



General Assembly

January Session, 2007

Raised Bill No. 845

LCO No. 3330

03330_____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 Section 31-313 of the general statutes is repealed and the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, 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	October 1, 2007	31-313
-----------	-----------------	--------

Statement of Purpose:

To require light duty work under the Workers' Compensation Act 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.]