



General Assembly

January Session, 2005

Raised Bill No. 6639

LCO No. 2803

02803_____LAB

Referred to Committee on Labor and Public Employees

Introduced by:
(LAB)

**AN ACT CONCERNING CERTAIN PAYMENTS AWARDED UNDER
THE WORKERS' COMPENSATION ACT.**

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

1 Section 1. Subsection (a) of section 31-308a of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

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

17 has been reduced by any deduction for federal or state taxes, or both,
18 and for the federal Insurance Contributions Act in accordance with
19 section 31-310, to be determined by the commissioner based upon the
20 nature and extent of the injury, the training, education and experience
21 of the employee, the availability of work for persons with such
22 physical condition and at the employee's age, but not more than one
23 hundred per cent, raised to the next even dollar, of the average weekly
24 earnings of production and related workers in manufacturing in the
25 state, as determined in accordance with the provisions of section 31-
26 309. The commissioner shall also consider the amount of any disability
27 retirement benefits the employee is receiving from any employer
28 whose workers' compensation liability is self-insured under chapter
29 568 and whose disability retirement benefits are self-funded and
30 administered by the Connecticut State Employees Retirement
31 Commission pursuant to subsection (c) of section 5-155a, and shall
32 offset any amount that would result in the employee's receiving a
33 combined benefit greater than the wages the employee would have
34 earned had the employee continued in the position held prior to the
35 injury. If evidence of exact loss of earnings is not available, such loss
36 may be computed from the proportionate loss of physical ability or
37 earning power caused by the injury. The duration of such additional
38 compensation shall be determined upon a similar basis by the
39 commissioner, but in no event shall the duration of such additional
40 compensation exceed the lesser of (1) the duration of the employee's
41 permanent partial disability benefits, or (2) five hundred twenty
42 weeks. Additional benefits provided under this section shall be
43 available only to employees who are willing and able to perform work
44 in this state.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	31-308a(a)

Statement of Purpose:

To require a workers' compensation commissioner to offset disability retirement benefits from workers' compensation benefits to avoid unnecessary payment of benefits by the state and to prevent imposition of a hardship on workers' compensation claimants who may be forced to repay all or a portion of their excess benefits.

[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.]