

Legislative History for Connecticut Act

SB 542 PA 289 FAX Scanned 1969

Senate: ~~1703~~ (1703) 1

House: Consent (2878) + 2877 2

Labor: P-238-240 1243-244 5

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CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS

1969

May 8, 1969

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THE CHAIR:

Question is on the acceptance of the committee's favorable report and passage of the bill. Those in favor signify by saying, "aye". Opposed? Ayes have it; bill is passed.

THE CLERK:

CAL. NO. 670. FILE NO. 743. Favorable report of the Joint Committee on Labor. Modified Senate Bill No. 542. An Act concerning the Definition "Arising Out of and in the Course of His Employment" in the Workmen's Compensation Act.

SENATOR LYDDY:

Mr. President, I move acceptance of the Modified Bill. Actually, this includes now, Firemen and Policemen in the definition of for workman's compensation purposes from their home to home again, because these people are on duty 24 hours.

THE CHAIR:

Question is on passage of the bill. Those in favor signify by saying, "a ye". Opposed? Ayes have it; bill is passed.

THE CLERK:

CAL. NO. 701 FILE NO. 540. Favorable report of the Joint Committee on Public Health and Safety. Substitute for House Bill No. 5592. An Act concerning Fire Safety in Residential Buildings. (As amended by House Amendment Schedule "A")

SENATOR TANSLEY:

Mr. President, I move acceptance of the committee's favorable report and passage of the bill, as amended. This requires

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CONNECTICUT
GENERAL ASSEMBLY

HOUSE

PROCEEDINGS

1969

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PART 6

2592-3131

Wednesday, May 14, 1969

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THE CLERK:

FAVORABLE REPORTS. The Clerk has a list.

THE SPEAKER:

The gentleman from the 118th.

MR. AJELLO: (118th)

Mr. Speaker, I move that the reading of the bills be waived and the list be accepted and the matters thereon be referred to the committees as indicated on the list in the possession of the Clerk.

THE SPEAKER:

Any objection? If not, it is so ordered.

THE CLERK:

BUSINESS ON THE CALENDAR. WEDNESDAY, MAY 14, 1969.

Page 1 of the Calendar. Consent Calendar.

THE SPEAKER:

The gentleman from the 78th.

MR. PAPANDREA: (78th)

Mr. Speaker, pursuant to the provisions of Rule 47, I move acceptance of the Committee's favorable report and adoption of the following bills:

On Page 1, at the bottom of the page, Calendar No. 870, House Bill No. 5866, File No. 891.

On Page 2, Calendar No. 876, Substitute for Senate Bill No. 503, File No. 780.

Calendar No. 877, Senate Bill No. 1565, File No. 770.

Calendar No. 881, Modified Senate Bill No. 402, File No.

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771.

Calendar No. 883, Substitute for Senate Bill No. 195,
File No. 774.

Calendar No. 886, Substitute for Senate Bill No. 972,
File No. 775.

Skipping the next matter, which I understand is going to be marked off, and turning to page 4 of the Consent Calendar, the third item from the bottom, Calendar No. 909, Senate Bill No. 845, File No. 782.

Skipping the next one, Calendar No. 911, Substitute for Senate Bill No. 891, File No. 710.

To the top of page 5, Calendar No. 914. Modified Senate Bill No. 542, File No. 743.

Calendar No. 915, Senate Bill No. 405, File No. 797.

Calendar No. 916, Senate Bill No. 129, File No. 773.

Calendar No. 917, Senate Bill No. 474. File No. 830.

THE SPEAKER:

You have heard the list as read off by the gentleman from the 78th. Is there any objection to a particular bill? If not, all those in favor of accepting the bills, say Aye. Those opposed, No. The Ayes have it. The bills are ADOPTED.

The gentleman from the 78th.

MR. PAPANDREA: (78th)

Mr. Speaker, may Calendar No. 918, Substitute for Senate Bill No. 818, File No. 724 on page 5, remain on the Consent Calendar retaining its place?

JOINT
STANDING
COMMITTEE
HEARINGS

LABOR

1969

FRIDAY

MARCH 28, 1969

Dr. Walker:

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podiatrists services for dependents of active duty members of the armed services, for retired members and the dependents of retired and deceased members of the uniformed services.

As of January 1, 1968, Medicare Part B governing payment for physicians' services includes the podiatrist as a "physician" within the terms of Medicare and acting within their scope of practice.

We have outlined facts to show podiatry is recognized under government and private agencies of all types in claims not covered by Workmen's Compensation. We feel that many of these claims include services that are covered by compensation but probably might be precluded to the podiatrist.—Connecticut Workmen's Compensation law provides for medical, osteopathy, chiropractic, dental, and Christian Science practitioners. We are hopeful your Committee will look with favor on this Bill. I have some supportive material to leave with the Committee at this time.

Chr. Miller:

Thank you.

F. McManus:

Mr. Chairman. Labor Committee. My name is Francis McManus of New Haven, Connecticut, and I am appearing for the State Police Association in favor of S. B. 542. (Senator Lyddy of the 22nd) AN ACT CONCERNING THE DEFINITION "ARISING OUT OF AND IN THE COURSE OF HIS EMPLOYMENT" IN THE WORKMEN'S COMPENSATION ACT.

As you know, the position of patrolman or trooper in these United States or in this State of Connecticut is no feather-bed, if I may be allowed the vernacular. The job of protecting the public - body and property - is becoming more and more difficult each day. There are more and more obstructions to justice being heard everyday abusing law enforcement throughout the country.

Police agencies have been formed and established by the people of the community within the community for reasons of self-discipline and protection. The police departments belong to the citizens and to the community as a whole, but this is not what some would have you believe. They cry that the State and the police have no right to enforce the laws of the State or the ordinances of the municipality. It is really phenomenal that we who have lived in the larger communities still have a police force to protect our peace and property considering the conditions that exist today.

The remuneration they receive does not approach that of

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F. McManus: equivalent responsibility in private enterprise. In spite of this, there is a great number of dedicated men applying for and training as recruits. Thank God for that.

The position of trooper or patrolman is unique. There is no other calling comparable. He is on duty 24 hours a day. He is on call on his day off. He may have completed his tour of duty and retires only to be awakened to report for riot duty or disaster duty and may not return home for some days. During his tenure this can happen many, many times and, believe me. I speak from experience - not hearsay. I shall not bore anyone with the gory details but, please believe me, to don a police badge today requires intestinal fortitude. He is reminded daily, ~~that he lives, eats, sleeps and drinks by the book of rules~~ written in black on white and if he violates one, or any part of one of these, he shall be subject to disciplinary action.

His prime responsibilities are for the preservation of the public peace and order, the prevention and detection of crime and the apprehension of the criminal or offender, the protection of persons and property and the enforcement of the laws of the State and municipalities. Is there any stipulation in these rules that say when he is responsible for upholding them? No. He is responsible as long as he is a patrolman and he, as Caesar's wife, must be above suspicion in his daily life - both public and private. If when off-duty, he is confronted with a police problem - an accident, murder, robbery, rape, mayhem, or any violation of approximately 1000 laws, he is required to apprehend the culprit or process the case just as though he were on duty, until such time as relief arrives. If he shirks his responsibility, he shall be subject to the disciplinary actions of his Board, and would be either suspended or dismissed. Considering the obligations of the law officer, does it not follow that it is incumbent upon the people he serves to consider his welfare as long as he is exposed to danger and hazard whether he is on duty or on his way to or from his abode.

This Bill, S. B. 542 (Senator Lyddy of the 22nd) AN ACT CONCERNING THE DERIVATION "ARISING OUT OF AND IN THE COURSE OF HIS EMPLOYMENT" IN THE WORKMEN'S COMPENSATION ACT, asks only that, for the prompt purposes of compensation. This is a most reasonable request and I know that you Legislators know the conditions that exist today and as Chairman of the

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F. McManus: Legislative Committee of the Police Association of the State of Connecticut representing 5000 local and State Policemen request this Committee give it your fullest consideration. Thank you.

Chr. Miller: Thank you. Chief Triano.

G. Triano: Mr. Chairman. My name is G. Robert Triano, Police Chief of the Town of Southington.

I know your Committee is quite busy and your schedule is such that it would be almost impossible for your Committee to listen to everyone that would like to talk on this Bill. I am referring to S. B. 542 (Senator Lyddy of the 22nd) AN ACT CONCERNING THE DEFINITION "ARISING OUT OF AND IN THE COURSE OF HIS EMPLOYMENT" IN THE WORKMEN'S COMPENSATION ACT. However, as President of the Connecticut State Police Association, I would like to see S. B. 542 (Senator Lyddy of the 22nd) AN ACT CONCERNING THE DEFINITION "ARISING OUT OF AND IN THE COURSE OF HIS EMPLOYMENT" IN THE WORKMEN'S COMPENSATION ACT, become a reality in that it will effect most all policemen in the State of Connecticut, regardless of rank.

All we are asking is that a policeman be protected on his way to and from his police headquarters or precinct, which is not the case in most communities. During the past years, there have been cases when the families of some policemen have had to suffer because of this. I could relate many cases but it would take too long. This Bill would protect the policeman from the time he leaves his home until he returns which is, we call, the portal to portal bill. Now, if I were to talk further on this Bill, it would be repetitious of what was said by Chief McManus. I do want to say and hope that your Committee will come out favorably on this Bill. Thank you very much.

Chr. Miller: Thank you.

J. Kelly: Mr. Chairman, Members of the Committee. My name is John C. Kelly and I serve on the Legislative Committee of the State Police Association with Mr. McManus as Chairman. I want to speak in support of S. B. 542 (Senator Lyddy of the 22nd) AN ACT CONCERNING THE DEFINITION "ARISING OUT OF AND IN THE COURSE OF HIS EMPLOYMENT", and I don't want to reiterate what has already been said, so I will make this very short. Gentlemen, I know the police throughout the State of Connecticut would much appreciate your favorable report on S. B. 542 (Senator Lyddy of the 22nd) AN ACT CONCERNING THE DEFINITION "ARISING OUT OF AND IN THE COURSE OF HIS EMPLOYMENT" IN THE WORKMEN'S COMPENSATION ACT. Thank you.

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Peter Horn:

S. B. 462 (Senator Marcus of the 11th) AN ACT CLARIFYING THE DEFINITION OF EMPLOYEE UNDER THE WORKMEN'S COMPENSATION ACT.

H. B. 6822 (Rep. Stevens of the 122nd) AN ACT CONCERNING THE QUALIFICATIONS OF WORKMEN'S COMPENSATION COMMISSIONERS.

H. B. 7415 (Rep. Stecker of the 39th) AN ACT CONCERNING CONSTRUCTION EMPLOYERS WITH RESPECT TO FORMER EMPLOYEES RECEIVING WORKMEN'S COMPENSATION PAYMENTS.

H. B. 8010 (Rep. O'Neill of the 7th) AN ACT CONCERNING AUTHORIZING ACTIONS FOR PERSONAL INJURIES BY EMPLOYEES AGAINST EMPLOYERS.

With regard to H. B. 542 (Senator Lyddy of the 22nd) AN ACT CONCERNING THE DEFINITION "ARISING OUT OF AND IN THE COURSE OF HIS EMPLOYMENT" IN THE WORKMEN'S COMPENSATION ACT, I would like to make a few remarks.

The Council goes on record as favoring H. B. 542 (Senator Lyddy of the 22nd) AN ACT CONCERNING THE DEFINITION "ARISING OUT OF AND IN THE COURSE OF HIS EMPLOYMENT" IN THE WORKMEN'S COMPENSATION ACT, which provides coverage for policemen, under the Workmen's Compensation Act during their travels to and from their place of duty.

It is established, policemen are on duty 24 hours a day or when the circumstances require it. Circumstances may arise at any time during the day or night and often occur during the time a policeman is going to or from duty.

We feel that under these circumstances, the policeman must place himself and his family in undue jeopardy by performing his duty without the full coverage of the Workmen's Compensation Act. When a policeman is injured during time other than his actual duty time, the question arises as to whether or not he is covered by the Workmen's Compensation Act. In addition, I might add, the policeman usually doesn't even get paid for this extra duty either. We should not ask our policemen to place their life and livelihood on the line without, at least, the coverage of Workmen's Compensation should he be injured or disabled. We feel that to do so, would run the risk of forcing him to ask himself, "is the risk too great"? If I might digress, a Hartford policeman died this morning because he felt that the risk was not too great, nor do all officials in Connecticut as of now, but it is a thought to have in mind. This is a question many civilians now ask themselves when coming upon accidents, injuries, or criminal acts in progress. They don't want to

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Peter Horn: get involved because the risk would be too great for some reason or another. A policeman should not be placed in this position of having to weigh the factors involved before performing his duty on off-duty situations.

The Council feels this Bill is a step in the right direction toward providing coverage for policemen who are asked to perform some police duty during periods other than when actually on duty. The Council asks that the Committee give this Bill a favorable report.

Chr. Badolato: Thank you.

R. Booth: Mr. Chairman, my name is Russell Booth, President of the Local #1010, United Auto Workers, Stamford; Connecticut. I would like to go on record supporting S. B. 1327 (Senator Lyddy of the 22nd) AN ACT CONCERNING INCREASING THE NUMBER OF WORKMEN'S COMPENSATION COMMISSIONERS AND CHANGING THE AREAS COVERED BY CERTAIN COMMISSIONERS. I might go on to say, as Mr. Stebens of the Avco Corporation pointed out, that we in Stratford are in limbo - it means our people have to leave the area and go into New Haven. They wander aimlessly through the streets looking and seeking transportation to return back to the main plant. As it has been pointed out, Mr. Zalinsky is in Bridgeport, a matter of 3½ miles away, and for this reason, we appear here today and ask for your consideration in putting Stratford back in the jurisdiction of the 4th Congressional District under Commissioner Zalinsky. Thank you.

J. Soucy: Mr. Chairman. I would like to thank you for your indulgence at this late hour. My name is Joseph Soucy and I am representing the United Automobile Workers Community Action Program and representing some 40,000 workers in the State of Connecticut. We would like to go on record in favor of S. B. 1327 (Senator Lyddy of the 22nd) AN ACT CONCERNING INCREASING THE NUMBER OF WORKMEN'S COMPENSATION COMMISSIONERS AND CHANGING THE AREAS COVERED BY CERTAIN COMMISSIONERS, with particular emphasis on the change in the 4th District and we are in favor of the change in Route 7 because we feel that this facilitates the already over-burdened case load in the State. Thank you, Mr. Chairman.

Chr. Badolato: Thank you. Is there anyone else? The Hearing is closed.