



# Senate

General Assembly

**File No. 260**

February Session, 2024

Senate Bill No. 332

*Senate, April 4, 2024*

The Committee on Labor and Public Employees reported through SEN. KUSHNER of the 24th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

***AN ACT CONCERNING PORTAL TO PORTAL COVERAGE FOR PUBLIC WORKS DEPARTMENT EMPLOYEES.***

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 2024 supplement to  
2 the general statutes is repealed and the following is substituted in lieu  
3 thereof (*Effective October 1, 2024*):

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 the  
7 line of the employee's duty in the business or affairs of the employer  
8 upon the employer's premises, or while engaged elsewhere upon the  
9 employer's business or affairs by the direction, express or implied, of the  
10 employer, provided:

11 (A) (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;

15 (ii) For an employee of the Department of Correction, (I) when  
16 responding to a direct order to appear at such employee's assignment  
17 under circumstances in which nonessential employees are excused from  
18 working, or (II) following two or more mandatory overtime work shifts  
19 on consecutive days, "in the course of his employment" encompasses  
20 such individual's departure from such individual's place of abode  
21 directly to duty, such individual's duty, and the return directly to such  
22 individual's place of abode after duty;

23 (iii) For a telecommunicator, as defined in section 28-30, (I) when a  
24 telecommunicator is subject to emergency calls while off duty by the  
25 terms of such telecommunicator's employment, (II) when responding to  
26 a direct order to appear at such telecommunicator's work assignment  
27 under circumstances in which nonessential employees are excused from  
28 working, or (III) following two or more mandatory overtime work shifts  
29 on consecutive days, "in the course of his employment" encompasses  
30 such individual's departure from such individual's place of abode  
31 directly to duty, such individual's duty, and the return directly to such  
32 individual's place of abode after duty;

33 (iv) For an employee of a public works department, (I) when such  
34 employee is subject to emergency calls while off duty by the terms of  
35 such employee's employment, (II) when responding to a direct order to  
36 appear at such employee's work assignment under circumstances in  
37 which nonessential employees are excused from working, or (III)  
38 following two or more mandatory overtime work shifts on consecutive  
39 days, "in the course of his employment" encompasses such employee's  
40 departure from such employee's place of abode directly to duty, such  
41 individual's duty, and the return directly to such employee's place of  
42 abode after duty. For purposes of this subparagraph "public works  
43 department" means a state or municipal department responsible for the  
44 construction, regulation or maintenance of all things in the nature of  
45 public works and improvements;

46 [(iv)] (v) Notwithstanding the provisions of clauses (i) and (ii) of this

47 subparagraph, the dependents of any deceased employee of the  
48 Department of Correction who was injured in the course of his  
49 employment, as defined in this subparagraph, on or after July 1, 2000,  
50 and who died not later than July 15, 2000, shall be paid compensation  
51 on account of the death, in accordance with the provisions of section 31-  
52 306, retroactively to the date of the employee's death. The cost of the  
53 payment shall be paid by the employer or its insurance carrier which  
54 shall be reimbursed for such cost from the Second Injury Fund as  
55 provided in section 31-354 upon presentation of any vouchers and  
56 information that the Treasurer may require;

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

60 (C) In the case of an accidental injury, a disability or a death due to  
61 the use of alcohol or narcotic drugs shall not be construed to be a  
62 compensable injury;

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

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

72 (F) For purposes of subparagraph (C) of this subdivision, "narcotic  
73 drugs" means all controlled substances, as designated by the  
74 Commissioner of Consumer Protection pursuant to subsection (c) of  
75 section 21a-243, but does not include drugs prescribed in the course of  
76 medical treatment or in a program of research operated under the  
77 direction of a physician or pharmacologist. For purposes of  
78 subparagraph (E) of this subdivision, "place of abode" includes the

79 inside of the residential structure, the garage, the common hallways,  
80 stairways, driveways, walkways and the yard;

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2024</i>	31-275(1)

**LAB**      *Joint Favorable*

*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 25 \$	FY 26 \$
Various State Agencies	GF&TF - Potential Cost	See Below	See Below

Note: GF&TF=General Fund & Transportation Fund

**Municipal Impact:**

Municipalities	Effect	FY 25 \$	FY 26 \$
Various Municipalities	STATE MANDATE <sup>1</sup> - Potential Cost	See Below	See Below

**Explanation**

The bill results in a potential cost to the state and self-insured municipalities beginning in FY 25, resulting from an increase in medical and indemnity claims and premium costs to the extent that certain employees apply for Workers' Compensation benefits and meet the conditions of the bill. There is also a potential cost to fully or partially insured municipalities to the extent they incur an increase in premiums as a result of expanding coverage.

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<sup>1</sup> 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.

***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

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**OLR Bill Analysis****SB 332*****AN ACT CONCERNING PORTAL TO PORTAL COVERAGE FOR PUBLIC WORKS DEPARTMENT EMPLOYEES.*****SUMMARY**

This bill extends “portal-to-portal” workers’ compensation coverage to public works department employees in three situations: (1) when they are subject to emergency calls while off duty by the terms of their employment, (2) when they are responding to a direct order to appear at their work assignment when nonessential employees are excused from working, or (3) after working two or more mandatory overtime shifts on consecutive days.

With “portal-to-portal” coverage, an injury that occurs while the employee is travelling directly between 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. Under the bill, a “public works department” is a state or municipal department responsible for building, regulating, or maintaining all things in the nature of public works and improvements.

Existing law provides portal-to-portal coverage to 9-1-1 emergency dispatchers under the same conditions the bill applies to public works department employees. It also provides portal-to-portal coverage to (1) Department of Correction employees when they are responding to a direct order to appear at their work assignment when nonessential employees are excused from working or after they have worked two or more mandatory overtime shifts on consecutive days and (2) police officers and firefighters whenever they are travelling directly between home and work.

EFFECTIVE DATE: October 1, 2024

**COMMITTEE ACTION**

Labor and Public Employees Committee

Joint Favorable

Yea 8 Nay 4 (03/19/2024)