



General Assembly

**Amendment**

February Session, 2004

LCO No. 4629

\*HB0534004629SD0\*

Offered by:

SEN. PRAGUE, 19<sup>th</sup> Dist.

SEN. SMITH, 14<sup>th</sup> Dist.

SEN. CAPPIELLO, 24<sup>th</sup> Dist.

To: Subst. House Bill No. 5340

File No. 324

Cal. No. 383

**"AN ACT CONCERNING LUMP SUM PAYMENTS UNDER THE WORKERS' COMPENSATION ACT."**

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

3 "Sec. 501. Subdivision (16) of subsection (a) of section 31-236 of the  
4 general statutes is repealed and the following is substituted in lieu  
5 thereof (*Effective October 1, 2004*):

6 (16) For purposes of subparagraph (B) of subdivision (2) of this  
7 subsection, "wilful misconduct" means deliberate misconduct in wilful  
8 disregard of the employer's interest, or a single knowing violation of a  
9 reasonable and uniformly enforced rule or policy of the employer,  
10 when reasonably applied, provided such violation is not a result of the  
11 employee's incompetence and provided further, in the case of absence  
12 from work, "wilful misconduct" means an employee must be absent  
13 without either good cause for the absence or notice to the employer

14 which the employee could reasonably have provided under the  
15 circumstances for three separate instances or for a total of six days  
16 within an eighteen-month period. For purposes of subdivision (15) of  
17 this subsection, "temporary help service" means any person  
18 conducting a business that consists of employing individuals directly  
19 for the purpose of furnishing part-time or temporary help to others;  
20 and "temporary employee" means an employee assigned to work for a  
21 client of a temporary help service.

22 Sec. 502. Subsection (g) of section 31-227 of the general statutes is  
23 repealed and the following is substituted in lieu thereof (*Effective*  
24 *October 1, 2004*):

25 (g) With respect to benefit years beginning on or after October 1,  
26 1981, for any week with respect to which an individual is receiving a  
27 pension, which shall include a governmental or other pension,  
28 retirement or retired pay, annuity, or any other similar periodic  
29 payment, under a plan maintained or contributed to by a base period  
30 employer, the weekly benefit rate payable to such individual for such  
31 week shall be reduced by the prorated weekly amount of the pension.  
32 [Where] If contributions were made to the pension plan by the  
33 individual, the prorated weekly pension amount shall be reduced by  
34 the proportion [which] that such individual's contributions bear to the  
35 total of all payments for such individual into the plan, except that if the  
36 pension is paid under the Social Security Act, the individual's  
37 contributions to the plan shall reduce the prorated weekly pension  
38 amount by one hundred per cent. If, as a result of the reduction made  
39 under the provisions of this subsection, the individual's weekly benefit  
40 rate is not a whole dollar amount, the weekly benefit rate payable to  
41 such individual shall be the next lower whole dollar amount. No  
42 reduction shall be made under this subsection by reason of the receipt  
43 of a pension, except in the case of pensions paid under the Social  
44 Security Act or the Railroad Retirement Act of 1974, if the services  
45 performed by the individual during the base period for such employer,  
46 or remuneration received for such services, did not affect the  
47 individual's eligibility for, or increase the amount of, such pension,

48 retirement or retired pay, annuity, or similar payment."