



General Assembly

January Session, 2019

Committee Bill No. 164

LCO No. 4318



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Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:
(LAB)

**AN ACT INCLUDING CERTAIN MENTAL OR EMOTIONAL
IMPAIRMENTS WITHIN THE DEFINITION OF "PERSONAL INJURY"
UNDER THE WORKERS' COMPENSATION STATUTES.**

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

1 Section 1. Subdivision (16) of section 31-275 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

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

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

11 (i) An injury to an employee that results from the employee's
12 voluntary participation in any activity the major purpose of which is
13 social or recreational, including, but not limited to, athletic events,
14 parties and picnics, whether or not the employer pays some or all of

15 the cost of such activity;

16 (ii) A mental or emotional impairment, unless such impairment (I)
17 arises from a physical injury or occupational disease, (II) in the case of
18 a police officer, arises from such police officer's use of deadly force or
19 subsection to deadly force in the line of duty, regardless of whether
20 such police officer is physically injured, provided such police officer is
21 the subject of an attempt by another person to cause such police officer
22 serious physical injury or death through the use of deadly force, and
23 such police officer reasonably believes such police officer to be the
24 subject of such an attempt, [or] (III) in the case of a firefighter, is
25 diagnosed as post-traumatic stress disorder by a licensed and board
26 certified mental health professional, determined by such professional
27 to be originating from the firefighter witnessing the death of another
28 firefighter while engaged in the line of duty and not subject to any
29 other exclusion in this section, or (IV) in the case of any police officer
30 or firefighter, is diagnosed as post-traumatic stress disorder by a
31 licensed and board certified mental health professional, and
32 determined by such professional to be originating from the police
33 officer or firefighter visually witnessing the death or maiming of one
34 or more human beings and which is not the result of some natural
35 cause and the visual witnessing of such death or maiming, or the
36 visual witnessing of the aftermath of such death or maiming, occurred
37 while the police officer or firefighter was engaged in the line of duty.
38 As used in this clause, "police officer" means a member of the Division
39 of State Police within the Department of Emergency Services and
40 Public Protection, an organized local police department or a municipal
41 constabulary, "firefighter" means a uniformed member of a municipal
42 paid or volunteer fire department, [and] "in the line of duty" means
43 any action that a police officer or firefighter is obligated or authorized
44 by law, rule, regulation or written condition of employment service to
45 perform, or for which the police officer or firefighter is compensated
46 by the public entity such officer serves, "maiming" means the loss of
47 any member or organ, and "immediate aftermath" means the scene at
48 which such death or maiming occurred for a period of time not to

49 exceed six hours after such scene is secured by law enforcement
50 officers;

51 (iii) A mental or emotional impairment that results from a personnel
52 action, including, but not limited to, a transfer, promotion, demotion
53 or termination; or

54 (iv) Notwithstanding the provisions of subparagraph (B)(i) of this
55 subdivision, "personal injury" or "injury" includes injuries to
56 employees of local or regional boards of education resulting from
57 participation in a school-sponsored activity but does not include any
58 injury incurred while going to or from such activity. As used in this
59 clause, "school-sponsored activity" means any activity sponsored,
60 recognized or authorized by a board of education and includes
61 activities conducted on or off school property and "participation"
62 means acting as a chaperone, advisor, supervisor or instructor at the
63 request of an administrator with supervisory authority over the
64 employee.

65 Sec. 2. (NEW) (*Effective from passage*) Not later than October 1, 2019,
66 the state shall purchase a workers' compensation insurance policy to
67 provide coverage for any claims for workers' compensation benefits
68 made pursuant to subparagraph (B)(ii)(IV) of subdivision (16) of
69 section 31-275 of the general statutes, as amended by this act.

70 Sec. 3. Section 31-294h of the general statutes is repealed. (*Effective*
71 *from passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	31-275(16)
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	Repealer section

Statement of Purpose:

To expand workers' compensation coverage in certain situations that result in mental or emotional impairment.

[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.]

Co-Sponsors: SEN. OSTEN, 19th Dist.; SEN. DUFF, 25th Dist.

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