

# Labor and Public Employees Committee

## JOINT FAVORABLE REPORT

**Bill No.:** SB-164

AN ACT INCLUDING CERTAIN MENTAL OR EMOTIONAL IMPAIRMENTS  
WITHIN THE DEFINITION OF "PERSONAL INJURY" UNDER THE WORKERS'

**Title:** COMPENSATION STATUTES.

**Vote Date:** 3/14/2019

**Vote Action:** Joint Favorable

**PH Date:** 2/26/2019

**File No.:**

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### SPONSORS OF BILL:

Labor and Public Employees Committee.

### REASONS FOR BILL:

The bill will allow Police Officers and Firefighters eligible for full workers compensation benefits if: 1. While on duty experienced a person's death or maiming or its immediate aftermath. 2. The death or maiming was not the result of a natural cause or motor vehicle collision. 3. A licensed and board certified mental health professional diagnosed the officer or firefighter with post-traumatic stress disorder and diagnosed that the PTSD originated from the seeing the death or maiming or its immediate aftermath.

### RESPONSE FROM ADMINISTRATION/AGENCY:

**Sen. Martin Looney, President Pro Tempore, State of CT:** This bill ameliorates some unfortunate changes made to the workers' compensation law in 1993. It expands coverage to police officers and firefighters suffering from mental or emotional impairment as a direct result of witnessing the death/ maiming of a human caused by another person. This bill doesn't limit coverage to just intentional acts.

**Sen. Catherine A. Osten, 19<sup>th</sup> Assembly District**

**Bob Duff, 25<sup>th</sup> Senate Majority District:** First responders who have witnessed traumatic events can experience difficulty coping or adjusting for weeks/months at a time. Often they suffer from intense flashbacks, nightmares, severe anxiety and depression. CT covers work related mental injuries only in conjunction with physical injuries. "Standalone" mental injuries can be debilitating and limiting enough to be included in the realm of worker's compensation. It is necessary to expand the definition of what constitutes an injury and its

identification/treatment. We must provide these responders with mental health care services required to recover from pain and suffering even when injuries are not visible.

**Ellen Zoppo-Sassu, Mayor, City of Bristol:** As the wife of a Bristol Police Officer and long-time member of the Fire Board of Commissioners, she has seen first-hand how first responders have reacted to critical incidents. She said there is a middle ground that can be reached to balance the competing financial state and municipal issues against this need to provide coverage for these ‘qualifying events.’

**Neil O’Leary, Mayor, Waterbury, (for CCM):** Speaking as a CCM representative, Mayor O’Leary collaborated with a group of stakeholders comprised of municipal officials and fire/police employee groups. They developed a compromise proposal absent of political ideology and focused on the greater good of first responders and taxpayers. They look forward to delivering this proposal for consideration as an amendment.

#### **NATURE AND SOURCES OF SUPPORT:**

**William Boucher, President, CT Police & Fire Union:** There are over 100 firefighters and 400 police officers employed by the State who are not members of the Department of Emergency Services and Public Protection, a municipal police department or volunteer fire department. They provide specialized policing by patrolling the campuses of State Universities/ Community Colleges, inspect motor vehicles, serve as DEEP conservation officers, tax enforcement agents and work to keep our communities safe at Bradley Airport, the CT Air National Guard and other facilities and campuses. They recommend amending the definition of police officer to a police officer, as defined in section 7-294a and include the term “paid” or “State” firefighter in order not to exclude anyone.

**Trish Buchanan, CT Alliance to Benefit Law Enforcement (CABLE):** Ms. Buchanan is the widow of East Hartford Police Officer Paul Buchanan, Badge #208, who served with pride and honor for almost 28 years. He was diagnosed with job-related PTSD/Panic Disorder/Depression and Anxiety. In his final written words to her and their sons he wrote “make my death an issue and get help for others that are like me.” Since his death, she has worked to fulfill his wish. “Believe 208” was created to increase awareness of the unique challenges facing first responders. There is a limit to how much tragedy they can take. Now is the time to break the resistance so our officers can reach out for help. We can work together to bring officer mental health/ wellness and suicide prevention to the forefront.

**John Castiline, President, Connecticut State Police Union:** Post- traumatic stress disorders occur after exposure to critical incidents or traumatic/shocking events such as repeated exposure to death or dismemberment, especially involving a child or infant. This interferes with the ability to perform duties even though they view themselves as ‘tough’ and may act as if nothing affects them. These experiences are directly linked and first responders must be protected by state statute.

**Rick Hart, Director, Legislative Affairs, Uniformed Professional Fire Fighters Association of CT:** Research has shown the prevalence of PTSD among fire fighters is twice the general population and comparable to the prevalence found in cohorts of combat veterans. The longer they are on duty, the more exposure. They have been working

collaboratively with CCM to agree to cover behavioral health and PTSD. This will prove a landmark piece of legislation.

**Melanie I. Kolek, Legal Counsel, CT Education Association (CEA):** The language is tailored to only a particular type of workplace setting, proving the act was ‘visually witnessed’ and caused the impairment. This language should be expanded to include all employees and impairments arising in the course of employment, not just those from a physical injury and where a death or maiming occurs. There are checks and balances to prevent abuse already in place. This is a fundamental mental health issue. We must make services available and not deny treatment to our working population who suffer in silence without the opportunity or resources for treatment. Inclusion of “mental-mental” claims under the workers compensation act is necessary, timely and in the best interest of our working citizens.

**Sgt. Derek Puorro, Chairman, Public Safety Committee, Council 4 AFSCME:** During the past two years, officer suicides outpaced officer ‘line of duty’ deaths, however they are not eligible to get workers compensation for post-traumatic stress disorder. It is verified by the medical and scientific community that PTSD exists and has real and harmful effects. We must important to encourage officers to seek treatments, since research has shown they are 1.5 times more likely than the general public to commit suicide.

**Robin Salvatore, Master Patrol Officer, Montville Police Department (retired), Former President AFSCME:** She told of horrifying experiences she witnessed including seeing a child who had been killed with a shotgun by a sibling, a grandmother who lost her life in a car accident and the shooting death of a man who attacked her. (She was cleared of any wrongdoing and found justified in the use of deadly physical force.) She now has nightmares of all these incidents. In law enforcement, when officers, especially women, show emotion they are shunned and thought of as childish. She was receiving the help she needed both physically and mentally, but her career ended when she was told to retire or be terminated. She loved being a police officer and wanted resume her duties. If this legislation had been in place, she would have received the support necessary to fully heal and return to her job. Without this legislation, seriously injured officers will continue to be casualties of this indifferent system.

**Sgt. John Szewczyk, President, Hartford Police Union:** Recently published research proved police officers are often exposed to traumatic events, such as seeing abused children or dead bodies, severe assaults and involvement in shooting; they are at risk for PTSD. This can impair the mental well-being of officers and affect their performance. This bill will remove penalties for any police officer who seeks mental health assistance and allows for the return of an officer’s firearm after his/her release from voluntary admission for psychiatric care. These officers deserve to receive proper mental health treatment.

#### NATURE AND SOURCES OF OPPOSITION:

**Betsy Gara, Executive Director, CT Council of Small Towns:** Although having great respect and appreciation for police, firefighters and other first responders, they are concerned this bill will start changes in worker’s compensation by placing a heavy burden on towns and local property taxpayers. The Office of Fiscal Analysis analyzed similar proposals and reported the premium costs will be highly variable depending on the number and severity of

the claims filed. This unfunded mandate will further strain local budgets and put more pressure on towns to increase property taxes and/or cut programs or personnel.

**Reported by: Marie Knudsen**

**Date: March 28, 2019**