



Senate

General Assembly

File No. 82

January Session, 2007

Senate Bill No. 845

Senate, March 20, 2007

The Committee on Labor and Public Employees reported through SEN. PRAGUE of the 19th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

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 Section 31-313 of the general statutes is repealed and the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, 2007*):

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 in the same locality during the same days and hours
6 worked by such employee at the time of the employee's injury, unless
7 otherwise agreed to by the employer and employee.

8 ~~[(a)]~~ (b) (1) Where an employee has suffered a compensable injury
9 which disables him from performing his customary or most recent
10 work, his employer at the time of such injury shall transfer him to
11 suitable full-time work, [suitable to his physical condition] where such
12 work is available, during the time that the employee is subjected to
13 medical treatment or rehabilitation or both and until such treatment is

14 discontinued on the advice of the physician conducting the same or of
15 the therapist in charge of the rehabilitation program or until the
16 employee has reached the maximum level of rehabilitation for such
17 worker in the judgment of the commissioner under all of the
18 circumstances, whichever period is the longest. (2) The commissioner
19 shall conduct a hearing upon the request of an employee who claims
20 his employer has not transferred him to such available suitable work.
21 Whenever the commissioner finds that the employee is so disabled,
22 and that the employer has failed to transfer the employee to such
23 available suitable work, he shall order the employer to transfer the
24 employee to such work.

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

37 [(c)] (d) Whenever the commissioner finds that an employer has
38 failed to comply with the transfer requirements of subdivision (1) of
39 subsection [(a)] (b) of this section, or has failed to comply with any
40 transfer order issued by him pursuant to this section, he may assess a
41 civil penalty of not more than five hundred dollars against the
42 employer. Any appeal of a penalty assessed pursuant to this
43 subsection shall be taken in accordance with the provisions of section
44 31-301. Any penalties collected under the provisions of this subsection
45 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	<i>October 1, 2007</i>	31-313
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LAB *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Dept. of Administrative Services - Workers' Comp. Claims; Various State Agencies	GF - Precludes Cost Saving	Potential Significant	Potential Significant

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 08 \$	FY 09 \$
Various Municipalities	Precludes Cost Saving	Potential Significant	Potential Significant

Explanation

The bill requires that light duty (or restricted duty) work offered to an employee must be in the same locality during the same days and hours worked by the employee at the time of the injury. The bill allows for variation from this requirement if the employer and the employee agree.

The bill will restrict opportunities for recovering employees to return to work, which may preclude a workers' compensation cost savings. If the Department of Administrative Services (DAS) cannot place an employee into the light duty program because of the bill's restrictions, that employee will continue to receive workers' compensation benefits and DAS would not reduce its claim costs, thus precluding DAS from a cost savings.

Approximately 400 injured state employee workers are returned to restricted duty annually. It is estimated that this bill will eliminate restricted duty opportunities for 10% of these injured workers, thus precluding the state from reducing its workers' compensation claim costs.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**SB 845*****AN ACT CONCERNING LIGHT DUTY WORK UNDER THE WORKERS' COMPENSATION ACT.*****SUMMARY:**

This bill requires that "light duty" or restricted work offered to an employee undergoing treatment or rehabilitation for a work-related injury be in the same locality and during the same days and hours that the employee worked at the time of the injury. The bill allows for variation from this requirement if the employer and the employee agree. The law continues to require that the work be suitable to the physical condition of the injured employee.

By law an injured employee, with his doctor's permission, may return to available light-duty work. The employee can lose his workers' compensation benefits if (1) the employer has such work and the employee declines to accept it or (2) the employer does not have suitable work and the employee does not show he searched elsewhere for it.

EFFECTIVE DATE: October 1, 2007

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable

Yea 8 Nay 3 (03/06/2007)