

Latest Developments from the Connecticut General Assembly: February 26th Public Hearing

Working Together

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On **Tuesday, February 26, 2019**, the General Assembly's **Labor and Public Employees Committee** will conduct a public hearing on numerous proposed bills. The hearing will take place at **12:00 P.M.** in **Room 1B** of the **Legislative Office Building**. There will be a significant emphasis on workers' compensation and unemployment compensation bills (e.g., workers' compensation benefits for emotional distress, unemployment compensation reforms), along with attempts to address matters that did not pass in prior legislative sessions (e.g., on-call shift scheduling, sexual harassment training). Unfortunately, with one exception, the proposed bills at issue were introduced and remain in a skeletal/concept form, without any details, thus making it difficult to provide much analysis as to their potential impact.

In any event, the following is a summary of the bills that are the subject of the hearing:

S.B. No. 164 AN ACT INCLUDING CERTAIN MENTAL OR EMOTIONAL IMPAIRMENTS WITHIN THE DEFINITION OF "PERSONAL INJURY" UNDER THE WORKERS' COMPENSATION STATUTES. This proposed bill would expand workers' compensation coverage so as to provide benefits for police officers and firefighters who are diagnosed as suffering from post-traumatic stress disorder resulting from visually witnessing in the line of duty the death or maiming (or aftermath of death or maiming) of one or more persons that was not the result of a natural cause. Similar proposed bills have been introduced during the last several years, ever since the Newtown tragedy.

Proposed S.B. No. 511 AN ACT CONCERNING THE UNEMPLOYMENT REDUCTION AMOUNT. As currently written, this skeletal proposed bill would "decrease the unemployment reduction amount" and thus increase unemployment compensation benefits for part-time employees.

Proposed S.B. No. 658 AN ACT CONCERNING NOTICE TO EMPLOYERS REGARDING UNEMPLOYMENT COMPENSATION CLAIMS. As currently written, this skeletal proposed bill would provide employers with 14 business days to respond to a notice from the Department of Labor that an employee has filed for unemployment benefits.

Proposed S.B. No. 696 AN ACT CONCERNING THE SOLVENCY OF THE UNEMPLOYMENT TRUST FUND. As currently written, this skeletal proposed bill would "update and reform unemployment compensation statutes to ensure that the Unemployment Trust Fund remains solvent in future years."

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Proposed H.B. No. 5271 AN ACT INCREASING SEXUAL HARASSMENT PREVENTION TRAINING. As currently written, this skeletal proposed bill would require unspecified “certain entities” to increase sexual harassment prevention training for their employees.

Proposed H.B. No. 5883 AN ACT REQUIRING WORKERS' COMPENSATION INSURANCE COVERAGE FOR DETOXIFICATION FOR CERTAIN INJURED EMPLOYEES. As currently written, this skeletal proposed bill would require that workers' compensation insurance policies in our state provide coverage for detoxification for each injured employee who, as a result of a covered injury sustained by such employee, consumes opioid drugs for a continuous period of at least one year.

Proposed H.B. No. 6116 AN ACT CONCERNING WORKERS' COMPENSATION BENEFITS FOR FIRST RESPONDER DIVE TEAMS AND CANINE SEARCH AND RESCUE PERSONNEL. As currently written, this skeletal proposed bill would expand eligibility for workers' compensation benefits to first responder dive teams and canine rescue personnel.

Proposed H.B. No. 6729 AN ACT CONCERNING UNEMPLOYMENT BENEFITS. As currently written, this skeletal proposed bill would (1) Increase the minimum earnings required to qualify for benefits to an amount “in line with the requirements of other states”; (2) prohibit individuals from receiving benefits during any period during which they are receiving severance pay; (3) clarify the definition of "day of unexcused absence"; and (4) freeze the maximum unemployment benefit rate for three years.

Proposed H.B. No. 6916 AN ACT EXPANDING REMEDIES AND POTENTIAL LIABILITY FOR UNREASONABLY CONTESTED OR DELAYED WORKERS' COMPENSATION CLAIMS. As currently written, this skeletal proposed bill would amend the workers' compensation statutes so as to ensure that (1) Injured workers are treated “timely” for their injuries so they do not suffer additional mental or physical deterioration because of unnecessary delays in care, (2) the workers' compensation insurance program provide coverage when a worker has provided proof that the injury occurred at work and medical treatment was ordered by the proper physician and is within the standard of practice for the injury sustained and the total condition of the worker, (3) if the standard of practice is adhered to, then the burden shifts to the insurance company for any additional hearings, (4) payment for care is coordinated between the employer or agent acting on behalf of the employer's insurance company or between the insurance company or agent for the employer and the Medicaid program, (5) delays in care are not part of coordination of benefits between the insurance companies, and (6) if a pattern of hearing delay occurs with any particular insurance company, then the Unfair Insurance Practices Act applies to such insurance company.

Proposed H.B. No. 6921 AN ACT CONCERNING DISCRIMINATION BASED ON A PERSON'S CRIMINAL HISTORY. As currently written, this skeletal proposed bill would broadly prohibit discrimination in employment, housing, public education and accommodations, insurance, credit transactions, government programs and services and economic development programs, based on a person's criminal history.

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Proposed H.B. No. 6924 AN ACT PROHIBITING ON-CALL SHIFT SCHEDULING. As currently written, this skeletal proposed bill would (1) prohibit the practice of requiring an employee to call an employer prior to a scheduled shift to confirm that the employee is needed for the shift, and (2) require employers to give an employee at least 24 hours prior notice if the employee is not needed to work a scheduled shift.

Proposed H.B. No. 6929 AN ACT ALLOWING CERTAIN STATE AND MUNICIPAL WORKERS AND FIRST RESPONDERS TO FILE WORKERS' COMPENSATION CLAIMS FOR INJURIES SUSTAINED WHILE TRAVELING TO AND FROM WORK. As currently written, this skeletal proposed bill would expressly allow emergency management service, dispatch, fire, police and emergency management personnel who are employed by the state or a municipality to file a workers' compensation claim for injuries sustained on the way to work or on the way home from work.

To repeat my standard warning: The fact that a public hearing has been scheduled on these bills is not necessarily an indication that the Committee will pass them, but it is at least an indication that they are under serious consideration. When these bills have been fully drafted (as opposed to their current skeletal/concept format), and if they advance toward a vote by the Committee and the full General Assembly, we will provide more detail as to their contents.

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