



General Assembly

Substitute Bill No. 5233

February Session, 2012

* HB05233LAB 030712 *

**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2 to the general statutes is repealed and the following is substituted in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 filed after*
4 *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, determined by such
28 professional to be originating from the firefighter witnessing the death
29 of another firefighter while engaged in the line of duty and not subject
30 to any other exclusion in this section. As used in this clause, "police
31 officer" means a member of the Division of State Police within the
32 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 municipal paid 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 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 filed after said date</i>	31-275(16)
Sec. 2	<i>from passage and applicable to any claim filed after said date</i>	31-294h

Statement of Legislative Commissioners:

In section 1(16)(B)(ii), deleted "and" for proper use of language and to conform with the style of the general statutes, and deleted the word "paid" before "municipal" and inserted the word "paid" after "municipal" to conform with the style of the general statutes and for proper use of language.

LAB *Joint Favorable Subst.*