Santoro, Nancy

From: Cimino, Linda [Linda.Cimino@jud.ct.gov]
Sent: Wednesday, April 10, 2013 12:04 PM
To: Santoro, Nancy
Subject: March 28, 2013 letter

Hi Nancy,

As a follow-up to our telephone conversations, I am requesting an extension in submitting the information requested in the March 28, 2013 letter signed by Attorney General Jepsen and Commissioner Rubenstein.

Special Act 13-1 established the Sandy Hook Workers Assistance Fund and Program. The Special Act was signed by the Governor on March 8, 2013 and the Program and Fund was authorized to begin on April 1, 2013. The Special Act defines the groups of individuals who are eligible to receive assistance from the Program.

The Fund is a non-appropriated account which can accepts donations. The Office of the Treasurer has been charged with accepting the donations, keeping an accounting of the donations and informing the Office of Victim Services of the available balance on the Fund. As of close of business yesterday no donations have been received. An account in CORE CT has not been established.

The Judicial Branch, Office of Victim Services was named as the administrator of the fund. Since April 1st we have received 7 applications, none of which included bills that were to be reimbursed.

I have included a link to the Special Act for your convenience: http://www.cga.ct.gov/2013/ACT/SA/2013SA-00001-R00HB-06599-SA.htm

Please let me know of you need any additional information. I will submit the response by 4/18/13.

Thanks you,

Linda

Proudly serving crime victims for over 30 years

Linda J. Cimino
Director
Office of Victim Services
225 Spring Street
Wethersfield, CT 06109
860-263-2760

House Bill No. 6599

Special Act No. 13-1

AN ACT ESTABLISHING THE SANDY HOOK WORKERS ASSISTANCE PROGRAM AND FUND, CLARIFYING THE CALCULATION OF SURVIVOR BENEFITS, AND AUTHORIZING A WAIVER OF THE STATE-WIDE MASTERY EXAMINATION REQUIREMENT FOR CERTAIN NEWTOWN STUDENTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (Effective from passage) (a) As used in this section and sections 2 and 3 of this act:

(1) "Sandy Hook Workers Assistance program" or "program" means the mechanism for providing monetary assistance to affected persons in accordance with the provisions of this section.

(2) "Affected person" means (A) any person who was or was scheduled to be at the affected area during the time of crisis for purposes of such person's employment or by virtue of such person's status as a volunteer who (i) was at the time of crisis (I) a salaried officer or paid member of a police department, fire department or state police troop; (II) a volunteer police officer or firefighter, whether the officer or firefighter is designated as special or auxiliary, upon vote of the legislative body of the town, city or borough in which the officer or firefighter serves; (III) a volunteer who is a member or an auxiliary member of any police or fire department; (IV) a licensed medical professional, including, but not limited to, a physician, physician assistant, nurse, emergency medical technician or paramedic; (V) a teacher or paraprofessional employed by the town of Newtown or the board of education of the town of Newtown; (VI) employed at the Sandy Hook Elementary School in an administrative or service capacity, including, but not limited to, as a secretary, food service provider or janitor; (VII) a therapist or counselor employed by a state agency or licensed under chapter 370, 371, 382a, 383b or 383c of the general statutes; or (VIII) a response coordinator employed by the Department of Public Health or the Department of Emergency Services and Public Protection, and (ii) suffered mental or emotional impairment as a result of (I) his or her perception of and proximity to the affected area at the time of crisis, or (II) his or her absence from the affected area at the time of crisis; (B) a licensed medical examiner, forensic technician, laboratory assistant, principal physician, special investigator or forensic science examiner employed by or working at the direction of the Chief Medical Examiner or the Department of Emergency Services and Public Protection, who suffered mental or emotional impairment as a result of performing his or her duties necessitated by the events that occurred at the affected area during the time of crisis; (C) an emergency service dispatcher who suffered mental or emotional impairment as a result of performing his or her duties necessitated by the events that occurred at the affected area during the time of crisis;

or (D) a Department of Mental Health and Addiction Services employee providing mental health services who suffered mental or emotional impairment as a result of performing his or her duties necessitated by the events that occurred at the affected area during the time of crisis.

(3) "Affected area" means (A) from 8: 00 a. m. until 11: 59 p. m. on December 14, 2012, the Sandy Hook Elementary School, its grounds and the immediate vicinity, including the Sandy Hook Volunteer Fire Department, and (B) from 12: 00 a. m. until 11: 59 p. m. on December 15, 2012, the Sandy Hook Elementary School and its grounds.

(4) "Time of crisis" means from 8: 00 a. m. on December 14, 2012, until 11: 59 p. m. on December 15, 2012.

(5) "Administrator" means the Office of Victim Services.

(6) "Victim compensation commissioner" or "commissioner" means any individual appointed by the Governor pursuant to section 54-202 of the general statutes who has agreed to review claims of affected persons pursuant to this section.

(7) "Assistance" means moneys payable by the State Treasurer from the Sandy Hook Workers Assistance Fund, established pursuant to section 2 of this act, to assist affected persons pursuant to this section.

(b) There is established the Sandy Hook Workers Assistance program. The program shall be administered by the administrator and shall offer assistance, within available funds, to affected persons eligible for assistance under this section and section 2 of this act, provided no assistance shall be paid to any affected person after August 31, 2015. The administrator shall accept applications for assistance on and after April 1, 2013. For the purposes of this section and section 2 of this act, the administrator shall have the power to (1) determine whether an affected person meets the requirements for eligibility for assistance under this section; (2) summon and examine under oath such witnesses as may provide information relevant to the eligibility of an affected person, and direct the production of, and examine or cause to be produced or examined, such books, records, vouchers, memoranda, documents, letters, contracts or other papers in relation to any matter at issue as the administrator may find proper; and (3) take or cause to be taken affidavits or depositions within or without the state.

(c) An affected person shall be eligible to receive assistance from the Sandy Hook Workers Assistance Fund established pursuant to section 2 of this act, provided the affected person meets the following requirements:

(1) The affected person shall provide an opinion written by a medical professional providing mental health services and licensed pursuant to title 20 of the general statutes, that such affected person has a mental or emotional impairment (A) causing partial or total disability preventing such affected person from performing his or her volunteer or employment duties, or (B) requiring medical and surgical aid or hospital and nursing service, including, but not limited to, medical rehabilitation services, mental health therapy services and prescription drugs;

(2) Such opinion shall include a finding that such mental or emotional impairment is directly attributable to the affected person's (A) perception of and proximity to or absence from the affected area during the time of crisis, or (B) performance of his or her duties necessitated by the events that occurred at the affected area during the time of crisis;

(3) The affected person shall have suffered such mental or emotional impairment because (A) the affected person's employment or volunteer responsibilities necessitated or, if such person was absent, would have necessitated, the affected person's presence in the affected area during the time of crisis, or (B) the affected person was (i) a licensed medical examiner, forensic technician, laboratory assistant, principal physician, special investigator or forensic science examiner, employed by or working at the direction of the Chief Medical Examiner or the Department of Emergency Services and Public Protection, or (ii) an emergency services dispatcher or Department of Mental Health and Addiction Services employee providing mental health services, and the performance of his or her duties was necessitated by the events that occurred at the affected area during the time of crisis; and

(4) The affected person has submitted, in writing, a notice of claim, in such form as required by the administrator, to the administrator on or before June 30, 2014, that shall include: (A) A certificate issued by the medical professional documenting the opinion, required under subdivision (1) of this subsection detailing the mental or emotional impairment (i) preventing such affected person from performing his or her volunteer or employment duties, or (ii) requiring medical and surgical aid or hospital and nursing service, including, but not limited to, medical rehabilitation services, mental health therapy services and prescription drugs; (B) if the affected person is requesting assistance for uncompensated leave, evidence of such affected person's weekly earnings during the fifty-two calendar weeks immediately preceding the time of impairment; and (C) any additional information as requested or required by the administrator.

(d) The level of assistance offered to affected persons shall be calculated as follows, subject to available funds, and payable on a retroactive and prospective basis at the discretion of the administrator: (1) If the mental or emotional impairment suffered by an affected person results in total incapacity to work, such person shall be eligible to receive weekly assistance for all uncompensated leave, whether such person has exhausted his or her compensated leave or elected to take uncompensated leave from his or her employment, equal to seventy-five per cent of such person's average weekly earnings during the fifty-two calendar weeks immediately preceding the date of the impairment after such earnings have been reduced by any deduction for federal or state taxes, or both, and for the federal Insurance Contributions Act, provided such assistance shall not exceed the average weekly earnings of all workers in the state as calculated by the Labor Commissioner pursuant to section 31-309 of the general statutes; (2) if the mental or emotional impairment suffered by an affected person results in partial incapacity to work, or requires such person to be absent from work for medical treatment for such impairment, such person shall be eligible to receive weekly assistance for all uncompensated leave, whether such person has exhausted his or her compensated leave or elected to take uncompensated leave from his or her employment, equal to seventy-five per cent of the difference between (A) such person's average weekly earnings during the fifty-two calendar weeks immediately preceding the date of impairment, after such earnings have been reduced by any deduction for federal or state taxes, or both, and for the federal Insurance Contributions Act; and (B) the amount such affected person is able to earn after the impairment, after such amount has been reduced by any deduction for federal or state taxes, or both, and for the federal Insurance Contributions Act, provided such assistance shall not exceed the average weekly earnings of all workers in the state as calculated by the Labor Commissioner pursuant to section 31-309 of the general statutes; and (3) if the mental or emotional impairment suffered by an affected person requires, in the opinion of a medical professional providing mental health services and licensed pursuant to title 20 of the general statutes, medical and surgical aid or hospital and nursing service, including, but not

limited to, medical rehabilitation services, mental health therapy services and prescription drugs, such person shall be eligible for weekly assistance equal to the costs of such aid or services, including deductibles and copayments, not covered under any benefit plan applicable to such affected person during the calendar year. For purposes of this section, the average weekly wage of an affected person working as a volunteer at the time of crisis shall be construed to be not less than the average production wage in the state as determined by the Labor Commissioner under the provisions of section 31-309 of the general statutes.

(e) (1) In calculating the level of assistance offered to an affected person under subsection (d) of this section, the administrator may consider special circumstances that may have decreased such affected person's average weekly earnings during the fifty-two calendar weeks immediately preceding the date of impairment, including, but not limited to, maternity or paternity leave or other compensated or uncompensated leave, periods of disability, seasonal employment and voluntary or involuntary periods of unemployment.

(2) In calculating the level of assistance offered to an affected person, if, under the terms of an applicable collective bargaining agreement, the affected person is entitled to receive a greater amount for such person's total or partial incapacity to work than the maximum weekly compensation calculated by the Labor Commissioner pursuant to section 31-309 of the general statutes, the administrator shall offer additional assistance in the amount provided for under the terms of such agreement.

(f) The administrator shall promptly review all claims submitted pursuant to the provisions of subdivision (4) of subsection (c) of this section. The administrator shall evaluate each claim and determine, on the basis of information provided by the affected person, or additional information provided at the request of the administrator, whether or not such claim should be approved and, if approved, the weekly amount of assistance offered and the duration thereof, provided such duration shall not exceed fifty-two weeks, inclusive of any retroactive assistance, or the solvency of the fund. For purposes of this section, a pending worker's compensation claim submitted by an affected person shall not prevent the administrator from approving such person's claim for assistance. The administrator shall provide such determination, in writing, to such affected person not later than ten business days after having received the notice of claim, or, if the administrator requested additional information, not later than ten business days after receiving such additional information, and shall direct the State Comptroller and the State Treasurer to pay any such assistance offered to such affected person in the amount and for the duration determined by the administrator, if applicable. Assistance shall continue to be offered to the affected person for the duration determined by the administrator, provided such affected person submits to the administrator, in writing and prior to the first day of each month, beginning after the completion of the first full month that assistance has been provided, (1) a certificate issued by a medical professional providing mental health services and licensed pursuant to title 20 of the general statutes describing such affected person's continued incapacity to work, and (2) documentation of any uncompensated expenses relating to medical and surgical aid or hospital and nursing service, including, but not limited to, medical rehabilitation services, mental health therapy services and prescription drugs. Upon receiving such submissions, the administrator may, within his or her discretion, modify the amount of assistance as appropriate.

(g) An affected person may request that a determination made pursuant to subsection (f) of this section be reviewed by a victim compensation commissioner by filing a request for review with the administrator, on a form prescribed by the administrator, not later than twenty business days

after mailing of the notice of such determination. The administrator, not later than three business days after receipt of such request for review, shall designate a victim compensation commissioner to hear such review and shall submit to such designated commissioner all documents relating to such affected person's claim. The commissioner shall hear any request for review filed by an affected person not later than twenty business days after such commissioner's designation. Not later than twenty business days after the request for review was heard by the commissioner, the commissioner shall issue his or her decision, affirming, modifying or reversing the decision of the administrator, based on a de novo review of all relevant evidence, including holding hearings and taking such testimony as such commissioner may deem advisable, and shall submit such decision in writing to the administrator and the affected person. The decision shall include a short statement of findings and shall specify any assistance to be paid to the affected person in accordance with subsection (f) of this section.

(h) Any statement, document, information or matter may be considered by the administrator or, on review, by a victim compensation commissioner, if in the opinion of said administrator or commissioner, it contributes to a determination of the claim, whether or not the same would be admissible in a court of law.

(i) There shall be no right of appeal by any person claiming assistance under this section following the final decision of the commissioner issued pursuant to subsection (g) of this section.

(j) Each victim compensation commissioner shall be compensated at a rate not to exceed one hundred twenty-five dollars for each day of service pursuant to this section.

(k) Any assistance provided to an affected person under this section shall not be considered income for the purposes of the state's personal income tax law, corporation tax or other tax laws.

(l) Notwithstanding any general statute, charter or special act to the contrary affecting the Connecticut teachers' retirement system, or any special act providing for a teachers' retirement system or other retirement system, the eligibility for a retirement benefit for a spouse, dependent or other survivor of a member of the Connecticut teachers' retirement system who dies on or after December 1, 2012, but prior to December 31, 2012, as a result of injuries received while acting within the scope of such member's employment and not as a result of illness or natural causes, but whose retirement benefits were not yet being paid on the date of such member's death, shall be calculated as if the member had worked to the completion of the 2012-2013 school year.

Sec. 2. (Effective from passage) (a) There is established a fund to be known as the Sandy Hook Workers Assistance Fund. Amounts in said fund shall be paid by the State Comptroller and the State Treasurer at the discretion of the administrator for (1) assistance offered under the Sandy Hook Workers Assistance program established in section 1 of this act, and (2) costs and expenses of operating the program. Moneys received by the fund shall be accounted for separately and apart from all other state moneys, and the full faith and credit of the state of Connecticut is pledged for their safekeeping. The moneys of the fund shall be credited with interest by the State Treasurer in accordance with applicable law. Not more than five per cent of the total moneys received by the fund in any calendar year shall be used for any administrative or other costs or expenses incurred by the administrator, State Comptroller or State Treasurer in connection with carrying out the provisions of this section and section 1 of this act, including the hiring of necessary employees and the expense of public outreach and education regarding the program and fund.

(b) The State Treasurer is authorized to accept gifts, donations and grants from the state or federal government or other public or private sources to be held in the fund and distributed as directed by the administrator for the purposes enumerated in subsection (a) of this section. In the event the moneys in the fund are insufficient to provide full assistance, as calculated under subsection (d) of section 1 of this act, to all affected persons, such assistance shall be provided on a pro rata basis at the discretion of the administrator.

(c) On or before April 1, 2013, and monthly thereafter, and at any other time at the request of the administrator, the State Treasurer shall submit a report to the administrator indicating the fund's value at the time of the report. Such report shall not include the identity of any person who has made a gift or donation to the fund.

(d) On or before April 1, 2013, and at least quarterly thereafter, the administrator shall submit to the General Assembly, in accordance with section 11-4a of the general statutes, a report on the financial condition of the Sandy Hook Workers Assistance Fund. Such report shall include (1) an estimate of the fund's value as of the date of the report; (2) the effect of scheduled payments on the fund's value; (3) an estimate of the monthly administrative costs necessary to operate the program and the fund; and (4) any recommendations for legislative change to improve the operation or administration of the program and the fund. On or before May 1, 2015, such report shall include recommendations to distribute any moneys remaining in the fund to such other charitable trusts or entities, including any community trust or foundation, as the administrator may determine will best fulfill the purposes of the program upon the termination of the program.

Sec. 3. (Effective from passage) (a) No provision of section 1 or 2 of this act shall alter or affect any requirement or other provision in any employment contract to which an affected person was a party at the time of the crisis or grant to any affected person any greater rights than were otherwise granted under any such employment contract.

(b) Except as provided in subsection (c) of this section, no provision of section 1 or 2 of this act shall prohibit or affect any claim or right of action by any person claiming or receiving assistance under section 1 or 2 of this act against any other person.

(c) Neither the state nor any agent of the state shall be liable for any action, or any expenses related thereto, brought by any person claiming to be aggrieved by any decision concerning the approval or denial of assistance made pursuant to section 1 or 2 of this act.

Sec. 4. (Effective from passage) (a) Notwithstanding the provisions of section 10-14n of the general statutes, for the school year commencing July 1, 2012, the State Board of Education shall authorize, upon request of the board of education for the town of Newtown, a waiver from the requirement that (1) each student enrolled in grades three to eight, inclusive, in any public school in the Newtown school district take the state-wide mastery examination in reading, writing and mathematics for such school year, and (2) each student in grade five or eight in any public school in the Newtown school district take the state-wide mastery examination in science for such school year.

(b) Notwithstanding the provisions of section 10-10a of the general statutes, for the school year commencing July 1, 2012, the State Board of Education shall not be required to collect and track student performance data on the state-wide mastery examination, pursuant to section 10-14n of the general statutes, for students described in subsection (a) of this section for such school year for purposes of the public school information system.

(c) The State Board of Education may amend or suspend any policies or guidelines developed or adopted by the board for purposes of carrying out the provisions of this section.

Approved March 8, 2013