



General Assembly

**Amendment**

February Session, 2022

LCO No. 5321



Offered by:  
SEN. KUSHNER, 24<sup>th</sup> Dist.

To: Subst. Senate Bill No. 422

File No. 432

Cal. No. 296

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

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

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4 statutes is repealed and the following is substituted in lieu thereof  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

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

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

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

28 (2) "Affected employee" means an essential employee who, at any  
29 time between July 21, 2021, and the end of the public health and civil  
30 preparedness emergencies declared by the Governor on March 10, 2022,  
31 and extended by the General Assembly on February 14, 2022, or any  
32 extension of such declaration, is unable to perform the functions of such  
33 essential employee's job due to an eligible reason for leave, provided an  
34 affected employee shall not include an essential employee who (A)  
35 during the fourteen consecutive days immediately preceding the  
36 eligible reason for leave, was employed in a capacity where such  
37 affected employee worked solely from home and did not have physical  
38 interaction with other employees, or (B) was the recipient of a written  
39 offer or directive from such essential employee's employer to work  
40 solely from home but otherwise chose to work at a work site of the  
41 employer;

42 (3) "Eligible reason for leave" means:

43 (A) The affected employee's need to (i) self-isolate and care for oneself  
44 because the affected employee has been diagnosed with COVID-19, is  
45 experiencing symptoms of COVID-19 or has been exposed to someone  
46 diagnosed with COVID-19, (ii) seek preventive care concerning COVID-  
47 19, (iii) seek or obtain medical diagnosis, care or treatment if

48 experiencing symptoms of COVID-19, or (iv) seek or obtain COVID-19  
49 immunization or immunizations, including booster doses, or recover  
50 from any injury, disability, illness or condition related to such  
51 immunization or booster doses;

52 (B) The affected employee's need to comply with an order or  
53 determination to self-isolate, on the basis that the affected employee's  
54 physical presence at work or in the community would likely jeopardize  
55 the affected employee's health, the health of other employees or the  
56 health of an individual in the affected employee's household because of  
57 (i) possible exposure to COVID-19, or (ii) the employee is exhibiting  
58 symptoms of COVID-19, regardless of whether the affected employee  
59 has been diagnosed with COVID-19;

60 (C) The affected employee's inability to work because the affected  
61 employee is (i) prohibited from working by his or her employer due to  
62 health concerns related to the potential transmission of COVID-19, (ii)  
63 subject to an individual or general local, state or federal quarantine or  
64 isolation order, including a shelter-in-place or stay-at-home order,  
65 related to COVID-19, or (iii) seeking or awaiting the results of a  
66 diagnostic test for, or a medical diagnosis of, COVID-19 and such  
67 affected employee has been exposed to COVID-19 or the affected  
68 employee's employer has requested such test or diagnosis;

69 (D) The affected employee's need to care for or assist a family member  
70 who is (i) self-isolating, seeking preventative care or seeking or  
71 obtaining medical diagnosis, care, treatment or immunizations or  
72 booster doses, or recovering from such immunizations or booster doses,  
73 or (ii) self-isolating due to an order or determination as described in  
74 subparagraph (B) of this subdivision;

75 (E) The affected employee's need to care for a family member (i) when  
76 the care provider of such family member is unavailable due to COVID-  
77 19, or (ii) if the family member's school or place of care has been closed  
78 by a local, state or federal public official or at the discretion of the school  
79 or place of care, due to COVID-19, including if a school or place of care

80 (I) is physically closed but providing virtual learning instruction, (II)  
81 requires or makes optional virtual learning instruction, or (III) requires  
82 or makes available a hybrid or in-person and virtual learning instruction  
83 models; or

84 (F) The affected employee's inability to work because the affected  
85 employee has a health condition that may increase susceptibility to or  
86 risk of COVID-19, including, but not limited to, age, heart disease,  
87 asthma, lung disease, diabetes, kidney disease or a weakened immune  
88 system;

89 [(2)] (4) "Essential employee" means any person employed in a  
90 category recommended by the Centers for Disease Control and  
91 Prevention's Advisory Committee on Immunization Practices as of  
92 February 20, 2021, to receive a COVID-19 vaccination in phase 1a, [or]  
93 1b or 1c of the COVID-19 vaccination program;

94 [(3)] (5) "Administrator" means an employee of the Office of the  
95 Comptroller, or a third-party administrator;

96 [(4)] (6) "Assistance" means moneys payable by the Comptroller from  
97 the Connecticut Essential Workers COVID-19 Assistance Fund,  
98 established pursuant to subsection (c) of this section, to assist affected  
99 persons pursuant to this section;

100 [(5)] (7) "Uncompensated leave" means the wages or salary lost by (A)  
101 an affected person unable to work as a result of contracting COVID-19,  
102 or due to symptoms that were later diagnosed as COVID-19, at any time  
103 during the public health and civil preparedness emergencies declared  
104 by the Governor on March 10, 2020, or any extension of such  
105 declarations, [ "Uncompensated leave" does not include any leave from  
106 employment for which the affected person received paid leave provided  
107 through a paid leave plan provided by an employer or pursuant to any  
108 state or federal law] or (B) an affected employee as a result of an eligible  
109 reason for leave;

110 [(6)] (8) "COVID-19" means the respiratory disease designated by the

111 World Health Organization on February 11, 2020, as coronavirus 2019,  
112 and any related mutation thereof recognized by the World Health  
113 Organization as a communicable respiratory disease; [.] and

114 (9) "Family member" has the same meaning as set forth in section 31-  
115 51kk.

116 (b) There is established the Connecticut Essential Workers COVID-19  
117 Assistance Program. The program shall offer assistance, within  
118 available funds and on a first-come, first-served basis, to affected  
119 persons and affected employees eligible for assistance under this  
120 section, pending verification of eligibility, provided no assistance shall  
121 be paid to any affected person after June 30, 2024. The program shall be  
122 administered by the administrator. The administrator shall accept  
123 applications for assistance for affected persons on or after October 1,  
124 2021, and for affected employees on or after January 1, 2023. For the  
125 purposes of this section, the administrator shall be authorized to (1)  
126 determine whether an affected person or affected employee meets the  
127 requirements for eligibility for assistance under this section and the  
128 amount of assistance that should be provided; (2) summon and examine  
129 under oath such witnesses that may provide information relevant to the  
130 eligibility of an affected person or affected employee, and direct the  
131 production of, and examine or cause to be produced or examined, such  
132 books, records, vouchers, memoranda, documents, letters, contracts or  
133 other papers in relation to any matter at issue as the administrator may  
134 find proper; and (3) take or cause to be taken affidavits or depositions  
135 within or without the state.

136 (c) There is established an account to be known as the "Connecticut  
137 Essential Workers COVID-19 Assistance Fund" which shall be a  
138 separate, nonlapsing account within the General Fund. The account  
139 shall contain any moneys required by law to be deposited in the account.  
140 Moneys in the account shall be expended by the Comptroller at the  
141 discretion of the administrator for the purposes of (1) assistance offered  
142 under the Connecticut Essential Workers COVID-19 Assistance  
143 Program, and (2) costs and expenses of operating the program,

144 including the hiring of necessary employees and the expense of public  
145 outreach and education regarding the program and fund, provided not  
146 more than five per cent of the total moneys received by the fund shall  
147 be used for any administrative costs, including hiring temporary or  
148 durational staff or contracting with a third-party administrator, or other  
149 costs and expenses incurred by the administrator or Comptroller in  
150 connection with carrying out the provisions of this section and  
151 subsection (a) of section 31-306. The administrator shall make all  
152 reasonable efforts to limit the costs and expenses of operating the  
153 program without compromising affected persons' and affected  
154 employees' access to the program.

155 (d) (1) To apply for assistance from the Connecticut Essential Workers  
156 COVID-19 Assistance Fund, an affected person with a pending workers'  
157 compensation claim under chapter 568, related to COVID-19, or an  
158 affected person who does not have such pending workers'  
159 compensation claim, shall submit a claim to the administrator, in such  
160 form as required by the administrator, not later than [July 20, 2022]  
161 December 31, 2022. An affected person who does not have a pending  
162 workers' compensation claim related to COVID-19 shall submit a claim  
163 to the administrator, in such form as required by the administrator, not  
164 later than one year after the date such person was initially unable to  
165 work as a result of contracting COVID-19 or due to symptoms that were  
166 later diagnosed as COVID-19 or [July 20, 2022] December 31, 2022,  
167 whichever is later. Any such claim shall include: [(1)] (A) A certificate  
168 issued by a licensed medical professional documenting the laboratory  
169 test or diagnosis that such affected person contracted COVID-19 [(A)] (i)  
170 requiring such person to isolate and quarantine from others, [(B)] (ii)  
171 preventing such affected person from performing such affected person's  
172 employment duties, or [(C)] (iii) requiring in-patient or outpatient  
173 medical treatment; [(2)] (B) for the purposes of requesting assistance for  
174 uncompensated leave, evidence of [(A)] (i) such affected person's  
175 weekly earnings during the eight calendar weeks immediately  
176 preceding the time of diagnosis, except in the case of an employee who  
177 has not yet worked for that employer for an eight-week period, for the

178 time period such employee was employed, and [(B)] (ii) uncompensated  
179 leave due to the contraction of COVID-19 or symptoms that were later  
180 diagnosed as COVID-19; [(3)] (C) for the purposes of requesting  
181 assistance for out-of-pocket costs for medical and surgical aid or  
182 hospital or nursing service, evidence of such affected person's costs; and  
183 [(4)] (D) any additional information as requested or required by the  
184 administrator.

185 (2) To apply for assistance from the Connecticut Essential Workers  
186 COVID-19 Assistance Fund, an affected employee shall submit a claim  
187 to the administrator, in such form as required by the administrator, not  
188 later than December 31, 2023. Any such claim shall include: (A)  
189 Evidence of such affected employee's hourly earnings during the eight  
190 calendar weeks immediately preceding the date that such employee was  
191 unable to work due to an eligible reason for leave; (B) the amount of  
192 uncompensated leave incurred by the affected employee due to being  
193 unable to work because of an eligible reason for leave; and (C) any  
194 additional information as requested or required by the administrator.

195 (e) (1) The level of assistance offered to an affected person shall be  
196 calculated as follows, subject to available funds, and payable on a  
197 retroactive basis from the date such person was initially unable to work  
198 as a result of contracting COVID-19 or due to symptoms that were later  
199 diagnosed as COVID-19, but not earlier than March 10, 2020, and not  
200 later than July 20, 2021: [(1)] (A) Weekly assistance for all  
201 uncompensated leave, calculated as seventy-five per cent of such  
202 affected person's average weekly earnings during the eight calendar  
203 weeks immediately preceding the date such person was initially unable  
204 to work as a result of contracting COVID-19, or due to symptoms that  
205 were later diagnosed as COVID-19, except in the case of an employee  
206 who has not yet worked for that employer for an eight-week period,  
207 seventy-five per cent of such affected person's average weekly earnings  
208 for the time period such employee was employed, and after such  
209 earnings have been reduced by any deduction for: [(A)] (i) Federal or  
210 state taxes, or both; [(B)] (ii) the federal Insurance Contributions Act,  
211 provided such assistance shall not exceed the average weekly earnings

212 of all workers in the state as calculated by the Labor Commissioner,  
213 pursuant to section 31-309; and [(C)] (iii) any benefits received for total  
214 or partial unemployment as provided in chapter 567, [and] any amount  
215 of temporary total or temporary partial disability benefits under chapter  
216 568, and any amounts provided through a paid leave plan provided by  
217 an employer or pursuant to any state or federal law, for the same days  
218 of such claimed assistance; [, (2)] (B) all documented out-of-pocket  
219 COVID-19 related costs for medical and surgical aid or hospital and  
220 nursing service incurred directly as a result of such affected person  
221 contracting COVID-19, including, but not limited to, medical  
222 rehabilitation services, mental health therapy services and prescription  
223 drugs; [,] and [(3)] (C) burial expenses in the amount of three thousand  
224 dollars in any case in which an employee died due to contracting  
225 COVID-19 during [(A)] (i) the public health and civil preparedness  
226 emergencies declared by the Governor on March 10, 2020, or any  
227 extension of such declarations, or [(B)] (ii) any new public health and  
228 civil preparedness emergencies declared by the Governor as a result of  
229 a COVID-19 outbreak in this state.

230 (2) The level of assistance provided to an affected employee, subject  
231 to available funds, and payable on a retroactive basis from the date such  
232 employee was initially unable to work due to an eligible reason for  
233 leave, but not earlier than July 21, 2021, or later than July 20, 2022, shall  
234 be one hundred per cent of such affected employee's hourly  
235 uncompensated leave, less any amounts provided through a paid leave  
236 plan provided by an employer or pursuant to any state or federal law  
237 for the same days of such claimed assistance, provided such assistance  
238 for any affected employee shall not exceed eighty hours of  
239 uncompensated leave.

240 (f) The administrator shall promptly review all claims submitted  
241 pursuant to this section. The administrator shall evaluate each claim and  
242 determine, on the basis of information provided by the affected person  
243 or affected employee, or additional information provided at the request  
244 of the administrator, whether or not such claim should be approved  
245 and, if approved, the amount of assistance offered. The administrator



246 shall provide such determination, in writing, to such affected person or  
247 affected employee not later than sixty business days after having  
248 received the notice of claim, or, if the administrator requested additional  
249 information, not later than ten business days after receiving such  
250 additional information, and shall direct the Comptroller to pay any such  
251 assistance offered to such affected person or affected employee in the  
252 amount and for the duration determined by the administrator, if  
253 applicable. If the administrator determines more information is needed  
254 from the affected person for the purpose of requesting assistance for  
255 uncompensated leave, out-of-pocket costs for medical and surgical aid  
256 or hospital or nursing service or burial expenses, the administrator may  
257 pay such affected person for the completed parts of their claim while the  
258 remainder of the claim is pending.

259 (g) For purposes of this section, a pending workers' compensation  
260 claim submitted by an affected person or affected employee shall not  
261 prevent the administrator from approving such person's claim for  
262 assistance under this section, provided any workers' compensation  
263 benefits such affected person receives for the workers' compensation  
264 claim shall be offset by the amount of assistance such affected person  
265 receives for uncompensated leave under this section, as deemed  
266 appropriate by the presiding workers' compensation commissioner.  
267 Any assistance available under this section shall be offset by any  
268 workers' compensation benefits already paid to the affected person for  
269 the uncompensated leave or out-of-pocket medical costs, including  
270 payments made without prejudice. It shall be the responsibility of the  
271 administrator of the fund to notify the Workers' Compensation  
272 Commission of an available offset.

273 (h) For purposes of this section, a disability or unemployment claim  
274 submitted by an affected person or affected employee shall not prevent  
275 the administrator from approving such person's claim for assistance  
276 under this section, provided any assistance available under this section  
277 shall be offset by any disability or unemployment benefits already paid  
278 to the affected person for the uncompensated leave, including payments  
279 made without prejudice. If an affected person or affected employee

280 received unemployment benefits pursuant to chapter 567, nothing in  
281 this section shall be construed to require such person to be currently  
282 employed with a previous employer in order to qualify for assistance  
283 from the fund.

284 [(h)] (i) An affected person or affected employee may request that a  
285 determination made pursuant to subsection (f) of this section be  
286 reconsidered by the administrator's designee by filing a request with the  
287 administrator, on a form prescribed by the administrator, not later than  
288 twenty business days after the mailing of the notice of such  
289 determination. The administrator, not later than three business days  
290 after receipt of such request for reconsideration, shall designate an  
291 individual to conduct such reconsideration and shall submit to such  
292 designated individual all documents relating to such affected person's  
293 or affected employee's claim. The administrator's designee shall conduct  
294 any reconsideration requested by an affected person or affected  
295 employee, which shall consist of a de novo review of all relevant  
296 evidence, not later than twenty business days after such individual's  
297 designation. Such administrator's designee shall issue such designee's  
298 decision affirming, modifying or reversing the decision of the  
299 administrator not later than twenty business days after the designee's  
300 reconsideration of the determination and shall submit such decision in  
301 writing to the administrator and the affected person or affected  
302 employee. The decision shall include a short statement of findings that  
303 shall specify any assistance to be paid to the affected person or affected  
304 employee in accordance with subsection (f) of this section.

305 [(i)] (j) Any statement, document, information or matter may be  
306 considered by the administrator or, on reconsideration, by the  
307 administrator's designee, if in the opinion of the administrator or  
308 designee, it contributes to a determination of the claim, whether or not  
309 the same would be admissible in a court of law.

310 [(j)] (k) There shall be no right of appeal by any affected person or  
311 affected employee claiming assistance under this section following the  
312 final decision of the administrator's designee issued pursuant to

313 subsection [(h)] (i) of this section.

314 [(k)] (l) Any assistance provided to an affected person or affected  
315 employee under this section shall not be considered income for the  
316 purpose of the state's personal income tax law, corporation tax or any  
317 other tax laws.

318 [(l)] (m) If a claim is paid to an affected person or affected employee  
319 erroneously or as a result of wilful misrepresentation by such affected  
320 person or affected employee, the administrator may seek repayment of  
321 benefits from the affected person or affected employee having received  
322 such compensation and may also, in the case of wilful  
323 misrepresentation, seek payment of a penalty in the amount of fifty per  
324 cent of the benefits paid as a result of such misrepresentation.

325 [(m)] (n) On or before January 1, 2022, and monthly thereafter, and  
326 any other time at the request of the administrator, the Comptroller shall  
327 submit a report to the administrator indicating the value of the  
328 Connecticut Essential Workers COVID-19 Assistance Fund at the time  
329 of the report.

330 [(n)] (o) On or before January 1, 2022, and at least quarterly thereafter,  
331 the administrator shall submit to the joint standing committee of the  
332 General Assembly having cognizance of matters relating to labor, in  
333 accordance with section 11-4a, a report on the financial condition of the  
334 Connecticut Essential Workers COVID-19 Assistance Fund. Such report  
335 shall include (1) an estimate of the fund's value as of the date of the  
336 report; (2) the effect of scheduled payments on the fund's value; (3) an  
337 estimate of the monthly administrative costs necessary to operate the  
338 program and the fund; and (4) any recommendations for legislation to  
339 improve the operation or administration of the program and the fund.

340 (p) If an affected person is deemed ineligible for assistance for  
341 uncompensated leave, out-of-pocket medical expenses or burial  
342 expenses, nothing in this section shall be construed to make such person  
343 ineligible from receiving assistance for being unable to perform the  
344 function due to an eligible reason for leave, provided such person meets

345 the requirements of subdivisions (2) and (3) of subsection (a) of this  
346 section."

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