



General Assembly

Substitute Bill No. 46

January Session, 2003

**AN ACT CONCERNING SOCIAL SECURITY OFFSETS UNDER THE
UNEMPLOYMENT COMPENSATION ACT AND THE WORKERS'
COMPENSATION ACT.**

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

1 Section 1. Subsection (g) of section 31-227 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2003*):

4 (g) With respect to benefit years beginning on or after October 1,
5 1981, for any week with respect to which an individual is receiving a
6 pension, which shall include a governmental or other pension,
7 retirement or retired pay, annuity, or any other similar periodic
8 payment, under a plan maintained or contributed to by a base period
9 employer, the weekly benefit rate payable to such individual for such
10 week shall be reduced by the prorated weekly amount of the pension.
11 [Where] If contributions were made to the pension plan by the
12 individual, the prorated weekly pension amount shall be reduced by
13 the proportion [which] that such individual's contributions bear to the
14 total of all payments for such individual into the plan, except that if the
15 pension is paid under the Social Security Act, the individual's
16 contributions to the plan shall reduce the prorated weekly pension
17 amount by one hundred per cent. If, as a result of the reduction made
18 under the provisions of this subsection, the individual's weekly benefit
19 rate is not a whole dollar amount, the weekly benefit rate payable to

20 such individual shall be the next lower whole dollar amount. No
21 reduction shall be made under this subsection by reason of the receipt
22 of a pension, except in the case of pensions paid under the Social
23 Security Act or the Railroad Retirement Act of 1974, if the services
24 performed by the individual during the base period for such employer,
25 or remuneration received for such services, did not affect the
26 individual's eligibility for, or increase the amount of, such pension,
27 retirement or retired pay, annuity, or similar payment.

28 Sec. 2. Section 31-307 of the general statutes is repealed and the
29 following is substituted in lieu thereof (*Effective October 1, 2003*):

30 (a) If any injury for which compensation is provided under the
31 provisions of this chapter results in total incapacity to work, the
32 injured employee shall be paid a weekly compensation equal to
33 seventy-five per cent of [his] the injured employee's average weekly
34 earnings as of the date of the injury, calculated pursuant to section 31-
35 310, after such earnings have been reduced by any deduction for
36 federal or state taxes, or both, and for the federal Insurance
37 Contributions Act made from such employee's total wages received
38 during the period of calculation of the employee's average weekly
39 wage pursuant to said section 31-310; but the compensation shall not
40 be more than the maximum weekly benefit rate set forth in section 31-
41 309 for the year in which the injury occurred. No employee entitled to
42 compensation under this section shall receive less than twenty per cent
43 of the maximum weekly compensation rate, as provided in section 31-
44 309, provided the minimum payment shall not exceed seventy-five per
45 cent of the employee's average weekly wage, as determined under
46 section 31-310, and the compensation shall not continue longer than
47 the period of total incapacity.

48 (b) Notwithstanding the provisions of subsection (a) of this section,
49 any employee who suffers any injury or illness caused by [his] the
50 employer's violation of any health or safety regulation adopted
51 pursuant to chapter 571 or adopted by the federal Occupational Safety
52 and Health Administration and listed in 29 CFR, Chapter XVII, after

53 the violation has been cited in accordance with the provisions of
54 section 31-375 or the provisions of the Occupational Safety and Health
55 Act of 1970, 84 Stat. 1601 (1970), 29 USC 658 and not abated within the
56 time fixed by the citation, provided the citation has not been set aside
57 by appeal to the appropriate agency or court having jurisdiction, shall
58 receive a weekly compensation equal to one hundred per cent of the
59 employee's average weekly earnings at the time of the injury or illness.

60 (c) The following injuries of any person shall be considered as
61 causing total incapacity and compensation shall be paid accordingly:
62 (1) Total and permanent loss of sight of both eyes, or the reduction to
63 one-tenth or less of normal vision; (2) the loss of both feet at or above
64 the ankle; (3) the loss of both hands at or above the wrist; (4) the loss of
65 one foot at or above the ankle and one hand at or above the wrist; (5)
66 any injury resulting in permanent and complete paralysis of the legs or
67 arms or of one leg and one arm; (6) any injury resulting in incurable
68 imbecility or mental illness.

69 (d) An employee who has suffered the loss or loss of the use of one
70 of the members of [his] the body, or part of one of the members of [his]
71 the body, or the reduction of vision in one eye to one-tenth or less of
72 normal vision, shall not receive compensation for the later injury in
73 excess of the compensation allowed for the injury when considered by
74 itself and not in conjunction with the previous incapacity except as
75 provided in this chapter.

76 [(e) Notwithstanding any provision of the general statutes to the
77 contrary, compensation paid to an employee for an employee's total
78 incapacity shall be reduced while the employee is entitled to receive
79 old age insurance benefits pursuant to the federal Social Security Act.
80 The amount of each reduced workers' compensation payment shall
81 equal the excess, if any, of the workers' compensation payment over
82 the old age insurance benefits.]

This act shall take effect as follows:

Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>

LAB

Joint Favorable Subst. C/R

APP