



General Assembly

**Amendment**

February Session, 2022

LCO No. 5346



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4 statutes is repealed and the following is substituted in lieu thereof  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 July 20, 2022, is unable to perform the  
30 functions of such essential employee's job due to an eligible reason for  
31 leave, provided an affected employee shall not include an essential  
32 employee who (A) during the fourteen consecutive days immediately  
33 preceding the eligible reason for leave, was employed in a capacity  
34 where such affected employee worked solely from home and did not  
35 have physical interaction with other employees, or (B) was the recipient  
36 of a written offer or directive from such essential employee's employer  
37 to work solely from home but otherwise chose to work at a work site of  
38 the employer;

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

40 (A) The affected employee's need to (i) self-isolate and care for oneself  
41 because the affected employee has been diagnosed with COVID-19, is  
42 experiencing symptoms of COVID-19 or has been exposed to someone  
43 diagnosed with COVID-19, (ii) seek preventive care concerning COVID-  
44 19, (iii) seek or obtain medical diagnosis, care or treatment if  
45 experiencing symptoms of COVID-19, or (iv) seek or obtain COVID-19  
46 immunization or immunizations, including booster doses, or recover  
47 from any injury, disability, illness or condition related to such

48 immunization or booster doses;

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

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

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

72 (E) The affected employee's need to care for a family member (i) when  
73 the care provider of such family member is unavailable due to COVID-  
74 19, or (ii) if the family member's school or place of care has been closed  
75 by a local, state or federal public official or at the discretion of the school  
76 or place of care, due to COVID-19, including if a school or place of care  
77 (I) is physically closed but providing virtual learning instruction, (II)  
78 requires or makes optional virtual learning instruction, or (III) requires  
79 or makes available a hybrid or in-person and virtual learning instruction

80 models; or

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

86 [(2)] (4) "Essential employee" means any person employed in a  
87 category recommended by the Centers for Disease Control and  
88 Prevention's Advisory Committee on Immunization Practices as of  
89 February 20, 2021, to receive a COVID-19 vaccination in phase 1a, [or]  
90 1b or 1c of the COVID-19 vaccination program;

91 [(3)] (5) "Administrator" means an employee of the Office of the  
92 Comptroller, or a third-party administrator;

93 [(4)] (6) "Assistance" means moneys payable by the Comptroller from  
94 the Connecticut Essential Workers COVID-19 Assistance Fund,  
95 established pursuant to subsection (c) of this section, to assist affected  
96 persons and affected employees pursuant to this section;

97 [(5)] (7) "Uncompensated leave" means the wages or salary lost by (A)  
98 an affected person unable to work as a result of contracting COVID-19,  
99 or due to symptoms that were later diagnosed as COVID-19, at any time  
100 during the public health and civil preparedness emergencies declared  
101 by the Governor on March 10, 2020, or any extension of such  
102 declarations, [ "Uncompensated leave" does not include any leave from  
103 employment for which the affected person received paid leave provided  
104 through a paid leave plan provided by an employer or pursuant to any  
105 state or federal law] or (B) an affected employee as a result of an eligible  
106 reason for leave;

107 [(6)] (8) "COVID-19" means the respiratory disease designated by the  
108 World Health Organization on February 11, 2020, as coronavirus 2019,  
109 and any related mutation thereof recognized by the World Health  
110 Organization as a communicable respiratory disease; [.] and

111 (9) "Family member" has the same meaning as set forth in section 31-  
112 51kk.

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

133 (c) There is established an account to be known as the "Connecticut  
134 Essential Workers COVID-19 Assistance Fund" which shall be a  
135 separate, nonlapsing account within the General Fund. The account  
136 shall contain any moneys required by law to be deposited in the account.  
137 Moneys in the account shall be expended by the Comptroller at the  
138 discretion of the administrator for the purposes of (1) assistance offered  
139 under the Connecticut Essential Workers COVID-19 Assistance  
140 Program, and (2) costs and expenses of operating the program,  
141 including the hiring of necessary employees and the expense of public  
142 outreach and education regarding the program and fund, provided not  
143 more than five per cent of the total moneys received by the fund shall  
144 be used for any administrative costs, including hiring temporary or

145 durational staff or contracting with a third-party administrator, or other  
146 costs and expenses incurred by the administrator or Comptroller in  
147 connection with carrying out the provisions of this section and  
148 subsection (a) of section 31-306. The administrator shall make all  
149 reasonable efforts to limit the costs and expenses of operating the  
150 program without compromising affected persons' and affected  
151 employees' access to the program.

152 (d) (1) To apply for assistance from the Connecticut Essential Workers  
153 COVID-19 Assistance Fund, an affected person with a pending workers'  
154 compensation claim under chapter 568, related to COVID-19, or an  
155 affected person who does not have such pending workers'  
156 compensation claim, shall submit a claim to the administrator, in such  
157 form as required by the administrator, not later than [July 20, 2022]  
158 December 31, 2022. An affected person who does not have a pending  
159 workers' compensation claim related to COVID-19 shall submit a claim  
160 to the administrator, in such form as required by the administrator, not  
161 later than one year after the date such person was initially unable to  
162 work as a result of contracting COVID-19 or due to symptoms that were  
163 later diagnosed as COVID-19 or [July 20, 2022] December 31, 2022,  
164 whichever is later. Any such claim shall include: [(1)] (A) A certificate  
165 issued by a licensed medical professional documenting the laboratory  
166 test or diagnosis that such affected person contracted COVID-19 [(A)] (i)  
167 requiring such person to isolate and quarantine from others, [(B)] (ii)  
168 preventing such affected person from performing such affected person's  
169 employment duties, or [(C)] (iii) requiring in-patient or outpatient  
170 medical treatment; [(2)] (B) for the purposes of requesting assistance for  
171 uncompensated leave, evidence of [(A)] (i) such affected person's  
172 weekly earnings during the eight calendar weeks immediately  
173 preceding the time of diagnosis, except in the case of an employee who  
174 has not yet worked for that employer for an eight-week period, for the  
175 time period such employee was employed, and [(B)] (ii) uncompensated  
176 leave due to the contraction of COVID-19 or symptoms that were later  
177 diagnosed as COVID-19; [(3)] (C) for the purposes of requesting  
178 assistance for out-of-pocket costs for medical and surgical aid or

179 hospital or nursing service, evidence of such affected person's costs; and  
180 [(4)] (D) any additional information as requested or required by the  
181 administrator.

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

192 (e) (1) The level of assistance offered to an affected person shall be  
193 calculated as follows, subject to available funds, and payable on a  
194 retroactive basis from the date such person was initially unable to work  
195 as a result of contracting COVID-19 or due to symptoms that were later  
196 diagnosed as COVID-19, but not earlier than March 10, 2020, and not  
197 later than July 20, 2021: [(1)] (A) Weekly assistance for all  
198 uncompensated leave, calculated as seventy-five per cent of such  
199 affected person's average weekly earnings during the eight calendar  
200 weeks immediately preceding the date such person was initially unable  
201 to work as a result of contracting COVID-19, or due to symptoms that  
202 were later diagnosed as COVID-19, except in the case of an employee  
203 who has not yet worked for that employer for an eight-week period,  
204 seventy-five per cent of such affected person's average weekly earnings  
205 for the time period such employee was employed, and after such  
206 earnings have been reduced by any deduction for: [(A)] (i) Federal or  
207 state taxes, or both; [(B)] (ii) the federal Insurance Contributions Act,  
208 provided such assistance shall not exceed the average weekly earnings  
209 of all workers in the state as calculated by the Labor Commissioner,  
210 pursuant to section 31-309; and [(C)] (iii) any benefits received for total  
211 or partial unemployment as provided in chapter 567, [and] any amount  
212 of temporary total or temporary partial disability benefits under chapter

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

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

237 (f) The administrator shall promptly review all claims submitted  
238 pursuant to this section. The administrator shall evaluate each claim and  
239 determine, on the basis of information provided by the affected person  
240 or affected employee, or additional information provided at the request  
241 of the administrator, whether or not such claim should be approved  
242 and, if approved, the amount of assistance offered. The administrator  
243 shall provide such determination, in writing, to such affected person or  
244 affected employee not later than sixty business days after having  
245 received the notice of claim, or, if the administrator requested additional  
246 information, not later than ten business days after receiving such



247 additional information, and shall direct the Comptroller to pay any such  
248 assistance offered to such affected person or affected employee in the  
249 amount and for the duration determined by the administrator, if  
250 applicable. If the administrator determines more information is needed  
251 from the affected person for the purpose of requesting assistance for  
252 uncompensated leave, out-of-pocket costs for medical and surgical aid  
253 or hospital or nursing service or burial expenses, the administrator may  
254 pay such affected person for the completed parts of their claim while the  
255 remainder of the claim is pending.

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

270 (h) For purposes of this section, a disability or unemployment claim  
271 submitted by an affected person or affected employee shall not prevent  
272 the administrator from approving such person's claim for assistance  
273 under this section, provided any assistance available under this section  
274 shall be offset by any disability or unemployment benefits already paid  
275 to the affected person for the uncompensated leave, including payments  
276 made without prejudice. If an affected person or affected employee  
277 received unemployment benefits pursuant to chapter 567, nothing in  
278 this section shall be construed to require such person to be currently  
279 employed with a previous employer in order to qualify for assistance  
280 from the fund.

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

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

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

311        [(k)] (l) Any assistance provided to an affected person or affected  
312 employee under this section shall not be considered income for the  
313 purpose of the state's personal income tax law, corporation tax or any

314 other tax laws.

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

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

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

337 (p) If an affected person is deemed ineligible for assistance for  
338 uncompensated leave, out-of-pocket medical expenses or burial  
339 expenses, nothing in this section shall be construed to make such person  
340 ineligible from receiving assistance for being unable to perform the  
341 function due to an eligible reason for leave, provided such person meets  
342 the requirements of subdivisions (2) and (3) of subsection (a) of this  
343 section."

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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