



General Assembly

Amendment

January Session, 2015

LCO No. 8070



Offered by:
SEN. KANE, 32nd Dist.

To: Subst. Senate Bill No. 593

File No. 293

Cal. No. 226

(As Amended)

**"AN ACT CONCERNING SEVERE MENTAL AND EMOTIONAL
IMPAIRMENT AND WORKERS' COMPENSATION COVERAGE."**

1 Strike section 1 in its entirety and substitute the following in lieu
2 thereof:

3 "Section 1. Subdivision (16) of section 31-275 of the general statutes
4 is repealed and the following is substituted in lieu thereof (*Effective*
5 *from passage*):

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

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

13 (i) An injury to an employee that results from the employee's
14 voluntary participation in any activity the major purpose of which is
15 social or recreational, including, but not limited to, athletic events,
16 parties and picnics, whether or not the employer pays some or all of
17 the cost of such activity;

18 (ii) A mental or emotional impairment, unless such impairment (I)
19 arises from a physical injury or occupational disease, (II) in the case of
20 a police officer, arises from such police officer's use of deadly force or
21 subjection to deadly force in the line of duty, regardless of whether
22 such police officer is physically injured, provided such police officer is
23 the subject of an attempt by another person to cause such police officer
24 serious physical injury or death through the use of deadly force, and
25 such police officer reasonably believes such police officer to be the
26 subject of such an attempt, [or] (III) in the case of a firefighter, is
27 diagnosed as post-traumatic stress disorder by a licensed and board
28 certified mental health professional, determined by such professional
29 to be originating from the firefighter witnessing the death of another
30 firefighter while engaged in the line of duty and not subject to any
31 other exclusion in this section, or (IV) in the case of any police officer,
32 is diagnosed by a psychiatrist licensed pursuant to chapter 370 or a
33 psychologist licensed pursuant to chapter 383, and determined by such
34 psychiatrist or psychologist to be originating from the police officer
35 visually witnessing the death, or visually witnessing the immediate
36 aftermath of such death, of one or more human beings, whose death
37 was caused by an act of another human being, and which is not the
38 result of some natural cause, provided such death is not the result of a
39 motor vehicle collision and the visual witnessing of such death, or the
40 visual witnessing of the aftermath of such death, was causally
41 connected with the police officer's employment. As used in this clause,
42 "police officer" means a member of the Division of State Police within
43 the Department of Emergency Services and Public Protection, an
44 organized [local] police department or a municipal constabulary,
45 "firefighter" means a uniformed member of a [municipal] paid or
46 volunteer fire department, [and] "in the line of duty" means any action

47 that a police officer or firefighter is obligated or authorized by law,
48 rule, regulation or written condition of employment service to
49 perform, or for which the police officer or firefighter is compensated
50 by the public entity such officer serves, and "immediate aftermath"
51 means the scene at which such death occurred for a period of time not
52 to exceed the moment such scene is secured by law enforcement
53 officers;

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

57 (iv) Notwithstanding the provisions of subparagraph (B)(i) of this
58 subdivision, "personal injury" or "injury" includes injuries to
59 employees of local or regional boards of education resulting from
60 participation in a school-sponsored activity but does not include any
61 injury incurred while going to or from such activity. As used in this
62 clause, "school-sponsored activity" means any activity sponsored,
63 recognized or authorized by a board of education and includes
64 activities conducted on or off school property and "participation"
65 means acting as a chaperone, advisor, supervisor or instructor at the
66 request of an administrator with supervisory authority over the
67 employee."