



General Assembly

February Session, 2012

**Raised Bill No. 5233**

LCO No. 795

\*00795\_\_\_\_\_LAB\*

Referred to Committee on Labor and Public Employees

Introduced by:  
(LAB)

**AN ACT CONCERNING WORKERS' COMPENSATION FOR  
FIREFIGHTERS.**

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

1 Section 1. Subdivision (16) of section 31-275 of the 2012 supplement  
2 to the general statutes is repealed and the following is substituted in  
3 lieu thereof (*Effective from passage and applicable to any claim pending on*  
4 *or filed after said date*):

5 (16) (A) "Personal injury" or "injury" includes, in addition to  
6 accidental injury that may be definitely located as to the time when  
7 and the place where the accident occurred, an injury to an employee  
8 that is causally connected with the employee's employment and is the  
9 direct result of repetitive trauma or repetitive acts incident to such  
10 employment, and occupational disease.

11 (B) "Personal injury" or "injury" shall not be construed to include:

12 (i) An injury to an employee that results from the employee's  
13 voluntary participation in any activity the major purpose of which is  
14 social or recreational, including, but not limited to, athletic events,

15 parties and picnics, whether or not the employer pays some or all of  
16 the cost of such activity;

17 (ii) A mental or emotional impairment, unless such impairment (I)  
18 arises [(I)] from a physical injury or occupational disease, [or] (II) in the  
19 case of a police officer, arises from such police officer's use of deadly  
20 force or subjection to deadly force in the line of duty, regardless of  
21 whether such police officer is physically injured, provided such police  
22 officer is the subject of an attempt by another person to cause such  
23 police officer serious physical injury or death through the use of  
24 deadly force, and such police officer reasonably believes such police  
25 officer to be the subject of such an attempt, or (III) in the case of a  
26 firefighter, is diagnosed as post-traumatic stress disorder by a licensed  
27 and board certified mental health professional, and determined by  
28 such professional to be originating from the firefighter witnessing the  
29 death of another firefighter while engaged in the line of duty and not  
30 subject to any other exclusion in this section. As used in this clause,  
31 "police officer" means a member of the Division of State Police within  
32 the Department of Emergency Services and Public Protection, an  
33 organized local police department or a municipal constabulary,  
34 "firefighter" means a uniformed member of a paid municipal or  
35 volunteer fire department, and "in the line of duty" means any action  
36 that a police officer or firefighter is obligated or authorized by law,  
37 rule, regulation or written condition of employment service to  
38 perform, or for which the police officer or firefighter is compensated  
39 by the public entity such officer serves;

40 (iii) A mental or emotional impairment that results from a personnel  
41 action, including, but not limited to, a transfer, promotion, demotion  
42 or termination; or

43 (iv) Notwithstanding the provisions of subparagraph (B)(i) of this  
44 subdivision, "personal injury" or "injury" includes injuries to  
45 employees of local or regional boards of education resulting from  
46 participation in a school-sponsored activity but does not include any

47 injury incurred while going to or from such activity. As used in this  
 48 clause, "school-sponsored activity" means any activity sponsored,  
 49 recognized or authorized by a board of education and includes  
 50 activities conducted on or off school property and "participation"  
 51 means acting as a chaperone, advisor, supervisor or instructor at the  
 52 request of an administrator with supervisory authority over the  
 53 employee.

54 Sec. 2. Section 31-294h of the general statutes is repealed and the  
 55 following is substituted in lieu thereof (*Effective from passage and*  
 56 *applicable to any claim pending on or filed after said date*):

57 Notwithstanding any provision of this chapter, workers'  
 58 compensation benefits for any (1) police officer, as defined in  
 59 subparagraph (B)(ii) of subdivision (16) of section 31-275, as amended  
 60 by this act, who suffers a mental or emotional impairment arising from  
 61 such police officer's use of deadly force or subjection to deadly force in  
 62 the line of duty, or (2) firefighter, as defined in subparagraph (B)(ii) of  
 63 subdivision (16) of section 31-275, as amended by this act, who suffers  
 64 a mental or emotional impairment diagnosed as post-traumatic stress  
 65 disorder originating from the firefighter witnessing the death of  
 66 another firefighter while engaged in the line of duty, shall be limited to  
 67 treatment by a psychologist or a psychiatrist who is on the approved  
 68 list of practicing physicians established by the chairman of the  
 69 Workers' Compensation Commission pursuant to section 31-280.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage and applicable to any claim pending on or filed after said date</i>	31-275(16)
Sec. 2	<i>from passage and applicable to any claim pending on or filed after said date</i>	31-294h

***Statement of Purpose:***

To provide a firefighter with workers' compensation benefits for post-traumatic stress disorder that resulted from such firefighter witnessing the death of another firefighter in the line of duty.

*[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.]*