



General Assembly

February Session, 2000

Raised Bill No. 5161

LCO No. 682

Referred to Committee on Labor and Public Employees

Introduced by:
(LAB)

An Act Concerning Lost And Replacement Wages For Injured Employees.

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

1 Section 31-308a of the general statutes is repealed and the following
2 is substituted in lieu thereof:

3 (a) In addition to the compensation benefits provided by section 31-
4 308 for specific loss of a member or use of the function of a member of
5 the body, or any personal injury covered by this chapter, the
6 commissioner, after such payments provided by said section 31-308
7 have been paid for the period set forth in said section, may award
8 additional compensation benefits for such partial permanent disability
9 equal to seventy-five per cent of the difference between the wages
10 currently earned by an employee in a position comparable to the
11 position held by such injured employee prior to [his] such employee's
12 injury, after such wages have been reduced by any deduction for
13 federal or state taxes, or both, and for the federal Insurance
14 Contributions Act in accordance with section 31-310, and the weekly
15 amount [which] that such employee will probably be able to earn
16 thereafter, after such amount has been reduced by any deduction for

17 federal or state taxes, or both, and for the federal Insurance
18 Contributions Act in accordance with section 31-310, to be determined
19 by the commissioner based upon the nature and extent of the injury,
20 the training, education and experience of the employee, the availability
21 of work for persons with such physical condition and at the
22 employee's age, but not more than one hundred per cent, raised to the
23 next even dollar, of the average weekly earnings of production and
24 related workers in manufacturing in the state, as determined in
25 accordance with the provisions of section 31-309. If evidence of exact
26 loss of earnings is not available, such loss may be computed from the
27 proportionate loss of physical ability or earning power caused by the
28 injury. The commissioner shall determine the duration of such
29 additional compensation [shall be determined] upon a similar basis,
30 [by the commissioner,] but in no event shall the duration of such
31 additional compensation exceed [the lesser of (1) the duration of the
32 employee's permanent partial disability benefits, or (2)] five hundred
33 twenty weeks. Additional benefits provided under this section shall be
34 available only to (1) employees who are willing and able to perform
35 work in this state, and (2) employees who are unable to perform work
36 in this state due to a physical condition documented by a treating
37 physician.

38 (b) Notwithstanding the provisions of subsection (a) of this section,
39 additional benefits provided under this section shall be available only
40 when the nature of the injury and its effect on the earning capacity of
41 an employee warrant additional compensation.

42 (c) Notwithstanding the provisions of subsection (a) of this section,
43 in calculating the additional compensation benefits available to an
44 employee who is unable to perform work in this state due to a medical
45 condition documented by a treating physician, the commissioner shall
46 utilize the wages currently earned by an employee in this state in a
47 position comparable to the position held by such injured employee
48 prior to such employee's injury, after such wages have been reduced
49 by any deduction for federal or state taxes, or both, and for the federal

50 Insurance Contributions Act in accordance with section 31-310, and the
51 weekly amount that such injured employee would probably be able to
52 earn in this state thereafter, after such amount has been reduced by
53 any deduction for federal or state taxes, or both, and for the federal
54 Insurance Contributions Act in accordance with section 31-310, to be
55 determined by the commissioner based upon the nature and extent of
56 the injury, the training, education and experience of the injured
57 employee, the availability of work in this state for persons with such
58 physical condition and at the employee's age, but not more than one
59 hundred per cent, raised to the next even dollar, of the average weekly
60 earnings of production and related workers in manufacturing in this
61 state, as determined in accordance with the provisions of section
62 31-309.

Statement of Purpose:

To give workers' compensation commissioners greater latitude in awarding extra wage differential benefits to workers who suffer lost earning power because of permanent partial disabilities from job-related injuries.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]