



General Assembly

**Amendment**

February Session, 2004

LCO No. 2980

\*HB0505102980HDO\*

Offered by:  
REP. RYAN, 139<sup>th</sup> Dist.

To: House Bill No. 5051

File No. 476

Cal. No. 322

**"AN ACT CONCERNING PORTAL-TO-PORTAL WORKERS'  
COMPENSATION COVERAGE FOR CERTAIN HAZARDOUS DUTY  
EMPLOYEES."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. "Sec. 501. Subsection (a) of section 31-280 of the general  
4 statutes is repealed and the following is substituted in lieu thereof  
5 (*Effective October 1, 2004*):

6 (a) There shall continue to be a chairman of the Workers'  
7 Compensation Commission selected by the Governor as provided in  
8 section 31-276. The chairman may not hear any matter arising under  
9 this chapter, except appeals brought before the Compensation Review  
10 Board and except as provided in subdivision (14) of subsection (b) of  
11 this section and subsections (c) and (e) of section 31-308, as amended  
12 by this act. The chairman shall prepare the forms used by the  
13 commission, shall have custody of the insurance coverage cards, shall  
14 prepare and keep a list of self-insurers, shall prepare the annual report

15 to the Governor and shall publish, when necessary, bulletins showing  
16 the changes in the compensation law, with annotations to the  
17 Connecticut cases. The chairman shall be provided with sufficient staff  
18 to assist [him] in the performance of [his] the chairman's duties. The  
19 chairman may, within available appropriations, appoint acting  
20 compensation commissioners on a per diem basis from among former  
21 workers' compensation commissioners or qualified members of the bar  
22 of this state. Any acting compensation commissioner appointed under  
23 this subsection shall be paid on a per diem basis in an amount to be  
24 determined by the Commissioner of Administrative Services, subject to  
25 the provisions of section 4-40, and shall have all the powers and duties  
26 of compensation commissioners. The Workers' Compensation  
27 Commission shall not be construed to be a commission or board  
28 subject to the provisions of section 4-9a, as amended.

29 Sec. 502. Subsection (c) of section 31-308 of the general statutes is  
30 repealed and the following is substituted in lieu thereof (*Effective*  
31 *October 1, 2004*):

32 (c) In addition to compensation for total or partial incapacity or for a  
33 specific loss of a member or use of the function of a member of the  
34 body, the [commissioner] chairman, not earlier than one year from the  
35 date of the injury and not later than two years from the date of the  
36 injury or the surgery date of the injury, may award compensation  
37 equal to seventy-five per cent of the average weekly earnings of the  
38 injured employee, calculated pursuant to section 31-310, after such  
39 earnings have been reduced by any deduction for federal or state taxes,  
40 or both, and for the federal Insurance Contributions Act made from  
41 such employee's total wages received during the period of calculation  
42 of the employee's average weekly wage pursuant to said section 31-  
43 310, but not more than one hundred per cent, raised to the next even  
44 dollar, of the average weekly earnings of production and related  
45 workers in manufacturing in the state, as determined in accordance  
46 with the provisions of section 31-309, for up to two hundred eight  
47 weeks, for any permanent significant disfigurement of, or permanent  
48 significant scar on [, (A) the face, head or neck, or (B) on any other area

49 of the body which handicaps the employee in obtaining or continuing  
50 to work] any area of the body. The [commissioner] chairman may not  
51 award compensation under this subsection when the disfigurement  
52 was caused solely by the loss of or the loss of use of a member of the  
53 body for which compensation is provided under subsection (b) of this  
54 section or for any scar resulting from an inguinal hernia operation or  
55 any spinal surgery. In making any award under this subsection, the  
56 [commissioner] chairman shall consider (1) the location of the scar or  
57 disfigurement, (2) the size of the scar or disfigurement, (3) the visibility  
58 of the scar or disfigurement due to hyperpigmentation or  
59 depigmentation, whether hypertrophic or keloidal, (4) whether the  
60 scar or disfigurement causes a tonal or textural skin change, causes  
61 loss of symmetry of the affected area or results in noticeable bumps or  
62 depressions in the affected area, and (5) other relevant factors.  
63 [Notwithstanding the provisions of this subsection, no compensation  
64 shall be awarded for any scar or disfigurement which is not located on  
65 (A) the face, head or neck, or (B) any other area of the body which  
66 handicaps the employee in obtaining or continuing to work.] In  
67 addition to the requirements contained in section 31-297, the  
68 [commissioner] chairman shall provide written notice to the employer  
69 prior to any hearing held by the [commissioner] chairman to consider  
70 an award for any scar or disfigurement under this subsection. The  
71 chairman may review recommendations from a commissioner  
72 concerning an award for any scar or disfigurement under this  
73 subsection, but discretion for determining awards under this  
74 subsection shall be vested solely in the chairman.

75 Sec. 503. Section 31-308 of the general statutes is amended by adding  
76 subsection (e) as follows (*Effective October 1, 2004*):

77 (NEW) (e) In addition to compensation for total or partial  
78 incapacity, or for a specific loss of a member or use of the function of a  
79 member of the body, or for significant disfigurement or permanent  
80 significant scarring, the chairman may award compensation for the  
81 loss of a member or organ or the complete and permanent loss of use  
82 of a member or organ not otherwise referred to in subsection (b) of this

83 section. The chairman shall determine the amount and duration of  
84 such compensation, taking into consideration (1) the disabling effect of  
85 the loss of or loss of function of the member or organ involved, and (2)  
86 the necessity of the member or organ or the complete functioning of  
87 the member or organ with respect to the entire body, but in no case  
88 shall the chairman award more than five hundred twenty weeks of  
89 compensation under the provisions of this subsection. The chairman  
90 may review recommendations from a commissioner concerning an  
91 award of compensation for the loss of a member or organ or the  
92 complete and permanent loss of use of a member or organ not  
93 otherwise referred to in subsection (b) of this section, but discretion for  
94 determining awards under this subsection shall be vested solely in the  
95 chairman."