

House of Representatives, April 8, 1998. The Committee on Judiciary reported through REP. LAWLOR, 99th DIST., Chairman of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING COMPENSABLE INJURIES UNDER THE WORKERS' COMPENSATION LAW.

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

1 Subdivision (16) of section 31-275 of the
2 general statutes, as amended by section 1 of
3 public act 97-205, is repealed and the following
4 is substituted in lieu thereof:

5 (16) (A) "Personal injury" or "injury"
6 includes, in addition to accidental injury which
7 may be definitely located as to the time when and
8 the place where the accident occurred, an injury
9 to an employee which is causally connected with
10 his employment and is the direct result of
11 repetitive trauma or repetitive acts incident to
12 such employment, and occupational disease.

13 (B) "Personal injury" or "injury" shall not
14 be construed to include:

15 (i) An injury to an employee which results
16 from his voluntary participation in any activity
17 the major purpose of which is social or
18 recreational, including, but not limited to,
19 athletic events, parties and picnics, whether or
20 not the employer pays some or all of the cost of
21 such activity;

22 (ii) A mental or emotional impairment, unless
23 (I) such impairment arises from a physical injury
24 or occupational disease, (II) IN THE CASE OF A
25 PEACE OFFICER, AS DEFINED IN SECTION 53a-3, SUCH
26 IMPAIRMENT ARISES FROM THE USE OF DEADLY PHYSICAL
27 FORCE BY SUCH OFFICER IN THE COURSE OF HIS
28 EMPLOYMENT IN ACCORDANCE WITH SECTION 53a-22 OR
29 FROM BEING SUBJECTED TO THE USE OF DEADLY PHYSICAL
30 FORCE IN THE COURSE OF HIS EMPLOYMENT, OR (III)
31 SUCH IMPAIRMENT ARISES FROM WITNESSING A HOMICIDE
32 IN THE COURSE OF EMPLOYMENT;

33 (iii) A mental or emotional impairment which
34 results from a personnel action, including, but
35 not limited to, a transfer, promotion, demotion or
36 termination; or

37 (iv) Notwithstanding the provisions of clause
38 (i) of this subparagraph, "personal injury" or
39 "injury" includes injuries to employees of local
40 or regional boards of education resulting from
41 participation in a school-sponsored activity but
42 does not include any injury incurred while going
43 to or from such activity. As used in this clause,
44 "school-sponsored activity" means any activity
45 sponsored, recognized or authorized by a board of
46 education and includes activities conducted on or
47 off school property and "participation" means
48 acting as a chaperone, advisor, supervisor or
49 instructor at the request of an administrator with
50 supervisory authority over the employee.

51 JUD COMMITTEE VOTE: YEA 29 NAY 11 JFS

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"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF 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 HOUSE THEREOF FOR ANY PURPOSE."

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FISCAL IMPACT STATEMENT - BILL NUMBER SHB 5503

STATE IMPACT	Potential Significant Cost (General Fund) and Minimal Cost, Can Be Absorbed (Workers' Compensation Fund), see explanation below
MUNICIPAL IMPACT	Potential Significant Cost, STATE MANDATE, see explanation below
STATE AGENCY(S)	Workers' Compensation Commission, Various State Agencies

EXPLANATION OF ESTIMATES:

STATE AND MUNICIPAL IMPACT: The passage of this bill would result in additional costs to various State agencies and to municipalities with organized police departments that could be significant. This is a State Mandate on municipalities. The bill allows peace officers to collect workers' compensation benefits for mental or emotional injuries resulting from the employee's use of, or subjection to, deadly force in the course of employment, or from witnessing a homicide in the course of employment.

While not a large number of cases is anticipated, the cost of just one case that results in a permanent disability could be significant. While there are only a small number of fatal shootings each year involving police officers, the bill does not require that a death occur. The bill would apply to about 3,000 State employees and at least 7,000 municipal employees.

According to State Police Uniform Crime Reports, from 1993 through 1996 no police officers were killed by a

felonious act. 410 police officers were injured in assaults each year over this time. About 15% of the assaults involved the use of a weapon. Police in Connecticut killed an average of 3 persons each year. The average number of homicides was 180 per year over this time.

This could also result in an increase in the number of cases to be heard by the Workers' Compensation Commission (WCC). It is estimated that the WCC would incur minimal additional costs, that could be absorbed within existing resources.

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OLR BILL ANALYSIS

sHB 5503

AN ACT CONCERNING COMPENSABLE INJURIES UNDER THE WORKERS' COMPENSATION LAW

SUMMARY: This bill makes mental or emotional impairments compensable under the workers' compensation law in two additional instances. First, it allows a peace officer to collect workers' compensation for a mental or emotional impairment caused by the officer's authorized use of or his being subjected to the use of deadly physical force in the course of his employment.

Second, it allows any employee to collect workers' compensation if the impairment is caused by witnessing a homicide in the course of employment.

Current law covers such impairments only if they arise from a physical injury or occupational disease.

EFFECTIVE DATE: October 1, 1998

BACKGROUND

Peace Officer

A "peace officer," as defined in the penal code, is a state or local police officer; a chief inspector or inspector of the Division of Criminal Justice; a sheriff, deputy sheriff, or special deputy sheriff; a conservation officer or special conservation officer; a

constable who performs criminal law enforcement duties; an adult probation officer; an official of the Department of Correction authorized to make arrests in a correctional institution or facility; any investigator in the investigations unit of the Office of the State Treasurer; any special agent of the federal government authorized to enforce the provisions of the federal food and drug laws; and a special policeman appointed by the public safety commissioner to investigate public assistance fraud, to act as policeman in state building or on state land, or to assist utility and transportation companies.

Related Legislation

SHB 5077, (File 30) allows state and local police officers to collect workers' compensation benefits for lost wages and medical treatment of purely mental or emotional injuries stemming from the officer's use of, or subjection to, deadly force in the course of employment.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute
Yea 29 Nay 11