



General Assembly

Substitute Bill No. 1273

January Session, 2001

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 Section 31-308a of the general statutes is repealed and the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

3 (a) (1) In addition to the compensation benefits provided by section
4 31-308 for specific loss of a member or use of the function of a member
5 of 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] ~~greater~~ of [(1) (A) the
32 duration of the employee's permanent partial disability benefits, or [(2)
33 five hundred twenty] (B) ~~two hundred sixty~~ weeks. Additional benefits
34 provided under this section shall be available only to (i) employees
35 who are willing and able to perform work in this state, and (ii)
36 employees who are unable to perform work in this state due to a
37 physical condition documented by a treating physician.

38 (2) If additional compensation is awarded under subdivision (1) of
39 this subsection for a period of time greater than fifty weeks beyond the
40 number of weeks of partial permanent disability, the commissioner
41 shall state with particularity the basis of such award, and such
42 statement shall include an evaluation of the nature and extent of the
43 injury, the training, education and experience of the employee and the
44 availability of work for persons with such physical condition at the
45 employee's age. Any party aggrieved by such an award shall be
46 entitled to an expedited appeal to the Compensation Review Board.

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

51 (c) Notwithstanding the provisions of subsection (a) of this section,
52 in calculating the additional compensation benefits available to an
53 employee who is unable to perform work in this state due to a physical

