



General Assembly

February Session, 2006

Raised Bill No. 25

LCO No. 602

00602_____LAB

Referred to Committee on Labor and Public Employees

Introduced by:
(LAB)

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

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

1 Section 1. Section 31-307 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2006*):

3 (a) If any injury for which compensation is provided under the
4 provisions of this chapter results in total incapacity to work, the
5 injured employee shall be paid a weekly compensation equal to
6 seventy-five per cent of [his] the injured employee's average weekly
7 earnings as of the date of the injury, calculated pursuant to section 31-
8 310, as amended, after such earnings have been reduced by any
9 deduction for federal or state taxes, or both, and for the federal
10 Insurance Contributions Act made from such employee's total wages
11 received during the period of calculation of the employee's average
12 weekly wage pursuant to [said] section 31-310, as amended; but the
13 compensation shall not be more than the maximum weekly benefit rate
14 set forth in section 31-309 for the year in which the injury occurred. No
15 employee entitled to compensation under this section shall receive less
16 than twenty per cent of the maximum weekly compensation rate, as

17 provided in section 31-309, provided the minimum payment shall not
18 exceed seventy-five per cent of the employee's average weekly wage,
19 as determined under section 31-310, as amended, and the
20 compensation shall not continue longer than the period of total
21 incapacity.

22 (b) Notwithstanding the provisions of subsection (a) of this section,
23 any employee who suffers any injury or illness caused by [his] the
24 employer's violation of any health or safety regulation adopted
25 pursuant to chapter 571 or adopted by the federal Occupational Safety
26 and Health Administration and listed in 29 CFR, Chapter XVII, after
27 the violation has been cited in accordance with the provisions of
28 section 31-375 or the provisions of the Occupational Safety and Health
29 Act of 1970, 84 Stat. 1601 (1970), 29 USC 658 and not abated within the
30 time fixed by the citation, provided the citation has not been set aside
31 by appeal to the appropriate agency or court having jurisdiction, shall
32 receive a weekly compensation equal to one hundred per cent of the
33 employee's average weekly earnings at the time of the injury or illness.

34 (c) The following injuries of any person shall be considered as
35 causing total incapacity and compensation shall be paid accordingly:
36 (1) Total and permanent loss of sight of both eyes, or the reduction to
37 one-tenth or less of normal vision; (2) the loss of both feet at or above
38 the ankle; (3) the loss of both hands at or above the wrist; (4) the loss of
39 one foot at or above the ankle and one hand at or above the wrist; (5)
40 any injury resulting in permanent and complete paralysis of the legs or
41 arms or of one leg and one arm; (6) any injury resulting in incurable
42 imbecility or mental illness.

43 (d) An employee who has suffered the loss or loss of the use of one
44 of the members of [his] the body, or part of one of the members of [his]
45 the body, or the reduction of vision in one eye to one-tenth or less of
46 normal vision, shall not receive compensation for the later injury in
47 excess of the compensation allowed for the injury when considered by
48 itself and not in conjunction with the previous incapacity except as

49 provided in this chapter.

50 (e) Notwithstanding any provision of the general statutes, [to the
51 contrary,] compensation paid to an employee for an employee's total
52 incapacity shall be reduced while the employee is entitled to receive
53 and has elected to receive old age insurance benefits pursuant to the
54 federal Social Security Act, except that, where the date of injury is on
55 or after October 1, 2006, such compensation shall not be reduced if the
56 employee was eligible to receive old age insurance benefits pursuant to
57 the federal Social Security Act prior to suffering an injury that arose
58 out of and in the course of such employment. The amount of each
59 reduced workers' compensation payment shall equal the excess, if any,
60 of the workers' compensation payment over the old age insurance
61 benefits.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2006	31-307

Statement of Purpose:

To eliminate the offset of Social Security old age benefits from Workers' Compensation total incapacity benefits for certain individuals.

[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.]