



2018 LEGISLATIVE REPORT

Prepared by
Lucas D. Strunk
lstrunk@ctworkcomp.com

This year's short legislative session was the first in memory in which no changes to the Connecticut Worker's Compensation Act were proposed. The stakeholders to our Act were quiet and although there were likely discussions and concerns raised behind closed doors, no bills were forthcoming.

Three of the State's stronger employee groups, however, the firefighters, police, and teachers did put forth proposed legislation that would be relevant to practitioners in the event alternative remedies for injured workers were considered. Although none of these proposals saw a vote in the General Assembly, the bills are worth noting giving that next year's longer session may see a reintroduction of these ideas.

SENATE BILL 278 "An Act Concerning Mental Health Care and Wellness Training and Suicide Prevention for Police Officers" was a rather detailed and comprehensive bill addressing mental health issues for police officers and public safety personnel that would have prohibited municipalities or state agencies from discharging, discipline or discriminating, or otherwise penalizing certain public safety personnel because they seek or receive mental health services. The same prohibition would apply to police officers who return their firearm while receiving mental health and would require the municipality or agency to return the officer's firearm once a licensed mental health provider deems the officer ready for duty.

The bill would also require the Department of Emergency Services and Public Protection to develop a list of thirty mental health providers with training and expertise in post-traumatic stress disorder. The bill also envisioned allowing officers to return to work within a year if certain conditions were met. Also required was development of a model to support mental health and wellness of police officers, as well as a requirement to provide

mental health care and wellness training to police officers hired on or after October 1, 2018. The DESPP would also be required to maintain a database relative to police suicide.

The bill was subject of extensive discussion with objection from municipalities who were seeking a better solution to the issues associated with this problem. As noted, the discussion will continue during the next session.

RAISED BILL 5568 "An Act Concerning Notification by Contractors to School Districts Regarding Arrests or Criminal Investigations of Employees and Concerning a Cause of Action for Teachers Harmed by an Unremedied Hazardous Condition" would have amended Section 10-236a to require that a contractor under contract with a board of education inform the superintendent when an employee is arrested or under criminal investigation and create a cause of action for teachers harmed by unremedied hazardous conditions.

The bill provided that the teacher's employer previously notified in writing of a hazardous condition existing at the place of employment which was not remedied and which later causes personal injury or death would allow for a civil action against the employer. The bill allowed for a deduction against any recovery for workers' compensation benefits received. The action would have provided for an award of punitive damages, attorney's fees and costs.

The bill, introduced through the Judiciary Committee, was subject of extensive public comment which is available on the General Assembly's website.

HOUSE BILL 5070 "An Act Providing Funding for the Firefighter's Cancer Relief Fund." This bill sought to appropriate to the state treasurer the sum of \$400,000.00 from the general fund for the fiscal year ending June 30, 2019. That sum would have funded the firefighter's relief account established by PA 16-10 and codified as § 16-256g of the statutes. The bill, while initially not voted out of appropriations, was ultimately included in the legislature's bipartisan budget therefore supplying the requested amount to the fund.

Congratulations to the reappointed Commissioner Michelle Truglia, Commissioner Jodi Murray-Gregg, Commissioner David Schoolcraft, Commissioner Daniel Dilzer, Commissioner Randy Cohen, and to our new chairman, Stephen Morelli.

Next year's session will likely generate a number of bills of interest. Within the Connecticut Bar Association Executive Committee, members are considering proposing changes that will seek to clean up or eliminate anachronistic sections of the Act.

The General Assembly website does make it easy to track bills. The website allows a user to create an account and a list of bills of interest. The site will then send the user updates. In order to use this service, please go to the cga.ct.gov site, click bill tracking and then "General Public." With submission of an email address and a password you too can then receive periodic updates.

In the alternative, you may be familiar with the searching of bills by number. There is a quick search option at the bottom of the homepage where you need enter only the bill number.

For this year, however, rest easy, there is no new law to learn. We will start the whole process again in January.