

1
2
3
4
5
6
7
8
9

10
11

12
13
14
15
16
17
18
19
20

H.297

Introduced by Representative Mulvaney-Stanak of Burlington

Referred to Committee on

Date:

Subject: Labor; workers' compensation; post-traumatic stress disorder

Statement of purpose of bill as introduced: This bill proposes to create a presumption that post-traumatic stress disorder suffered by certain State employees was incurred in the line of duty for purposes of determining eligibility for workers' compensation benefits.

An act relating to providing workers' compensation coverage for post-traumatic stress disorder suffered by certain State employees

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 21 V.S.A. § 601 is amended to read:

§ 601. DEFINITIONS

~~Unless the context otherwise requires, words and phrases~~ As used in this chapter ~~shall be construed as follows:~~

* * *

(11) "Personal injury by accident arising out of and in the course of employment" includes an injury caused by the willful act of a third person directed against an employee because of that employment.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

* * *

(I)(i) In the case of police officers, rescue or ambulance workers, ~~or~~ firefighters, or State employees, as that term is defined pursuant to subdivision (iii)(V) of this subdivision (11)(I), post-traumatic stress disorder that is diagnosed by a mental health professional shall be presumed to have been incurred during service in the line of duty and shall be compensable, unless it is shown by a preponderance of the evidence that the post-traumatic stress disorder was caused by nonservice-connected risk factors or nonservice-connected exposure.

(ii) A police officer, rescue or ambulance worker, ~~or~~ firefighter, or State employee who is diagnosed with post-traumatic stress disorder within three years ~~of~~ following the last active date of employment as a police officer, rescue or ambulance worker, ~~or~~ firefighter, or State employee shall be eligible for benefits under this subdivision (11).

(iii) As used in this subdivision (11)(I):

* * *

(V) “State employees” means:

(aa) facility employees of the Department of Corrections;

(bb) employees of the Department of Corrections who provide direct security or treatment services to offenders under supervision in the community;

- 1 (cc) classified employees of State-operated therapeutic
2 community residences or inpatient psychiatric hospital units;
3 (dd) classified employees of public safety answering points;
4 (ee) classified employees of the Family Services Division of
5 the Department for Children and Families;
6 (ff) classified employees of the Vermont Veterans' Home;
7 or
8 (gg) classified employees of the Department of State's
9 Attorneys and Sheriffs.

10 (VI) "Classified employee" means an employee in the
11 classified service, as defined pursuant to 3 V.S.A. § 311.

12 * * *

13 Sec. 2. EFFECTIVE DATE

14 This act shall take effect on July 1, 2023.