Senate

General Assembly

File No. 168

January Session, 2025

Senate Bill No. 1222

Senate, March 20, 2025

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 WORKERS' COMPENSATION COVERAGE FOR PUBLIC WORKS DEPARTMENT EMPLOYEES.

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

Section 1. Subdivision (1) of section 31-275 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2025*):

(1) "Arising out of and in the course of his employment" means an accidental injury happening to an employee or an occupational disease of an employee originating while the employee has been engaged in the line of the employee's duty in the business or affairs of the employer upon the employer's premises, or while engaged elsewhere upon the employer's business or affairs by the direction, express or implied, of the employer, provided:

(A) (i) For a police officer or firefighter, "in the course of his employment" encompasses such individual's departure from such

individual's place of abode to duty, such individual's duty, and the return to such individual's place of abode after duty;

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

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

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

[(iv)**]** (v) Notwithstanding the provisions of clauses (i) and (ii) of this subparagraph, the dependents of any deceased employee of the Department of Correction who was injured in the course of his employment, as defined in this subparagraph, on or after July 1, 2000, and who died not later than July 15, 2000, shall be paid compensation on account of the death, in accordance with the provisions of section 31-306, retroactively to the date of the employee's death. The cost of the payment shall be paid by the employer or its insurance carrier which shall be reimbursed for such cost from the Second Injury Fund as provided in section 31-354 upon presentation of any vouchers and information that the Treasurer may require;

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

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

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

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

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

subparagraph (E) of this subdivision, "place of abode" includes the inside of the residential structure, the garage, the common hallways, stairways, driveways, walkways and the yard;

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	*October 1, 2025*	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 26 $	FY 27 $
Various State Agencies	GF&TF - Potential Cost	See Below	See Below

Note: GF&TF=General Fund & Transportation Fund

Municipal Impact:

Municipalities	Effect	FY 26 $	FY 27 $
Various Municipalities	STATE MANDATE[1] - Potential Cost	See Below	See Below

Explanation

The bill results in a potential cost to the state and self-insured municipalities beginning in FY 26, from increases to premium costs and medical and indemnity claims, 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 expanding coverage results in an increase in premiums.

The Out Years

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

[1] 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.

OLR Bill Analysis

SB 1222

AN ACT CONCERNING PORTAL TO PORTAL WORKERS' COMPENSATION 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 traveling 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 gives 9-1-1 emergency dispatchers portal-to-portal coverage under the same conditions the bill applies to public works department employees. It also extends 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 traveling directly between home and work.

EFFECTIVE DATE: October 1, 2025

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable
Yea 9 Nay 4 (03/06/2025)