



General Assembly

February Session, 2006

***Raised Bill No. 221***

LCO No. 491

\*00491\_\_\_\_\_LAB\*

Referred to Committee on Labor and Public Employees

Introduced by:  
(LAB)

***AN ACT CONCERNING LIGHT DUTY WORK UNDER THE WORKERS' COMPENSATION ACT.***

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

1 Section 1. Section 31-313 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2006*):

3 (a) For purposes of this section, "suitable" means (1) appropriate to  
4 the physical condition of the injured employee, and (2) to be  
5 performed during work days and hours comparable to those worked  
6 by such employee at the time of the employee's injury.

7 [(a)] (b) (1) Where an employee has suffered a compensable injury  
8 which disables him from performing his customary or most recent  
9 work, his employer at the time of such injury shall transfer him to  
10 suitable full-time work, [suitable to his physical condition] where such  
11 work is available, during the time that the employee is subjected to  
12 medical treatment or rehabilitation or both and until such treatment is  
13 discontinued on the advice of the physician conducting the same or of  
14 the therapist in charge of the rehabilitation program or until the  
15 employee has reached the maximum level of rehabilitation for such

16 worker in the judgment of the commissioner under all of the  
17 circumstances, whichever period is the longest. (2) The commissioner  
18 shall conduct a hearing upon the request of an employee who claims  
19 his employer has not transferred him to such available suitable work.  
20 Whenever the commissioner finds that the employee is so disabled,  
21 and that the employer has failed to transfer the employee to such  
22 available suitable work, he shall order the employer to transfer the  
23 employee to such work.

24 [(b)] (c) The commissioner shall conduct a hearing upon the request  
25 of an employee claiming to be unable to perform his customary or  
26 most recent work because of physical incapacity resulting from an  
27 injury or disease. Whenever the commissioner finds that the employee  
28 has such a physical incapacity, he shall order that the injured worker  
29 be removed from work detrimental to his health or which cannot be  
30 performed by a person so disabled and be assigned to other suitable  
31 full-time work in the employer's establishment, if available; provided  
32 the exercise of this authority shall not conflict with any provision of a  
33 collective bargaining agreement between such employer and a labor  
34 organization which is the collective bargaining representative of the  
35 unit of which the injured worker is a part.

36 [(c)] (d) Whenever the commissioner finds that an employer has  
37 failed to comply with the transfer requirements of subdivision (1) of  
38 subsection [(a)] (b) of this section, or has failed to comply with any  
39 transfer order issued by him pursuant to this section, he may assess a  
40 civil penalty of not more than five hundred dollars against the  
41 employer. Any appeal of a penalty assessed pursuant to this  
42 subsection shall be taken in accordance with the provisions of section  
43 31-301. Any penalties collected under the provisions of this subsection  
44 shall be paid over to the Second Injury Fund or its successor.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2006	31-313

**Statement of Purpose:**

To require light duty work under the Workers' Compensation Act to be offered during days and hours comparable to those worked by the injured employee at the time of the injury.

*[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.]*