

HOUSE No. 03175

The Commonwealth of Massachusetts

PRESENTED BY:

John P. Fresolo

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to public employee disability benefits for certain employees employed by the commonwealth and its political subdivisions.

PETITION OF:

NAME:

John P. Fresolo

Raymond McGrath

DISTRICT/ADDRESS:

16th Worcester

159 Burgin Parkway

Quincy, MA 02169-4213

HOUSE No. 03175

By Mr. Fresolo of Worcester, a petition (accompanied by bill, House, No. 3175) of Fresolo relative to disability benefits for health care workers, police officers, fire fighters and emergency medical technicians infected with AIDS or the HIV virus Joint Committee on Public Service.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ HOUSE
□ , NO. 2413 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to public employee disability benefits for certain employees employed by the commonwealth and its political subdivisions.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 SECTION 1. Section 1 of chapter thirty-two, is hereby adding the following definitions:-- "First
- 2 Responder", a health care worker, police officer, fire fighter and emergency medical technician.
- 3 "Health care worker", shall include, but not be limited to: licensed physician, dentist, registered
- 4 nurse, licensed practical nurse, physician assistant, psychologist, social worker and other health
- 5 professional worker; nurses aide, orderly, laboratory technician, emergency medical technician,
- 6 surgical technician, medical or surgical assistant, dental hygienist, dental assistant, licensed
- 7 therapist, therapy assistant, psychiatric aide and other health care service provider; housekeeper,
- 8 janitor, food service aide, transportation aide, security officer and other ancillary personnel.

9 SECTION 2. Amend Massachusetts General Laws, Chapter 32 -- Civil Service, by adding new
10 sections:-- Section 94C. Disability or death caused by AIDS or HIV infection; first responder in
11 public employ; presumption. Section 94C(1). Notwithstanding the provisions of any general or
12 special law to the contrary, any condition of AIDS or HIV infection resulting in disability or
13 death to a first responder employed by any state, county or local entity shall, if he or she
14 consented to a baseline collection for HIV serologic testing which tests negative for HIV, but
15 subsequent collection tests positive for HIV, be presumed to have been suffered in the course of
16 his or her employment. The provision of this section shall apply only if the disabling or fatal
17 condition is a type which may, in general, result from exposure to known or suspected
18 bloodborne pathogens as determined by the Federal Center for Disease Control (CDC).

19 (2) Nothing herein shall preclude a first responder from applying for and receiving benefits under
20 any other provisions of the General Laws related to work-incurred injuries and diseases. Section
21 94D. Extension of benefits for first responders suffering from work related infection of AIDS, or
22 HIV. A first responder employed by state, county or local entity who is determined to be infected
23 with AIDS or HIV shall have the right to continue to work as long as his or her attending
24 physician believes there is no danger to the first responder to his or her patient, with no loss in
25 salary, seniority status, grade or benefits, including, but not limited to health insurance. Nor shall
26 there be any discrimination by the employer against the employee. Section 94E. Supplementary
27 Employer Payments for Certain Workers. When a first responder employed by state, county or
28 local entity has been found to be disabled due to personal injuries, as a result of HIV infection
29 arising out of his employment, as determined in Section 94C(1) of this Chapter, the employer
30 shall supplement any workers compensation established under this chapter by an amount equal to
31 the difference between this amount and the worker's average weekly salary. Section 94F. Special

32 Disability Insurance. Each employer in Massachusetts shall provide a minimum of \$100,000 of
33 special disability insurance to any first responder in his employ who is found to be HIV infected
34 from a work-related exposure. All policies regarding the establishment of diagnosis of HIV
35 infection shall follow the Standards on Blood Borne Pathogens of the federal Occupational
36 Safety and Health Administration (OSHA) as published on December 2, 1991.

37 Section 94G. Special life insurance for HIV-infected workers. Each employer of a first responder
38 in Massachusetts found to be infected by HIV as a result of a work-related exposure as
39 determined by the Standard of Blood Borne Pathogens of the federal Occupational Safety and
40 Health Administration shall provide him or her with a life insurance policy equal to twice the
41 worker's most recent annual salary and to include so-called reverse-life provisions when
42 available.