



General Assembly

January Session, 2013

Raised Bill No. 905

LCO No. 3154



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:
(LAB)

***AN ACT CONCERNING PORTAL-TO-PORTAL WORKERS'
COMPENSATION COVERAGE FOR MUNICIPAL AND STATE POLICE
AND FIRE DISPATCHERS.***

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

1 Section 1. Subdivision (1) of section 31-275 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2013*):

4 (1) "Arising out of and in the course of his employment" means an
5 accidental injury happening to an employee or an occupational disease
6 of an employee originating while the employee has been engaged in
7 the line of the employee's duty in the business or affairs of the
8 employer upon the employer's premises, or while engaged elsewhere
9 upon the employer's business or affairs by the direction, express or
10 implied, of the employer, provided:

11 (A) (i) For a police officer or firefighter, "in the course of his
12 employment" encompasses such individual's departure from such
13 individual's place of abode to duty, such individual's duty, and the

14 return to such individual's place of abode after duty;

15 (ii) For an employee of the Department of Correction or a public
16 safety dispatcher, (I) when responding to a direct order to appear at his
17 or her work assignment under circumstances in which nonessential
18 employees are excused from working, or (II) following two or more
19 mandatory overtime work shifts on consecutive days, "in the course of
20 his employment" encompasses such individual's departure from such
21 individual's place of abode directly to duty, such individual's duty,
22 and the return directly to such individual's place of abode after duty;

23 (iii) Notwithstanding the provisions of clauses (i) and (ii) of this
24 subparagraph, the dependents of any deceased employee of the
25 Department of Correction who was injured in the course of his
26 employment, as defined in this subparagraph, on or after July 1, 2000,
27 and who died not later than July 15, 2000, shall be paid compensation
28 on account of the death, in accordance with the provisions of section
29 31-306, retroactively to the date of the employee's death. The cost of the
30 payment shall be paid by the employer or its insurance carrier which
31 shall be reimbursed for such cost from the Second Injury Fund as
32 provided in section 31-354 upon presentation of any vouchers and
33 information that the Treasurer may require;

34 (B) A personal injury shall not be deemed to arise out of the
35 employment unless causally traceable to the employment other than
36 through weakened resistance or lowered vitality;

37 (C) In the case of an accidental injury, a disability or a death due to
38 the use of alcohol or narcotic drugs shall not be construed to be a
39 compensable injury;

40 (D) For aggravation of a preexisting disease, compensation shall be
41 allowed only for that proportion of the disability or death due to the
42 aggravation of the preexisting disease as may be reasonably attributed
43 to the injury upon which the claim is based;

44 (E) A personal injury shall not be deemed to arise out of the
45 employment if the injury is sustained: (i) At the employee's place of
46 abode, and (ii) while the employee is engaged in a preliminary act or
47 acts in preparation for work unless such act or acts are undertaken at
48 the express direction or request of the employer;

49 (F) For purposes of subparagraph (C) of this subdivision, "narcotic
50 drugs" means all controlled substances, as designated by the
51 Commissioner of Consumer Protection pursuant to subsection (c) of
52 section 21a-243, but does not include drugs prescribed in the course of
53 medical treatment or in a program of research operated under the
54 direction of a physician or pharmacologist. For purposes of
55 subparagraph (E) of this subdivision, "place of abode" includes the
56 inside of the residential structure, the garage, the common hallways,
57 stairways, driveways, walkways and the yard;

58 (G) The Workers' Compensation Commission shall adopt
59 regulations, in accordance with the provisions of chapter 54, to
60 implement the provisions of this section and shall define the terms "a
61 preliminary act", "acts in preparation for work", "departure from place
62 of abode directly to duty" and "return directly to place of abode after
63 duty" on or before January 1, 2006.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	31-275(1)

Statement of Purpose:

To extend portal-to-portal workers' compensation coverage to public safety dispatchers under certain circumstances.

[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.]