



General Assembly

Amendment

February Session, 2016

LCO No. 5989



Offered by:

SEN. LOONEY, 11th Dist.

SEN. DUFF, 25th Dist.

SEN. GOMES, 23rd Dist.

REP. TERCYAK, 26th Dist.

To: Subst. Senate Bill No. 210

File No. 778

Cal. No. 92

"AN ACT STUDYING THE FEASIBILITY OF THE STATE PROVIDING WORKERS' COMPENSATION BENEFITS TO CERTAIN PERSONAL CARE ATTENDANTS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective from passage*) Each person who pays a
4 motor vehicle related fine, penalty or other charge, as defined in
5 subsection (g) of section 13b-59 of the general statutes, shall pay, on
6 and after October 1, 2016, a fee of three dollars in addition to the
7 amount of such fine, penalty or other charge imposed.

8 Sec. 2. (NEW) (*Effective October 1, 2016*) On or before the last day of
9 January, April, July and October in each year, the Chief Court
10 Administrator shall certify the amount of revenue received as a result
11 of the additional fee imposed for a motor vehicle related fine, penalty

12 or other charge, as defined in subsection (g) of section 13b-59 of the
13 general statutes, pursuant to section 1 of this act, and transfer such
14 amount to the police officer post-traumatic stress disorder account
15 established under section 3 of this act.

16 Sec. 3. (NEW) (*Effective October 1, 2016*) (a) There is established an
17 account to be known as the "police officer post-traumatic stress
18 disorder account" which shall be a separate, nonlapsing account within
19 the General Fund. The account shall contain any moneys required by
20 law to be deposited in the account, including any moneys deposited
21 pursuant to section 2 of this act. Moneys in the account shall be
22 expended by the State Treasurer for the purposes of providing wage
23 replacement benefits to police officers who are diagnosed with post-
24 traumatic stress disorder in accordance with the provisions of section 6
25 of this act.

26 (b) The State Treasurer shall invest the moneys deposited in the
27 police officer post-traumatic stress disorder account in a manner
28 reasonable and appropriate to achieve the objectives of such account,
29 exercising the discretion and care of a prudent person in similar
30 circumstances with similar objectives. The State Treasurer shall give
31 due consideration to rate of return, risk, term or maturity,
32 diversification of the total portfolio within such account, liquidity, the
33 projected disbursements and expenditures, and the expected
34 payments, deposits, contributions and gifts to be received. The moneys
35 in such account shall be continuously invested and reinvested in a
36 manner consistent with the objectives of such account until disbursed
37 by the State Treasurer in accordance with the provisions of section 5 of
38 this act.

39 (c) The moneys in the police officer post-traumatic stress disorder
40 account shall be used solely for the purposes of providing wage
41 replacement benefits to police officers who are diagnosed with post-
42 traumatic stress disorder in accordance with the provisions of section 6
43 of this act.

44 Sec. 4. (NEW) (*Effective October 1, 2016*) (a) There is established a
45 police officer post-traumatic stress disorder commission that shall
46 review claims for wage replacement benefits submitted to the police
47 officer post-traumatic stress disorder program established pursuant to
48 section 6 of this act and provide such benefits to any police officer who
49 the commission determines is eligible for such wage replacement
50 benefits pursuant to the provisions of section 6 of this act.

51 (b) The commission shall consist of the following members:

52 (1) Two appointed by the speaker of the House of Representatives;

53 (2) Two appointed by the president pro tempore of the Senate;

54 (3) One appointed by the majority leader of the House of
55 Representatives;

56 (4) One appointed by the majority leader of the Senate;

57 (5) One appointed by the minority leader of the House of
58 Representatives; and

59 (6) One appointed by the minority leader of the Senate.

60 (c) All appointments to the commission shall be made not later than
61 thirty days after the effective date of this section. Any member
62 appointed pursuant to subsection (b) of this section shall serve for a
63 term of two years from July first in the year of his or her appointment.
64 The commission shall elect a chairperson and a vice-chairperson from
65 among its members who shall each serve in such capacity for a period
66 of two years. Any person absent from (1) three consecutive meetings of
67 the commission, or (2) fifty per cent of such meetings during any
68 calendar year shall be deemed to have resigned from the commission,
69 effective immediately.

70 (d) Vacancies on the commission shall be filled by the appointing
71 authority. Members of the commission shall serve without
72 compensation but shall, within the limits of available funds, be

73 reimbursed for expenses necessarily incurred in the performance of
74 their duties. The commission shall meet as often as deemed necessary
75 by the chairperson or a majority of the commission.

76 Sec. 5. (NEW) (*Effective July 1, 2017*) (a) The police officer post-
77 traumatic stress disorder commission established pursuant to section 4
78 of this act shall review claims for wage replacement benefits submitted
79 to the police officer post-traumatic stress disorder program established
80 pursuant to section 6 of this act and provide wage replacement
81 benefits, in accordance with the provisions of this section, to any police
82 officer who takes leave from his or her employment due to the effects
83 of post-traumatic stress disorder and who the commission determines
84 is eligible for such wage replacement benefits pursuant to the
85 provisions of section 6 of this act. The commission may determine the
86 weekly wage replacement benefits provided to a police officer in
87 accordance with the provisions of chapters 104 and 568 of the general
88 statutes.

89 (b) A police officer who is approved for wage replacement benefits
90 by the commission in accordance with the provisions of this section
91 and section 6 of this act shall be eligible for such benefits on and after
92 July 1, 2017, and for a period determined by the commission, provided
93 such period shall not exceed twenty-four months. The maximum
94 weekly wage replacement benefit under this section shall be
95 determined by the commission, provided such maximum weekly wage
96 replacement benefit shall not exceed one hundred per cent, raised to
97 the next even dollar, of the average weekly earnings of all workers in
98 the state for the year in which the post-traumatic stress disorder was
99 diagnosed. The average weekly earnings of all workers in the state
100 shall be determined by the Labor Commissioner on or before the
101 fifteenth day of August of each year, to be effective the following
102 October first, and shall be the average of all workers' weekly earnings
103 for the year ending the previous June thirtieth and shall be so
104 determined in accordance with the standards for the determination of
105 average weekly earnings of all workers established by the United
106 States Department of Labor, Bureau of Labor Statistics.

107 (c) A police officer may receive wage replacement benefits under
108 this section concurrently with any employer-provided employment
109 benefits, provided the total compensation of such police officer during
110 such period of receiving benefits under this section shall not exceed
111 such police officer's pay rate at the time such police officer was
112 diagnosed with post-traumatic stress disorder in accordance with the
113 provisions of section 6 of this act.

114 (d) No police officer shall receive compensation under this section
115 concurrently with the provisions of chapter 567 or 568 of the general
116 statutes or any other municipal, state or federal program that provides
117 wage replacement benefits.

118 (e) Notwithstanding any other provision of the general statutes, any
119 employer who provides accident and health insurance or life insurance
120 coverage for a police officer or makes payments or contributions at the
121 regular hourly or weekly rate for the police officer to an employee
122 welfare plan, shall provide to the police officer equivalent insurance
123 coverage or welfare plan payments or contributions while the police
124 officer is eligible to receive or is receiving wage replacement
125 compensation under this section. As used in this section, "employee
126 welfare plan" means any plan established or maintained for such
127 police officer or such police officer's family or dependents, or for both,
128 for medical, surgical or hospital care benefits.

129 (f) The State Treasurer shall remit wage replacement benefits that
130 are approved by the commission from the police officer post-traumatic
131 stress disorder account established pursuant to section 3 of this act not
132 later than thirty days after such benefits have been approved.

133 (g) Any police officer who is denied wage replacement benefits
134 under this section shall be given written notice by registered mail by
135 the commission stating the reasons for such denial. The police officer
136 may, within fifteen days of the date of the mailing of such notice, make
137 a request in writing by registered mail directed to the commission for a
138 hearing on such denial. The commission shall notify the police officer

139 in writing, within five days of the receipt of the request, of the place
140 and date of hearing, which hearing shall be held not less than thirty
141 days from the date of mailing of the notice. The hearing may be
142 conducted by the commission or by a hearing officer appointed by the
143 commission in writing. The police officer shall be entitled to be
144 represented by counsel and a transcript or audio or audiovisual
145 recording of the hearing shall be made by the commission. If the
146 hearing is conducted by a hearing officer, the hearing officer shall state
147 his or her findings and make a recommendation to the commission on
148 the issue of the denial of the application. The commission, based upon
149 such findings and recommendations of the hearing officer, or after a
150 hearing conducted by him or her, shall render a decision in writing
151 denying the application or granting it in accordance with the
152 provisions of the police officer post-traumatic stress disorder program.
153 A copy of such decision shall be sent by registered mail to the police
154 officer. A police officer aggrieved by said decision may appeal
155 therefrom as provided in subsection (h) of this section.

156 (h) Any person aggrieved by a decision of the commission
157 rendered under subsection (g) of this section may appeal to the
158 Superior Court. All appeals taken pursuant to this section shall be
159 based solely upon the record of the hearing conducted pursuant to
160 subsection (g) of this section.

161 Sec. 6. (NEW) (*Effective July 1, 2017*) (a) There is established a police
162 officer post-traumatic stress disorder program, the purpose of which is
163 to provide wage replacement benefits to police officers who are
164 diagnosed with post-traumatic stress disorder as a result of their
165 service as police officers.

166 (b) A police officer who suffers from post-traumatic stress disorder
167 shall be eligible for wage replacement benefits under the provisions of
168 this section and section 5 of this act, provided such police officer is (1)
169 diagnosed by a licensed and board certified mental health professional
170 as having post-traumatic stress disorder originating from the police
171 officer visually witnessing the death of a human being, or the

172 immediate aftermath of such death, that occurred while the police
 173 officer was engaged in the line of duty, and (2) currently on leave from
 174 his or her employment due to the effects of post-traumatic stress
 175 disorder. For purposes of this subsection, "in the line of duty" means
 176 any action that a police officer is obligated or authorized by law, rule,
 177 regulation or written condition of employment service to perform, or
 178 for which the police officer is compensated by the public entity such
 179 officer serves, and "immediate aftermath" means the scene at which
 180 such death occurred for a period of time not to exceed six hours after
 181 such scene is secured by law enforcement officers.

182 (c) Any individual who is no longer actively serving as a police
 183 officer but who otherwise would be eligible for wage replacement
 184 benefits pursuant to the provisions of subsection (b) of this section,
 185 may apply for such benefits not more than five years from the date
 186 such individual last served as a police officer.

187 Sec. 7. (NEW) (*Effective July 1, 2017*) Not later than January 1, 2018,
 188 and annually thereafter, the State Treasurer, in consultation with the
 189 police officer post-traumatic stress disorder commission, shall submit a
 190 report, in accordance with the provisions of section 11-4a of the general
 191 statutes, to the joint standing committee of the General Assembly
 192 having cognizance of matters relating to labor on the status of the
 193 police officer post-traumatic stress disorder account established
 194 pursuant to section 3 of this act and the police officer post-traumatic
 195 stress disorder program established pursuant to section 6 of this act.
 196 Such report shall include (1) the balance of the account, (2) the
 197 projected and actual participation in the program, and (3) the
 198 demographic information of each police officer who receives benefits
 199 pursuant to such program, including gender, age, town of residence
 200 and income level."

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

Sec. 2	<i>October 1, 2016</i>	New section
Sec. 3	<i>October 1, 2016</i>	New section
Sec. 4	<i>October 1, 2016</i>	New section
Sec. 5	<i>July 1, 2017</i>	New section
Sec. 6	<i>July 1, 2017</i>	New section
Sec. 7	<i>July 1, 2017</i>	New section