



General Assembly

January Session, 2013

**Bill No. 6599**

LCO No. 4263

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Referred to Committee on No Committee

Introduced by:

REP. SHARKEY, 88<sup>th</sup> Dist.  
SEN. WILLIAMS, 29<sup>th</sup> Dist.  
REP. ARESIMOWICZ, 30<sup>th</sup> Dist.

SEN. LOONEY, 11<sup>th</sup> Dist.  
REP. CAFERO, 142<sup>nd</sup> Dist.  
SEN. MCKINNEY, 28<sup>th</sup> Dist.

**AN ACT ESTABLISHING THE SANDY HOOK WORKERS ASSISTANCE PROGRAM AND FUND, CLARIFYING THE CALCULATION OF SURVIVOR BENEFITS, AND AUTHORIZING A WAIVER OF THE STATE-WIDE MASTERY EXAMINATION REQUIREMENT FOR CERTAIN NEWTOWN STUDENTS.**

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

1 Section 1. (*Effective from passage*) (a) As used in this section and  
2 sections 2 and 3 of this act:

3 (1) "Sandy Hook Workers Assistance program" or "program" means  
4 the mechanism for providing monetary assistance to affected persons  
5 in accordance with the provisions of this section.

6 (2) "Affected person" means (A) any person who was or was  
7 scheduled to be at the affected area during the time of crisis for  
8 purposes of such person's employment or by virtue of such person's  
9 status as a volunteer who (i) was at the time of crisis (I) a salaried

10 officer or paid member of a police department, fire department or state  
11 police troop; (II) a volunteer police officer or firefighter, whether the  
12 officer or firefighter is designated as special or auxiliary, upon vote of  
13 the legislative body of the town, city or borough in which the officer or  
14 firefighter serves; (III) a volunteer who is a member or an auxiliary  
15 member of any police or fire department; (IV) a licensed medical  
16 professional, including, but not limited to, a physician, physician  
17 assistant, nurse, emergency medical technician or paramedic; (V) a  
18 teacher or paraprofessional employed by the town of Newtown or the  
19 board of education of the town of Newtown; (VI) employed at the  
20 Sandy Hook Elementary School in an administrative or service  
21 capacity, including, but not limited to, as a secretary, food service  
22 provider or janitor; (VII) a therapist or counselor employed by a state  
23 agency or licensed under chapter 370, 371, 382a, 383b or 383c of the  
24 general statutes; or (VIII) a response coordinator employed by the  
25 Department of Public Health or the Department of Emergency Services  
26 and Public Protection, and (ii) suffered mental or emotional  
27 impairment as a result of (I) his or her perception of and proximity to  
28 the affected area at the time of crisis, or (II) his or her absence from the  
29 affected area at the time of crisis; (B) a licensed medical examiner,  
30 forensic technician, laboratory assistant, principal physician, special  
31 investigator or forensic science examiner employed by or working at  
32 the direction of the Chief Medical Examiner or the Department of  
33 Emergency Services and Public Protection, who suffered mental or  
34 emotional impairment as a result of performing his or her duties  
35 necessitated by the events that occurred at the affected area during the  
36 time of crisis; (C) an emergency service dispatcher who suffered  
37 mental or emotional impairment as a result of performing his or her  
38 duties necessitated by the events that occurred at the affected area  
39 during the time of crisis; or (D) a Department of Mental Health and  
40 Addiction Services employee providing mental health services who  
41 suffered mental or emotional impairment as a result of performing his  
42 or her duties necessitated by the events that occurred at the affected  
43 area during the time of crisis.

44 (3) "Affected area" means (A) from 8:00 a.m. until 11:59 p.m. on  
45 December 14, 2012, the Sandy Hook Elementary School, its grounds  
46 and the immediate vicinity, including the Sandy Hook Volunteer Fire  
47 Department, and (B) from 12:00 a.m. until 11:59 p.m. on December 15,  
48 2012, the Sandy Hook Elementary School and its grounds.

49 (4) "Time of crisis" means from 8:00 a.m. on December 14, 2012, until  
50 11:59 p.m. on December 15, 2012.

51 (5) "Administrator" means the Office of Victim Services.

52 (6) "Victim compensation commissioner" or "commissioner" means  
53 any individual appointed by the Governor pursuant to section 54-202  
54 of the general statutes who has agreed to review claims of affected  
55 persons pursuant to this section.

56 (7) "Assistance" means moneys payable by the State Treasurer from  
57 the Sandy Hook Workers Assistance Fund, established pursuant to  
58 section 2 of this act, to assist affected persons pursuant to this section.

59 (b) There is established the Sandy Hook Workers Assistance  
60 program. The program shall be administered by the administrator and  
61 shall offer assistance, within available funds, to affected persons  
62 eligible for assistance under this section and section 2 of this act,  
63 provided no assistance shall be paid to any affected person after  
64 August 31, 2015. The administrator shall accept applications for  
65 assistance on and after April 1, 2013. For the purposes of this section  
66 and section 2 of this act, the administrator shall have the power to (1)  
67 determine whether an affected person meets the requirements for  
68 eligibility for assistance under this section; (2) summon and examine  
69 under oath such witnesses as may provide information relevant to the  
70 eligibility of an affected person, and direct the production of, and  
71 examine or cause to be produced or examined, such books, records,  
72 vouchers, memoranda, documents, letters, contracts or other papers in  
73 relation to any matter at issue as the administrator may find proper;  
74 and (3) take or cause to be taken affidavits or depositions within or

75 without the state.

76 (c) An affected person shall be eligible to receive assistance from the  
77 Sandy Hook Workers Assistance Fund established pursuant to section  
78 2 of this act, provided the affected person meets the following  
79 requirements:

80 (1) The affected person shall provide an opinion written by a  
81 medical professional providing mental health services and licensed  
82 pursuant to title 20 of the general statutes, that such affected person  
83 has a mental or emotional impairment (A) causing partial or total  
84 disability preventing such affected person from performing his or her  
85 volunteer or employment duties, or (B) requiring medical and surgical  
86 aid or hospital and nursing service, including, but not limited to,  
87 medical rehabilitation services, mental health therapy services and  
88 prescription drugs;

89 (2) Such opinion shall include a finding that such mental or  
90 emotional impairment is directly attributable to the affected person's  
91 (A) perception of and proximity to or absence from the affected area  
92 during the time of crisis, or (B) performance of his or her duties  
93 necessitated by the events that occurred at the affected area during the  
94 time of crisis;

95 (3) The affected person shall have suffered such mental or emotional  
96 impairment because (A) the affected person's employment or  
97 volunteer responsibilities necessitated or, if such person was absent,  
98 would have necessitated, the affected person's presence in the affected  
99 area during the time of crisis, or (B) the affected person was (i) a  
100 licensed medical examiner, forensic technician, laboratory assistant,  
101 principal physician, special investigator or forensic science examiner,  
102 employed by or working at the direction of the Chief Medical  
103 Examiner or the Department of Emergency Services and Public  
104 Protection, or (ii) an emergency services dispatcher or Department of  
105 Mental Health and Addiction Services employee providing mental

106 health services, and the performance of his or her duties was  
107 necessitated by the events that occurred at the affected area during the  
108 time of crisis; and

109 (4) The affected person has submitted, in writing, a notice of claim,  
110 in such form as required by the administrator, to the administrator on  
111 or before June 30, 2014, that shall include: (A) A certificate issued by  
112 the medical professional documenting the opinion, required under  
113 subdivision (1) of this subsection detailing the mental or emotional  
114 impairment (i) preventing such affected person from performing his or  
115 her volunteer or employment duties, or (ii) requiring medical and  
116 surgical aid or hospital and nursing service, including, but not limited  
117 to, medical rehabilitation services, mental health therapy services and  
118 prescription drugs; (B) if the affected person is requesting assistance  
119 for uncompensated leave, evidence of such affected person's weekly  
120 earnings during the fifty-two calendar weeks immediately preceding  
121 the time of impairment; and (C) any additional information as  
122 requested or required by the administrator.

123 (d) The level of assistance offered to affected persons shall be  
124 calculated as follows, subject to available funds, and payable on a  
125 retroactive and prospective basis at the discretion of the administrator:  
126 (1) If the mental or emotional impairment suffered by an affected  
127 person results in total incapacity to work, such person shall be eligible  
128 to receive weekly assistance for all uncompensated leave, whether  
129 such person has exhausted his or her compensated leave or elected to  
130 take uncompensated leave from his or her employment, equal to  
131 seventy-five per cent of such person's average weekly earnings during  
132 the fifty-two calendar weeks immediately preceding the date of the  
133 impairment after such earnings have been reduced by any deduction  
134 for federal or state taxes, or both, and for the federal Insurance  
135 Contributions Act, provided such assistance shall not exceed the  
136 average weekly earnings of all workers in the state as calculated by the  
137 Labor Commissioner pursuant to section 31-309 of the general statutes;  
138 (2) if the mental or emotional impairment suffered by an affected

139 person results in partial incapacity to work, or requires such person to  
140 be absent from work for medical treatment for such impairment, such  
141 person shall be eligible to receive weekly assistance for all  
142 uncompensated leave, whether such person has exhausted his or her  
143 compensated leave or elected to take uncompensated leave from his or  
144 her employment, equal to seventy-five per cent of the difference  
145 between (A) such person's average weekly earnings during the fifty-  
146 two calendar weeks immediately preceding the date of impairment,  
147 after such earnings have been reduced by any deduction for federal or  
148 state taxes, or both, and for the federal Insurance Contributions Act;  
149 and (B) the amount such affected person is able to earn after the  
150 impairment, after such amount has been reduced by any deduction for  
151 federal or state taxes, or both, and for the federal Insurance  
152 Contributions Act, provided such assistance shall not exceed the  
153 average weekly earnings of all workers in the state as calculated by the  
154 Labor Commissioner pursuant to section 31-309 of the general statutes;  
155 and (3) if the mental or emotional impairment suffered by an affected  
156 person requires, in the opinion of a medical professional providing  
157 mental health services and licensed pursuant to title 20 of the general  
158 statutes, medical and surgical aid or hospital and nursing service,  
159 including, but not limited to, medical rehabilitation services, mental  
160 health therapy services and prescription drugs, such person shall be  
161 eligible for weekly assistance equal to the costs of such aid or services,  
162 including deductibles and copayments, not covered under any benefit  
163 plan applicable to such affected person during the calendar year. For  
164 purposes of this section, the average weekly wage of an affected  
165 person working as a volunteer at the time of crisis shall be construed to  
166 be not less than the average production wage in the state as  
167 determined by the Labor Commissioner under the provisions of  
168 section 31-309 of the general statutes.

169 (e) (1) In calculating the level of assistance offered to an affected  
170 person under subsection (d) of this section, the administrator may  
171 consider special circumstances that may have decreased such affected

172 person's average weekly earnings during the fifty-two calendar weeks  
173 immediately preceding the date of impairment, including, but not  
174 limited to, maternity or paternity leave or other compensated or  
175 uncompensated leave, periods of disability, seasonal employment and  
176 voluntary or involuntary periods of unemployment.

177 (2) In calculating the level of assistance offered to an affected  
178 person, if, under the terms of an applicable collective bargaining  
179 agreement, the affected person is entitled to receive a greater amount  
180 for such person's total or partial incapacity to work than the maximum  
181 weekly compensation calculated by the Labor Commissioner pursuant  
182 to section 31-309 of the general statutes, the administrator shall offer  
183 additional assistance in the amount provided for under the terms of  
184 such agreement.

185 (f) The administrator shall promptly review all claims submitted  
186 pursuant to the provisions of subdivision (4) of subsection (c) of this  
187 section. The administrator shall evaluate each claim and determine, on  
188 the basis of information provided by the affected person, or additional  
189 information provided at the request of the administrator, whether or  
190 not such claim should be approved and, if approved, the weekly  
191 amount of assistance offered and the duration thereof, provided such  
192 duration shall not exceed fifty-two weeks, inclusive of any retroactive  
193 assistance, or the solvency of the fund. For purposes of this section, a  
194 pending worker's compensation claim submitted by an affected person  
195 shall not prevent the administrator from approving such person's  
196 claim for assistance. The administrator shall provide such  
197 determination, in writing, to such affected person not later than ten  
198 business days after having received the notice of claim, or, if the  
199 administrator requested additional information, not later than ten  
200 business days after receiving such additional information, and shall  
201 direct the State Comptroller and the State Treasurer to pay any such  
202 assistance offered to such affected person in the amount and for the  
203 duration determined by the administrator, if applicable. Assistance  
204 shall continue to be offered to the affected person for the duration

205 determined by the administrator, provided such affected person  
206 submits to the administrator, in writing and prior to the first day of  
207 each month, beginning after the completion of the first full month that  
208 assistance has been provided, (1) a certificate issued by a medical  
209 professional providing mental health services and licensed pursuant to  
210 title 20 of the general statutes describing such affected person's  
211 continued incapacity to work, and (2) documentation of any  
212 uncompensated expenses relating to medical and surgical aid or  
213 hospital and nursing service, including, but not limited to, medical  
214 rehabilitation services, mental health therapy services and prescription  
215 drugs. Upon receiving such submissions, the administrator may,  
216 within his or her discretion, modify the amount of assistance as  
217 appropriate.

218 (g) An affected person may request that a determination made  
219 pursuant to subsection (f) of this section be reviewed by a victim  
220 compensation commissioner by filing a request for review with the  
221 administrator, on a form prescribed by the administrator, not later  
222 than twenty business days after mailing of the notice of such  
223 determination. The administrator, not later than three business days  
224 after receipt of such request for review, shall designate a victim  
225 compensation commissioner to hear such review and shall submit to  
226 such designated commissioner all documents relating to such affected  
227 person's claim. The commissioner shall hear any request for review  
228 filed by an affected person not later than twenty business days after  
229 such commissioner's designation. Not later than twenty business days  
230 after the request for review was heard by the commissioner, the  
231 commissioner shall issue his or her decision, affirming, modifying or  
232 reversing the decision of the administrator, based on a de novo review  
233 of all relevant evidence, including holding hearings and taking such  
234 testimony as such commissioner may deem advisable, and shall  
235 submit such decision in writing to the administrator and the affected  
236 person. The decision shall include a short statement of findings and  
237 shall specify any assistance to be paid to the affected person in



238 accordance with subsection (f) of this section.

239 (h) Any statement, document, information or matter may be  
240 considered by the administrator or, on review, by a victim  
241 compensation commissioner, if in the opinion of said administrator or  
242 commissioner, it contributes to a determination of the claim, whether  
243 or not the same would be admissible in a court of law.

244 (i) There shall be no right of appeal by any person claiming  
245 assistance under this section following the final decision of the  
246 commissioner issued pursuant to subsection (g) of this section.

247 (j) Each victim compensation commissioner shall be compensated at  
248 a rate not to exceed one hundred twenty-five dollars for each day of  
249 service pursuant to this section.

250 (k) Any assistance provided to an affected person under this section  
251 shall not be considered income for the purposes of the state's personal  
252 income tax law, corporation tax or other tax laws.

253 (l) Notwithstanding any general statute, charter or special act to the  
254 contrary affecting the Connecticut teachers' retirement system, or any  
255 special act providing for a teachers' retirement system or other  
256 retirement system, the eligibility for a retirement benefit for a spouse,  
257 dependent or other survivor of a member of the Connecticut teachers'  
258 retirement system who dies on or after December 1, 2012, but prior to  
259 December 31, 2012, as a result of injuries received while acting within  
260 the scope of such member's employment and not as a result of illness  
261 or natural causes, but whose retirement benefits were not yet being  
262 paid on the date of such member's death, shall be calculated as if the  
263 member had worked to the completion of the 2012-2013 school year.

264 Sec. 2. (*Effective from passage*) (a) There is established a fund to be  
265 known as the Sandy Hook Workers Assistance Fund. Amounts in said  
266 fund shall be paid by the State Comptroller and the State Treasurer at  
267 the discretion of the administrator for (1) assistance offered under the

268 Sandy Hook Workers Assistance program established in section 1 of  
269 this act, and (2) costs and expenses of operating the program. Moneys  
270 received by the fund shall be accounted for separately and apart from  
271 all other state moneys, and the full faith and credit of the state of  
272 Connecticut is pledged for their safekeeping. The moneys of the fund  
273 shall be credited with interest by the State Treasurer in accordance  
274 with applicable law. Not more than five per cent of the total moneys  
275 received by the fund in any calendar year shall be used for any  
276 administrative or other costs or expenses incurred by the  
277 administrator, State Comptroller or State Treasurer in connection with  
278 carrying out the provisions of this section and section 1 of this act,  
279 including the hiring of necessary employees and the expense of public  
280 outreach and education regarding the program and fund.

281 (b) The State Treasurer is authorized to accept gifts, donations and  
282 grants from the state or federal government or other public or private  
283 sources to be held in the fund and distributed as directed by the  
284 administrator for the purposes enumerated in subsection (a) of this  
285 section. In the event the moneys in the fund are insufficient to provide  
286 full assistance, as calculated under subsection (d) of section 1 of this  
287 act, to all affected persons, such assistance shall be provided on a pro  
288 rata basis at the discretion of the administrator.

289 (c) On or before April 1, 2013, and monthly thereafter, and at any  
290 other time at the request of the administrator, the State Treasurer shall  
291 submit a report to the administrator indicating the fund's value at the  
292 time of the report. Such report shall not include the identity of any  
293 person who has made a gift or donation to the fund.

294 (d) On or before April 1, 2013, and at least quarterly thereafter, the  
295 administrator shall submit to the General Assembly, in accordance  
296 with section 11-4a of the general statutes, a report on the financial  
297 condition of the Sandy Hook Workers Assistance Fund. Such report  
298 shall include (1) an estimate of the fund's value as of the date of the  
299 report; (2) the effect of scheduled payments on the fund's value; (3) an

300 estimate of the monthly administrative costs necessary to operate the  
301 program and the fund; and (4) any recommendations for legislative  
302 change to improve the operation or administration of the program and  
303 the fund. On or before May 1, 2015, such report shall include  
304 recommendations to distribute any moneys remaining in the fund to  
305 such other charitable trusts or entities, including any community trust  
306 or foundation, as the administrator may determine will best fulfill the  
307 purposes of the program upon the termination of the program.

308       Sec. 3. (*Effective from passage*) (a) No provision of section 1 or 2 of this  
309 act shall alter or affect any requirement or other provision in any  
310 employment contract to which an affected person was a party at the  
311 time of the crisis or grant to any affected person any greater rights than  
312 were otherwise granted under any such employment contract.

313       (b) Except as provided in subsection (c) of this section, no provision  
314 of section 1 or 2 of this act shall prohibit or affect any claim or right of  
315 action by any person claiming or receiving assistance under section 1  
316 or 2 of this act against any other person.

317       (c) Neither the state nor any agent of the state shall be liable for any  
318 action, or any expenses related thereto, brought by any person  
319 claiming to be aggrieved by any decision concerning the approval or  
320 denial of assistance made pursuant to section 1 or 2 of this act.

321       Sec. 4. (*Effective from passage*) (a) Notwithstanding the provisions of  
322 section 10-14n of the general statutes, for the school year commencing  
323 July 1, 2012, the State Board of Education shall authorize, upon request  
324 of the board of education for the town of Newtown, a waiver from the  
325 requirement that (1) each student enrolled in grades three to eight,  
326 inclusive, in any public school in the Newtown school district take the  
327 state-wide mastery examination in reading, writing and mathematics  
328 for such school year, and (2) each student in grade five or eight in any  
329 public school in the Newtown school district take the state-wide  
330 mastery examination in science for such school year.

331 (b) Notwithstanding the provisions of section 10-10a of the general  
332 statutes, for the school year commencing July 1, 2012, the State Board  
333 of Education shall not be required to collect and track student  
334 performance data on the state-wide mastery examination, pursuant to  
335 section 10-14n of the general statutes, for students described in  
336 subsection (a) of this section for such school year for purposes of the  
337 public school information system.

338 (c) The State Board of Education may amend or suspend any  
339 policies or guidelines developed or adopted by the board for purposes  
340 of carrying out the provisions of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	New section