



General Assembly

February Session, 2008

**Raised Bill No. 255**

LCO No. 341

\* SB00255LAB 030708 \*

Referred to Committee on Labor and Public Employees

Introduced by:  
(LAB)

**AN ACT CONCERNING ADDITIONAL BENEFITS FOR WAGE LOSS  
UNDER THE WORKERS' COMPENSATION ACT.**

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

1 Section 1. Section 31-308a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2008*):

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

17 the federal Insurance Contributions Act in accordance with section 31-  
18 310, to be determined by the commissioner based upon the nature and  
19 extent of the injury, the training, education and experience of the  
20 employee, the availability of work for persons with such physical  
21 condition and at the employee's age, but not more than one hundred  
22 per cent, raised to the next even dollar, of the average weekly earnings  
23 of production and related workers in manufacturing in the state, as  
24 determined in accordance with the provisions of section 31-309. If  
25 evidence of exact loss of earnings is not available, such loss may be  
26 computed from the proportionate loss of physical ability or earning  
27 power caused by the injury. The duration of such additional  
28 compensation shall be determined upon a similar basis by the  
29 commissioner, but in no event shall the duration of such additional  
30 compensation exceed [the lesser of (1) the duration of the employee's  
31 permanent partial disability benefits, or (2) five hundred twenty  
32 weeks] the maximum number of weeks of compensation allowed  
33 under subsection (b) of section 31-308 for specific loss of the affected  
34 member or use of that member of the body, regardless of the number  
35 of weeks of compensation originally awarded to the employee for such  
36 injury. Additional benefits provided under this section shall be  
37 available only to employees who are willing and able to perform work  
38 in this state.

39 (b) (1) Notwithstanding the provisions of subsection (a) of this  
40 section, additional benefits provided under this section shall be  
41 available only when the nature of the injury and its effect on the  
42 earning capacity of an employee warrant additional compensation.

43 (2) If additional compensation is awarded under subsection (a) of  
44 this section, the commissioner shall state the basis for such award, and  
45 such statement shall include an evaluation of the nature and extent of  
46 the injury, the training, education and experience of the employee and  
47 the availability of work for persons with such physical condition at the  
48 employee's age.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2008</i>	31-308a
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**LAB**      *Joint Favorable*