



House of Representatives

General Assembly

File No. 409

January Session, 2019

Substitute House Bill No. 6929

House of Representatives, April 4, 2019

The Committee on Labor and Public Employees reported through REP. PORTER, R. of the 94th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT ALLOWING CERTAIN STATE AND MUNICIPAL WORKERS AND FIRST RESPONDERS TO FILE WORKERS' COMPENSATION CLAIMS FOR INJURIES SUSTAINED WHILE TRAVELING TO AND FROM WORK.

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2 repealed and the following is substituted in lieu thereof (*Effective*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, 2019*):

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) (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, and (II) for an
15 emergency management service employee or dispatcher employed by
16 the state or a municipality of the state, "in the course of his
17 employment" encompasses such individual's departure from such
18 individual's place of abode to duty and the return to such individual's
19 place of abode after duty, provided such employee or dispatcher is
20 responding to a direct order to appear at such individual's work
21 assignment and is responding to an emergency, as determined by such
22 individual's employer;

23 (ii) For an employee of the Department of Correction, (I) when
24 responding to a direct order to appear at his or her work assignment
25 under circumstances in which nonessential employees are excused
26 from working, or (II) following two or more mandatory overtime work
27 shifts on consecutive days, "in the course of his employment"
28 encompasses such individual's departure from such individual's place
29 of abode directly to duty, such individual's duty, and the return
30 directly to such individual's place of abode after duty;

31 (iii) Notwithstanding the provisions of clauses (i) and (ii) of this
32 subparagraph, the dependents of any deceased employee of the
33 Department of Correction who was injured in the course of his
34 employment, as defined in this subparagraph, on or after July 1, 2000,
35 and who died not later than July 15, 2000, shall be paid compensation
36 on account of the death, in accordance with the provisions of section
37 31-306, retroactively to the date of the employee's death. The cost of the
38 payment shall be paid by the employer or its insurance carrier which
39 shall be reimbursed for such cost from the Second Injury Fund as
40 provided in section 31-354 upon presentation of any vouchers and
41 information that the Treasurer may require;

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

45 (C) In the case of an accidental injury, a disability or a death due to
46 the use of alcohol or narcotic drugs shall not be construed to be a

47 compensable injury;

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

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

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

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

| | | |
|---|-----------------|-----------|
| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | October 1, 2019 | 31-275(1) |

LAB *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

| Agency Affected | Fund-Effect | FY 20 \$ | FY 21 \$ |
|--|---------------|-----------|-----------|
| Workers' Comp. Claims-Variou State Agencies | Variou - Cost | Potential | Potential |

Note: Variou=Variou

Municipal Impact:

| Municipalities | Effect | FY 20 \$ | FY 21 \$ |
|-----------------------|---|----------|----------|
| Variou Municipalities | STATE MANDATE ¹ - Cost | Cost | Cost |

Explanation

The bill will result in a cost to the state employee workers' compensation program and municipal programs to provide portal-to-portal workers' compensation coverage for certain types of workers' as specified in the bill. The cost to the state and municipalities will depend on the (1) frequency, (2) severity, and (3) duration of the injury. For example, the average claim cost for the state program for employees' in the Department of Emergency Services and Public Protection in FY 18 ranged from \$2,300 to \$102,000 (including both medical and indemnity costs). The state workers' compensation program is self-insured and therefore bears the risk for the cost of claims incurred. Similarly, as of February 2019, there are 33 self-

¹ State mandate is defined in Sec. 2-32b(2) of the Connecticut General Statutes, "state mandate" means any state initiated constitutional, statutory or executive action that requires a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

insured municipalities.² The impact to fully-insured municipalities will be reflected in premiums for plans effective on and after October 1, 2019. It is unclear who the coverage applies to, for reference there are currently 23,400 EMT's and paramedics licensed in the state.³ Current law provides coverage for police officers, fire fighters, and under certain circumstances, Department of Correction employees.

The Out Years

The annualized ongoing fiscal impact identified above will continue based on the claims filed in accordance with the bill.

² Source: Workers' Compensation Commission List of Authorized Self-Insured Municipalities as of 2/27/2019.

³ Source: Department of Public Health

OLR Bill Analysis**sHB 6929****AN ACT ALLOWING CERTAIN STATE AND MUNICIPAL WORKERS AND FIRST RESPONDERS TO FILE WORKERS' COMPENSATION CLAIMS FOR INJURIES SUSTAINED WHILE TRAVELING TO AND FROM WORK.****SUMMARY**

This bill extends "portal-to-portal" workers' compensation coverage to state and municipal emergency management service employees or dispatchers if they are responding to (1) a direct order to appear at their work assignment and (2) an emergency, as determined by their employer. (Neither the bill nor existing law further defines who qualifies as these types of employees.)

Under portal-to-portal coverage, an injury that occurs while the employee is travelling to or from his or her home and workplace is deemed to have occurred in the course of the employee's employment, making him or her eligible to receive workers' compensation benefits for the injury. Current law provides portal-to portal coverage only to police officers and firefighters and, under limited circumstances, Department of Correction employees.

EFFECTIVE DATE: October 1, 2019

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 14 Nay 0 (03/19/2019)