

28 **34A-2-102. Definition of terms.**

29 (1) As used in this chapter:

30 (a) "Average weekly wages" means the average weekly wages as determined under  
31 Section 34A-2-409.32 (b) "Award" means a final order of the commission as to the amount of compensation  
33 due:

34 (i) an injured employee; or

35 (ii) a dependent of a deceased employee.

36 (c) "Compensation" means the payments and benefits provided for in this chapter or  
37 Chapter 3, Utah Occupational Disease Act.

38 (d) (i) "Decision" means a ruling of:

39 (A) an administrative law judge; or

40 (B) in accordance with Section 34A-2-801:

41 (I) the commissioner; or

42 (II) the Appeals Board.

43 (ii) "Decision" includes:

44 (A) an award or denial of a medical, disability, death, or other related benefit under this  
45 chapter or Chapter 3, Utah Occupational Disease Act; or46 (B) another adjudicative ruling in accordance with this chapter or Chapter 3, Utah  
47 Occupational Disease Act.

48 (e) "Director" means the director of the division, unless the context requires otherwise.

49 (f) "Disability" means an administrative determination that may result in an entitlement  
50 to compensation as a consequence of becoming medically impaired as to function. Disability  
51 can be total or partial, temporary or permanent, industrial or nonindustrial.

52 (g) "Division" means the Division of Industrial Accidents.

53 (h) "First responder" means:

54 (i) a law enforcement officer, as defined in Section 53-13-103;55 (ii) an emergency medical technician, as defined in Section 26-8c-102;56 (iii) an advanced emergency medical technician, as defined in Section 26-8c-102;57 (iv) a paramedic, as defined in Section 26-8c-102; ~~H~~→ [or] ←~~H~~58 (v) a firefighter, as defined in Section 34A-3-113 ~~H~~→ [ ] ←~~H~~ ;58a (vi) **a correctional officer, as defined in Section 53-13-104; or**58b (vii) **an emergency dispatch operator.** ←~~H~~

90 emotional injury.

91 (4) Good faith employer personnel actions including disciplinary actions, work  
92 evaluations, job transfers, layoffs, demotions, promotions, terminations, or retirements, may  
93 not form the basis of compensable mental stress claims under this chapter.

94 (5) Alleged discrimination, harassment, or unfair labor practices otherwise actionable  
95 at law may not form the basis of compensable mental stress claims under this chapter.

96 (6) An employee who alleges a compensable industrial accident involving mental  
97 stress bears the burden of proof to establish legal and medical causation by a preponderance of  
98 the evidence.

99 (7) The legal and medical causal connection described in Subsection (1) is satisfied if  
100 an individual is ~~H→~~ :

100a (a) ~~←H~~ a first responder ~~H→~~ [z] ; and

100b (b) **after the individual becomes a first responder, the individual is diagnosed with a**  
100c **mental health condition by a licensed physician or other licensed health care professional.** ~~←H~~

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Legislative Review Note  
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