



General Assembly

February Session, 2022

**Raised Bill No. 422**

LCO No. 3080



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:  
(LAB)

**AN ACT CONCERNING THE ESSENTIAL WORKERS COVID-19 ASSISTANCE PROGRAM.**

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

1 Section 1. Section 31-900 of the 2022 supplement to the general  
2 statutes is repealed and the following is substituted in lieu thereof  
3 (*Effective from passage*):

4 (a) As used in this section and section 31-290a:

5 (1) "Affected person" means an essential employee who died or was  
6 unable to work as a result of contracting COVID-19, or due to symptoms  
7 that were later diagnosed as COVID-19, at any time between March 10,  
8 2020, and July 20, 2021, provided: (A) The contraction of COVID-19 by  
9 such employee is confirmed by a positive laboratory test or, if a  
10 laboratory test was not available for the employee, as diagnosed and  
11 documented by the employee's licensed physician, licensed physician  
12 assistant or licensed advanced practice registered nurse, based on the  
13 employee's symptoms; (B) a copy of the positive laboratory test or the  
14 written documentation of the physician's, physician assistant's or  
15 advanced practice registered nurse's diagnosis is provided to the

16 administrator; and (C) such employee, during the fourteen consecutive  
17 days immediately preceding the date the employee died or was unable  
18 to work due to contracting COVID-19, (i) was not employed in a  
19 capacity where the employee worked solely from home and did not  
20 have physical interaction with other employees, or (ii) was the recipient  
21 of a written offer or directive from such employee's employer to work  
22 solely from home but otherwise chose to work at a work site of the  
23 employer. "Affected person" does not include a federal employee who  
24 qualifies for benefits under the COVID-19 workers' compensation  
25 presumption included in the American Rescue Plan Act of 2021;

26 (2) "Essential employee" means any person employed in a category  
27 recommended by the Centers for Disease Control and Prevention's  
28 Advisory Committee on Immunization Practices as of February 20, 2021,  
29 to receive a COVID-19 vaccination in phase 1a<sub>2</sub> [or] 1b<sub>2</sub> or 1c of the  
30 COVID-19 vaccination program;

31 (3) "Administrator" means an employee of the Office of the  
32 Comptroller, or a third-party administrator;

33 (4) "Assistance" means moneys payable by the Comptroller from the  
34 Connecticut Essential Workers COVID-19 Assistance Fund, established  
35 pursuant to subsection (c) of this section, to assist affected persons  
36 pursuant to this section;

37 (5) "Uncompensated leave" means the wages or salary lost by an  
38 affected person unable to work as a result of contracting COVID-19, or  
39 due to symptoms that were later diagnosed as COVID-19, at any time  
40 during the public health and civil preparedness emergencies declared  
41 by the Governor on March 10, 2020, or any extension of such  
42 declarations. "Uncompensated leave" does not include any leave from  
43 employment for which the affected person received paid leave provided  
44 through a paid leave plan provided by an employer or pursuant to any  
45 state or federal law;

46 (6) "COVID-19" means the respiratory disease designated by the  
47 World Health Organization on February 11, 2020, as coronavirus 2019,

48 and any related mutation thereof recognized by the World Health  
49 Organization as a communicable respiratory disease.

50 (b) There is established the Connecticut Essential Workers COVID-19  
51 Assistance Program. The program shall offer assistance, within  
52 available funds and on a first-come, first-served basis, to affected  
53 persons eligible for assistance under this section, pending verification of  
54 eligibility, provided no assistance shall be paid to any affected person  
55 after June 30, 2024. The program shall be administered by the  
56 administrator. The administrator shall accept applications for assistance  
57 on or after October 1, 2021. For the purposes of this section, the  
58 administrator shall be authorized to (1) determine whether an affected  
59 person meets the requirements for eligibility for assistance under this  
60 section and the amount of assistance that should be provided; (2)  
61 summon and examine under oath such witnesses that may provide  
62 information relevant to the eligibility of an affected person, and direct  
63 the production of, and examine or cause to be produced or examined,  
64 such books, records, vouchers, memoranda, documents, letters,  
65 contracts or other papers in relation to any matter at issue as the  
66 administrator may find proper; and (3) take or cause to be taken  
67 affidavits or depositions within or without the state.

68 (c) There is established an account to be known as the "Connecticut  
69 Essential Workers COVID-19 Assistance Fund" which shall be a  
70 separate, nonlapsing account within the General Fund. The account  
71 shall contain any moneys required by law to be deposited in the account.  
72 Moneys in the account shall be expended by the Comptroller at the  
73 discretion of the administrator for the purposes of (1) assistance offered  
74 under the Connecticut Essential Workers COVID-19 Assistance  
75 Program, and (2) costs and expenses of operating the program,  
76 including the hiring of necessary employees and the expense of public  
77 outreach and education regarding the program and fund, provided not  
78 more than five per cent of the total moneys received by the fund shall  
79 be used for any administrative costs, including hiring temporary or  
80 durational staff or contracting with a third-party administrator, or other  
81 costs and expenses incurred by the administrator or Comptroller in

82 connection with carrying out the provisions of this section and  
83 subsection (a) of section 31-306. The administrator shall make all  
84 reasonable efforts to limit the costs and expenses of operating the  
85 program without compromising affected persons' access to the  
86 program.

87 (d) To apply for assistance from the Connecticut Essential Workers  
88 COVID-19 Assistance Fund, an affected person with a pending workers'  
89 compensation claim under chapter 568, related to COVID-19, or an  
90 affected person who does not have such pending workers'  
91 compensation claim, shall submit a claim to the administrator, in such  
92 form as required by the administrator, not later than July 20, 2022. An  
93 affected person who does not have a pending workers' compensation  
94 claim related to COVID-19 shall submit a claim to the administrator, in  
95 such form as required by the administrator, not later than one year after  
96 the date such person was initially unable to work as a result of  
97 contracting COVID-19 or due to symptoms that were later diagnosed as  
98 COVID-19 or July 20, 2022, whichever is later. Any such claim shall  
99 include: (1) A certificate issued by a licensed medical professional  
100 documenting the laboratory test or diagnosis that such affected person  
101 contracted COVID-19 (A) requiring such person to isolate and  
102 quarantine from others, (B) preventing such affected person from  
103 performing such affected person's employment duties, or (C) requiring  
104 in-patient or outpatient medical treatment; (2) for the purposes of  
105 requesting assistance for uncompensated leave, evidence of (A) such  
106 affected person's weekly earnings during the eight calendar weeks  
107 immediately preceding the time of diagnosis, except in the case of an  
108 employee who has not yet worked for that employer for an eight-week  
109 period, for the time period such employee was employed, and (B)  
110 uncompensated leave due to the contraction of COVID-19 or symptoms  
111 that were later diagnosed as COVID-19; (3) for the purposes of  
112 requesting assistance for out-of-pocket costs for medical and surgical  
113 aid or hospital or nursing service, evidence of such affected person's  
114 costs; and (4) any additional information as requested or required by the  
115 administrator.

116 (e) The level of assistance offered to an affected person shall be  
117 calculated as follows, subject to available funds, and payable on a  
118 retroactive basis from the date such person was initially unable to work  
119 as a result of contracting COVID-19 or due to symptoms that were later  
120 diagnosed as COVID-19, but not earlier than March 10, 2020, and not  
121 later than July 20, 2021: (1) Weekly assistance for all uncompensated  
122 leave, calculated as seventy-five per cent of such affected person's  
123 average weekly earnings during the eight calendar weeks immediately  
124 preceding the date such person was initially unable to work as a result  
125 of contracting COVID-19, or due to symptoms that were later diagnosed  
126 as COVID-19, except in the case of an employee who has not yet worked  
127 for that employer for an eight-week period, seventy-five per cent of such  
128 affected person's average weekly earnings for the time period such  
129 employee was employed, and after such earnings have been reduced by  
130 any deduction for: (A) Federal or state taxes, or both; (B) the federal  
131 Insurance Contributions Act, provided such assistance shall not exceed  
132 the average weekly earnings of all workers in the state as calculated by  
133 the Labor Commissioner, pursuant to section 31-309; and (C) any  
134 benefits received for total or partial unemployment as provided in  
135 chapter 567, and any amount of temporary total or temporary partial  
136 disability benefits under chapter 568, for the same days of such claimed  
137 assistance, (2) all documented out-of-pocket COVID-19 related costs for  
138 medical and surgical aid or hospital and nursing service incurred  
139 directly as a result of such affected person contracting COVID-19,  
140 including, but not limited to, medical rehabilitation services, mental  
141 health therapy services and prescription drugs, and (3) burial expenses  
142 in the amount of three thousand dollars in any case in which an  
143 employee died due to contracting COVID-19 during (A) the public  
144 health and civil preparedness emergencies declared by the Governor on  
145 March 10, 2020, or any extension of such declarations, or (B) any new  
146 public health and civil preparedness emergencies declared by the  
147 Governor as a result of a COVID-19 outbreak in this state.

148 (f) The administrator shall promptly review all claims submitted  
149 pursuant to this section. The administrator shall evaluate each claim and

150 determine, on the basis of information provided by the affected person,  
151 or additional information provided at the request of the administrator,  
152 whether or not such claim should be approved and, if approved, the  
153 amount of assistance offered. The administrator shall provide such  
154 determination, in writing, to such affected person not later than sixty  
155 business days after having received the notice of claim, or, if the  
156 administrator requested additional information, not later than ten  
157 business days after receiving such additional information, and shall  
158 direct the Comptroller to pay any such assistance offered to such  
159 affected person in the amount and for the duration determined by the  
160 administrator, if applicable.

161 (g) For purposes of this section, a pending workers' compensation  
162 claim submitted by an affected person shall not prevent the  
163 administrator from approving such person's claim for assistance under  
164 this section, provided any workers' compensation benefits such affected  
165 person receives for the workers' compensation claim shall be offset by  
166 the amount of assistance such affected person receives for  
167 uncompensated leave under this section, as deemed appropriate by the  
168 presiding workers' compensation commissioner. Any assistance  
169 available under this section shall be offset by any workers'  
170 compensation benefits already paid to the affected person for the  
171 uncompensated leave or out-of-pocket medical costs, including  
172 payments made without prejudice. It shall be the responsibility of the  
173 administrator of the fund to notify the Workers' Compensation  
174 Commission of an available offset.

175 (h) An affected person may request that a determination made  
176 pursuant to subsection (f) of this section be reconsidered by the  
177 administrator's designee by filing a request with the administrator, on a  
178 form prescribed by the administrator, not later than twenty business  
179 days after the mailing of the notice of such determination. The  
180 administrator, not later than three business days after receipt of such  
181 request for reconsideration, shall designate an individual to conduct  
182 such reconsideration and shall submit to such designated individual all  
183 documents relating to such affected person's claim. The administrator's

184 designee shall conduct any reconsideration requested by an affected  
185 person, which shall consist of a de novo review of all relevant evidence,  
186 not later than twenty business days after such individual's designation.  
187 Such administrator's designee shall issue such designee's decision  
188 affirming, modifying or reversing the decision of the administrator not  
189 later than twenty business days after the designee's reconsideration of  
190 the determination and shall submit such decision in writing to the  
191 administrator and the affected person. The decision shall include a short  
192 statement of findings that shall specify any assistance to be paid to the  
193 affected person in accordance with subsection (f) of this section.

194 (i) Any statement, document, information or matter may be  
195 considered by the administrator or, on reconsideration, by the  
196 administrator's designee, if in the opinion of the administrator or  
197 designee, it contributes to a determination of the claim, whether or not  
198 the same would be admissible in a court of law.

199 (j) There shall be no right of appeal by any affected person claiming  
200 assistance under this section following the final decision of the  
201 administrator's designee issued pursuant to subsection (h) of this  
202 section.

203 (k) Any assistance provided to an affected person under this section  
204 shall not be considered income for the purpose of the state's personal  
205 income tax law, corporation tax or any other tax laws.

206 (l) If a claim is paid to an affected person erroneously or as a result of  
207 wilful misrepresentation by such affected person, the administrator may  
208 seek repayment of benefits from the affected person having received  
209 such compensation and may also, in the case of wilful  
210 misrepresentation, seek payment of a penalty in the amount of fifty per  
211 cent of the benefits paid as a result of such misrepresentation.

212 (m) On or before January 1, 2022, and monthly thereafter, and any  
213 other time at the request of the administrator, the Comptroller shall  
214 submit a report to the administrator indicating the value of the  
215 Connecticut Essential Workers COVID-19 Assistance Fund at the time

216 of the report.

217 (n) On or before January 1, 2022, and at least quarterly thereafter, the  
218 administrator shall submit to the joint standing committee of the  
219 General Assembly having cognizance of matters relating to labor, in  
220 accordance with section 11-4a, a report on the financial condition of the  
221 Connecticut Essential Workers COVID-19 Assistance Fund. Such report  
222 shall include (1) an estimate of the fund's value as of the date of the  
223 report; (2) the effect of scheduled payments on the fund's value; (3) an  
224 estimate of the monthly administrative costs necessary to operate the  
225 program and the fund; and (4) any recommendations for legislation to  
226 improve the operation or administration of the program and the fund.

227 (o) (1) Beginning July 21, 2021, until the end of the COVID-19 public  
228 health and civil preparedness emergency declared by the Governor on  
229 March 10, 2020, the Connecticut Essential Workers COVID-19  
230 Assistance Fund shall provide up to eighty hours of paid sick leave to  
231 all employees who were unable to perform the functions of the job of  
232 such employee due to the employee's need to self-isolate due to being  
233 diagnosed with, experiencing symptoms of or being exposed to COVID-  
234 19. Employees shall be eligible regardless of whether such employee has  
235 the ability to work from home.

236 (2) To apply for such assistance from the Connecticut Essential  
237 Workers COVID-19 Assistance Fund, an affected person shall submit a  
238 claim to the administrator, in such form as required by the  
239 administrator. Any such claim shall include documentation from the  
240 employee's employer, such as a pay stub, that confirms that the  
241 employee was out for the amount of paid sick leave such employee is  
242 requesting.

243 (3) The first eighty hours of paid sick leave shall come from the  
244 employee's employer. Any amount surpassing eighty hours may be  
245 requested from the Connecticut Essential Workers COVID-19  
246 Assistance Fund.



This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>from passage</i>	31-900
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**Statement of Purpose:**

To: (1) Expand coverage under the fund to essential workers falling in the 1c phase for the COVID-19 vaccination program, and (2) provide up to eighty hours of paid sick leave to all workers who were unable to work because they had to quarantine because of COVID-19.

*[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.]*