employment, unless such person (I)  
204 works for an employer who has a place of employment or a business  
205 facility located in this state at which such person spends at least fifty  
206 per cent of his employment time, or (II) works for an employer  
207 pursuant to an employment contract to be performed primarily in this  
208 state.

209 Sec. 6. Section 27-75 of the general statutes is repealed and the  
210 following is substituted in lieu thereof (*Effective from passage*):

211 Memorials to [veteran soldiers, sailors or marines] veterans of the  
212 armed forces of the state or the United States may be placed in state  
213 [armories] military facilities or erected upon [grounds appurtenant  
214 thereto by cities, towns or boroughs] state-owned or controlled  
215 military property, subject to the approval of the Adjutant General and  
216 without expense to the state.

217 Sec. 7. Subsections (b) and (c) of section 5-259d of the general  
218 statutes are repealed and the following is substituted in lieu thereof  
219 (*Effective from passage*):

220 (b) Notwithstanding any provision of the general statutes or any  
221 public or special act, the state shall continue to provide coverage,  
222 under a group hospitalization and medical and surgical insurance plan  
223 sponsored by the state under section 5-259, for the dependents of any  
224 state employee and the state employee who is a member of the armed  
225 forces of any state or of any reserve component of the armed forces of  
226 the United States and who has been called to active service in the  
227 armed forces of any state or the United States for [(1) Operation  
228 Enduring Freedom, (2) Operation Noble Eagle, (3) a related emergency  
229 operation or a military operation whose mission was substantially  
230 changed as a result of the attacks of September 11, 2001, (4) federal  
231 action or state action authorized by the Governor in support of the  
232 federal Department of Homeland Security's Operation Liberty Shield,  
233 military operations that are authorized by the President of the United

234 States that entail military action against Iraq, or federal action or state  
235 action authorized by the Governor to combat terrorism within the  
236 United States, or (5) federal action or state action authorized by the  
237 Governor or the President of the United States that entails service or  
238 military action as part of Operation Jump Start at the border of the  
239 United States and Mexico] a military operation, war or national  
240 emergency, for the duration of such call-up to active service, provided  
241 such state employee and dependents were covered by the insurance  
242 plan on the date the state employee was called to active service and the  
243 state employee continues to pay any amount that the employee was  
244 required to pay for coverage before being called to active service. Any  
245 payment required to be made by the employee for coverage under this  
246 subsection may be deducted from compensation provided under  
247 subsection (c) of this section. The state shall reimburse any state  
248 employee who has paid premiums for the continuation of any such  
249 group hospitalization and medical and surgical insurance plan  
250 between the date such state employee was called to active service and  
251 November 20, 2001. The reimbursement shall be in the amount of the  
252 state's portion of the premiums so paid.

253 (c) Notwithstanding any provision of the general statutes or any  
254 public or special act, any state employee who is a member of the  
255 armed forces of any state or of any reserve component of the armed  
256 forces of the United States and who has been called to active service in  
257 the armed forces of any state or the United States for [(1) Operation  
258 Enduring Freedom, (2) Operation Noble Eagle, (3) a related emergency  
259 operation or a military operation whose mission was substantially  
260 changed as a result of the attacks of September 11, 2001, (4) federal  
261 action or state action authorized by the Governor in support of the  
262 federal Department of Homeland Security's Operation Liberty Shield,  
263 military operations that are authorized by the President of the United  
264 States that entail military action against Iraq, or federal action or state  
265 action authorized by the Governor to combat terrorism within the  
266 United States, or (5) federal action or state action authorized by the  
267 Governor or the President of the United States that entails service or

268 military action as part of Operation Jump Start at the border of the  
269 United States and Mexico] a military operation, war or national  
270 emergency, shall continue to accrue all vacation time, equivalent leave  
271 time and sick time to which the employee would be entitled if he or  
272 she had continued working in his or her state position during the time  
273 of such active service, and shall be credited with such accrued vacation  
274 time, equivalent leave time or sick time, except that if the accrual of  
275 such vacation time, equivalent leave time or sick time pursuant to this  
276 subsection while on active service would cause the employee to exceed  
277 any limit on leave time pursuant to any provision of the general  
278 statutes, the regulations of Connecticut state agencies or a collective  
279 bargaining agreement, the limit shall be temporarily waived to allow  
280 the employee to use the excess leave time before the later of the  
281 following: [(A)] (1) From the date of the state employee's discharge  
282 from active service until the state employee returns to state  
283 employment, [(B)] (2) not later than one hundred twenty calendar days  
284 after the state employee returns to state employment, [(C)] (3) not later  
285 than one hundred twenty calendar days after the state employee is  
286 credited with such excess leave time, or [(D)] (4) for state employees in  
287 teaching or professional positions in Unified School District #1  
288 established pursuant to section 18-99a within the Department of  
289 Correction who were credited with equivalent leave time pursuant to  
290 this section, not later than one year after the employee is credited with  
291 such excess leave time. The employee shall be entitled to a leave of  
292 absence with pay as provided in section 27-33 from the date on which  
293 the employee was called to active service. After the expiration of such  
294 leave of absence with pay, the state employee shall receive part pay for  
295 the duration of such call-up to active service if the compensation  
296 received by the state employee for such active service is less than the  
297 employee's base rate of pay, plus longevity, in the employee's primary  
298 position. The state employee shall not be required to exhaust accrued  
299 vacation time, equivalent leave time or sick time in order to be eligible  
300 for the paid leave of absence and part pay under this subsection. As  
301 used in this section, "equivalent leave time" means leave time classified

302 as other than vacation time or sick time and includes, but is not limited  
303 to, leave time classified as recess rather than vacation time.

304 Sec. 8. Subsection (a) of section 29-1s of the 2012 supplement to the  
305 general statutes is repealed and the following is substituted in lieu  
306 thereof (*Effective from passage*):

307 (a) (1) Wherever the term "Department of Public Safety" is used in  
308 the following general statutes, the term "Department of Emergency  
309 Services and Public Protection" shall be substituted in lieu thereof; and  
310 (2) wherever the term "Commissioner of Public Safety" is used in the  
311 following general statutes, the term "Commissioner of Emergency  
312 Services and Public Protection" shall be substituted in lieu thereof: 1-  
313 24, 1-84b, 1-217, 2-90b, 3-2b, 4-68m, 4a-2a, 4a-18, 4a-67d, 4b-1, 4b-130, 5-  
314 142, 5-146, 5-149, 5-150, 5-169, 5-173, 5-192f, 5-192t, 5-246, 6-32g, 7-169,  
315 7-285, 7-294f to 7-294h, inclusive, 7-294l, 7-294n, 7-294y, 7-425, 9-7a, 10-  
316 233h, 12-562, 12-564a, 12-586f, 12-586g, 13a-123, 13b-69, 13b-376, 14-10,  
317 14-64, 14-67j, 14-67m, 14-67w, 14-103, 14-108a, 14-138, 14-152, 14-163c,  
318 14-211a, 14-212a, 14-212f, 14-219c, 14-227a, 14-227c, 14-267a, 14-270c to  
319 14-270f, inclusive, 14-283, 14-291, 14-298, 14-315, 15-98, 15-140r, 15-  
320 140u, 16-256g, 16a-103, 17a-105a, 17a-106a, 17a-500, 17b-90, 17b-137,  
321 17b-192, 17b-225, 17b-279, 17b-490, 18-87k, 19a-112a, 19a-112f, 19a-  
322 179b, 19a-409, 19a-904, 20-12c, 20-327b, 21a-36, 21a-283, 22a-2, 23-8b,  
323 23-18, 26-5, 26-67b, [27-19a,] 27-107, 28-25b, 28-27, 28-27a, 28-30a, 29-1c,  
324 29-1e to 29-1h, inclusive, 29-1q, 29-1zz, 29-2, 29-2a, 29-2b, 29-3a, 29-3b,  
325 29-4a, 29-6a, 29-7, 29-7b, 29-7c, 29-7h, 29-7m, 29-7n, 29-8, 29-9, 29-10,  
326 29-10a, 29-10c, 29-11, 29-12, 29-17a, 29-17b, 29-17c, 29-18 to 29-23a,  
327 inclusive, 29-25, 29-26, 29-28, 29-28a, 29-30 to 29-32, inclusive, 29-32b,  
328 29-33, 29-36f to 29-36i, inclusive, 29-36k, 29-36m, 29-36n, 29-37a, 29-37f,  
329 29-38b, 29-38e, 29-38f, 29-108b, 29-143i, 29-143j, 29-145 to 29-151,  
330 inclusive, 29-152f to 29-152j, inclusive, 29-152m, 29-152o, 29-152u, 29-  
331 153, 29-155d, 29-156a, 29-161g to 29-161i, inclusive, 29-161k to 29-161m,  
332 inclusive, 29-161o to 29-161t, inclusive, 29-161v to 29-161z, inclusive,  
333 29-163, 29-164g, 29-166, 29-176 to 29-179, inclusive, 29-179f to 29-179h,  
334 31-275, as amended by this act, 38a-18, 38a-356, 45a-63, 46a-4b, 46a-170,

335 46b-15a, 46b-38d, 46b-38f, 51-5c, 51-10c, 51-51o, 51-277a, 52-11, 53-39a,  
336 53-134, 53-199, 53-202, 53-202b, 53-202c, 53-202g, 53-202l, 53-202n, 53-  
337 202o, 53-278c, 53-341b, 53a-3, 53a-30, 53a-54b, 53a-130, 53a-130a, 54-1f,  
338 54-1l, 54-36e, 54-36i, 54-36n, 54-47aa, 54-63c, 54-76l, 54-86k, 54-102g to  
339 54-102j, inclusive, 54-102m, 54-102pp, 54-142j, 54-222a, 54-240, 54-240m,  
340 54-250 to 54-258, inclusive, 54-259a, 54-260b, and 54-300.

341 Sec. 9. Sections 27-19a, 27-69 and 27-69a of the general statutes are  
342 repealed. (*Effective from passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	27-61
Sec. 2	<i>from passage</i>	27-67
Sec. 3	<i>from passage</i>	27-67a
Sec. 4	<i>from passage</i>	31-58(f)
Sec. 5	<i>from passage</i>	31-275(9)
Sec. 6	<i>from passage</i>	27-75
Sec. 7	<i>from passage</i>	5-259d(b) and (c)
Sec. 8	<i>from passage</i>	29-1s(a)
Sec. 9	<i>from passage</i>	Repealer section

**Statement of Purpose:**

To clarify the statutory provisions pertaining to military service, including military pay and allowances, death, disability and injury benefits, special benefits provided to state employees who perform military duty and memorials to veterans on state military property.

*[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.]*