General Assembly

Raised Bill No. 1222

January Session, 2025

LCO No. **3867**

Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:
(LAB)

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 Subdivision (1) of section 31-275 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2025*):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