



# OFA ♦ OLR RESEARCH REPORT

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## **HARZARDOUS DUTY WORKERS' COMPENSATION FOR STATE EMPLOYEES**

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You asked (1) how much hazardous duty workers' compensation (WC) wage-loss benefits does the state pay out compared to non-hazardous duty WC wage-loss benefits and (2) what is the difference between these two types of benefits.

### **SUMMARY**

State employee hazardous duty WC benefits differ from regular WC benefits only in cases where the employee suffers a total temporary disability (otherwise, hazardous and non-hazardous duty employees receive the same level of WC benefits). This report focuses on the benefits paid out for total temporary disability.

As of February 28, 2005 (for the first eight months of FY 05), the state paid about \$17 million in temporary total WC wage-loss benefit claims to state employees, and of this \$7.8 million, or 46%, was for hazardous duty claims. Of the 2,732 claims receiving payments, 870, or 32% were hazardous duty.

### **TOTAL TEMPORARY DISABILITY WC BENEFITS**

Total temporary disability benefits are paid out when an employee is not able to work due to a work-related injury or illness. Most state and private-sector workers who suffer work-related total temporary disabilities receive WC wage-loss benefits equal to 75% of their average

weekly take-home pay for the 52 weeks immediately preceding the injury, up to a maximum of 100% of the average wage of all workers in the state.

But certain state employees who work in hazardous jobs and who are injured in specified ways may collect 100% of base salary if they are totally disabled. (Base salary does not include overtime, shift differentials, and meal allowances.) The special 100% benefit rate may last up to five years and is subject to the same annual increases that active employees receive. At the end of five years, if the employee is still totally disabled, the benefit drops to 50% of the base pay. A state police officer can receive 65% of his salary at the end of five years if he agrees in writing to forego disability retirement benefits and regular WC benefits for the disability (CGS § 5-142).

Table 1 shows hazardous duty and non-hazardous duty claims and payouts for the first eight months of FY 05.

Table 1. State Employee Temporary Total Disability Workers' Compensation Wage Loss Benefits

Agency	Hazardous Duty Claims (Sec. 5-142)	\$	Non-Hazardous Duty Claims (Sec. 5-142)	\$
DCF	221	\$1,235,268	166	\$459,743
% of Total	57.2%	72.9%	42.9%	27.1%
DMHAS	139	\$1,216,572	194	\$1,030,852
% of Total	41.7%	54.2%	58.3%	45.8%
DMR	149	\$1,391,096	348	\$1,826,116
% of Total	29.9%	43.3%	70.0%	56.7%
DOC	306	\$3,502,875	393	\$2,318,298
% of Total	43.8%	60.2%	56.2%	39.8%
DPS	36	\$309,743	87	\$133,642
% of Total	29.3%	69.9%	70.7%	30.1%
General Govt.	19	\$207,626	545	\$2,902,089
% of Total	3.4%	6.7%	96.6%	93.3%
DMV (STF)*	0	0	19	\$74,416
% of Total	0%	0%	100%	100%
DOT (STF)*	0	0	110	\$418,742
% of Total	0%	0%	100%	24.7%
<b>GRAND TOTAL</b>	<b>870</b>	<b>\$7,863,183</b>	<b>1,862</b>	<b>\$9,163,901</b>
<b>% of Total</b>	<b>31.8%</b>	<b>46.2%</b>	<b>68.2%</b>	<b>53.8%</b>
Data is for FY 05 as of February 28, 2005 Source: Department of Administrative Services *Special Transportation Fund				

To be eligible for hazardous duty benefits a state employee must be in one of the hazardous duty jobs specified in statute (see below) and meet the following criteria:

1. the injury must occur while the employee is (depending on his job) making an arrest; performing police, guard, fire, inspection, prosecution, defender, or courthouse duties; attending or restraining an inmate; or responding to an emergency or code at a correctional institution, and
2. the injury must be a direct result of the special hazards inherent in the state employee's duties.

In practice this means, for example, that a state police officer does not automatically get hazardous duty WC for any on-the-job injury. If a trooper slips and falls in a hallway at work, he would be eligible for normal WC because the injury was not a direct result of the special hazards that are part of the job. If he is injured while arresting a suspect, then the injury is a result of his job's special hazards.

### **STATE HAZARDOUS DUTY JOBS**

The statutes designate certain state positions as hazardous duty. These are:

1. employees of the Division of State Police in the Department of Public Safety;
2. employees of any correctional institution;
3. employees of any Department of Mental Health and Addiction Services institution or facility serving clients with mental disorder or disease;
4. full-time enforcement officers of the departments of Environmental Protection, Motor Vehicles, or Public Works, the Office of Adult Probation, or the Board of Pardons and Paroles;
5. full-time Department of Consumer Protection officers who enforce the state Liquor Control Act;
6. probation officers for juveniles or employees of a juvenile detention home;

7. members of the police or fire security force of The University of Connecticut;
8. members of the police or fire security force of Bradley International Airport;
9. members of the Office of State Capitol Police or anyone appointed as a special policeman for the State Capitol building and grounds and the Legislative Office Building and related structures and facilities and other areas under the supervision and control of the Joint Committee on Legislative Management;
10. the chief and deputy chief state's attorney, the chief and deputy chief public defender, any state's attorney or assistant state's attorney, and any public defender or assistant public defender;
11. chief inspectors or inspectors under the chief state's attorney, any employee of the Division of Criminal Justice, the Division of Public Defender Services, or any Judicial Department employee (CGS § 5-142).

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