



General Assembly

February Session, 2024

Raised Bill No. 332

LCO No. 2115



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:
(LAB)

**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2 the general statutes is repealed and the following is substituted in lieu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	October 1, 2024	31-275(1)

Statement of Purpose:

To provide portal to portal coverage for employees of a public works department.

[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.]