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Senate Bill 134
Public Hearing: 2/25/16

TO: MEMBERS OF THE LABOR & PUBLIC EMPLOYEES COMMITTEE

FROM: GLENN TERLECKI, PRESIDENT, CONNECTICUT POLICE & FIRE UNION

DATE: FEBRUARY 25, 2016

The Connecticut Police & Fire Union (CPFU) represents 900 men and women who protect our state buildings, colleges and human services facilities.

We support Senate Bill 134, and we respectfully request the JFS changes noted below in ***bold italicized*** text in subdivision (ii). These changes will have the important protections also provided to police officers and firefighters who work for the state of Connecticut.

PROPOSED JFS LANGUAGE →

STATE OF CONNECTICUT

General Assembly
February Session, 2016

Raised Bill No. 134
LCO No. **1223**
01223_____LAB

Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:

(LAB)

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

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

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 Subdivision (16) of section 31-275 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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

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

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

(ii) A mental or emotional impairment, unless such impairment (I) arises from a physical injury or occupational disease, (II) in the case of a police officer, arises from such police officer's use of deadly force or subjection to deadly force in the line of duty, regardless of whether such police officer is physically injured, provided such police officer is the subject of an attempt by another person to cause such police officer serious physical injury or death through the use of deadly force, and such police officer reasonably believes such police officer to be the subject of such an attempt, **[**or**]** (III) in the case of a firefighter, is diagnosed as post-traumatic stress disorder by a licensed and board certified mental health professional, determined by such professional to be originating from the firefighter witnessing the death of another firefighter while engaged in the line of duty and not subject to any other exclusion in this section, or (IV) in the case of any police officer, firefighter or ambulance worker, is diagnosed by a psychiatrist licensed pursuant to chapter 370 or a psychologist licensed pursuant to chapter 383, and determined by such psychiatrist or psychologist to be originating from the police officer, firefighter or ambulance worker visually witnessing the death or maiming, or visually witnessing the immediate aftermath of such death or maiming, of one or more human beings, whose death or maiming was caused by an act of another human being, and which is not the result of some natural cause, provided such death or maiming is not the result of a motor vehicle collision and the visual witnessing of such death or maiming, or the visual witnessing of the aftermath of such death or maiming, was causally connected with the police officer's, firefighter's or ambulance worker's employment. As used in this clause, "police officer" means a member of the Division of State Police within the Department of Emergency Services and Public Protection, an organized local police department ~~or~~ a municipal constabulary***, or any police officer employed by the state***, "firefighter" means a uniformed member of a ~~**municipal**~~ paid or volunteer fire department, and "in the line of duty" means any action that a police officer or firefighter is obligated or authorized by law, rule, regulation or written

condition of employment service to perform, or for which the police officer or firefighter is compensated by the public entity such officer serves, "maiming" means the loss of any member or organ, and "immediate aftermath" means the scene at which such death or maiming occurred for a period of time not to exceed six hours after such scene is secured by law enforcement officers;

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

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

Sec. 2. (NEW) (*Effective from passage*) Not later than October 1, 2016, the state shall purchase a workers' compensation insurance policy to provide coverage for any claims for workers' compensation benefits made pursuant to subparagraph (B)(ii)(IV) of subdivision (16) of section 31-275 of the general statutes, as amended by this act.

Sec. 3. Section 31-294h of the general statutes is repealed. (*Effective from passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	*from passage*	31-275(16)
Sec. 2	*from passage*	New section
Sec. 3	*from passage*	Repealer section

Statement of Purpose:

To expand workers' compensation coverage to individuals suffering from a severe mental or emotional impairment as a direct result of witnessing the death or maiming of another human being whose death or maiming was caused by an act of violence of another human being.

[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.]