

HOUSE No. 2413

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:	DISTRICT/ADDRESS:
John P. Fresolo	16th Worcester
David Holway	National Association of Government Employees 159 Burgin Parkway Quincy, MA 02169

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2521 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

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:—
2 “First 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 nurse, licensed
4 practical nurse, physician assistant, psychologist, social worker and other health professional worker; nurses aide,
5 orderly, laboratory technician, emergency medical technician, surgical technician, medical or surgical assistant,
6 dental hygienist, dental assistant, licensed therapist, therapy assistant, psychiatric aide and other health care service
7 provider; housekeeper, janitor, food service aide, transportation aide, security officer and other ancillary personnel.

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

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

27 compensation established under this chapter by an amount equal to the difference between this amount and the
28 worker's average weekly salary.

29 Section 94F. Special Disability Insurance. Each employer in Massachusetts shall provide a minimum of \$100,000 of
30 special disability insurance to any first responder in his employ who is found to be HIV infected from a work-related
31 exposure. All policies regarding the establishment of diagnosis of HIV infection shall follow the Standards on Blood
32 Borne Pathogens of the federal Occupational Safety and Health Administration (OSHA) as published on December
33 2, 1991.

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