

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 12-77—sSB 353

Judiciary Committee

Labor and Public Employees Committee

AN ACT CONCERNING THE STATE'S SECOND INJURY FUND

SUMMARY: This act allows the Second Injury Fund to request that a workers' compensation commissioner issue an "attachment" to seize an employer's property to secure payments from the fund. This applies when (1) a person has filed a workers' compensation claim, (2) the employer has not satisfied the requirement to carry insurance or demonstrate other means of paying workers' compensation claims, and (3) it appears the situation may require payment from the Second Injury Fund (see BACKGROUND).

By law, employers are liable for any payments made from the fund, and the state can collect the money by a civil action, any means used to collect taxes, or filing a lien against the employer (CGS §§ 31-355 and -355a). By adding the ability to obtain an attachment, the act allows the fund to secure property to satisfy the employer's obligation to repay the fund. The law already allows a claimant to request an attachment against an employer who has not satisfied the workers' compensation financial requirements to secure payment of his or her claim.

The act also expands the circumstances in which the state treasurer can make a payment from the Second Injury Fund under a stipulated agreement to settle a workers' compensation claim. Previously, she could only do so when it was in the injured employee's best interests. The act also allows these payments (1) when it is in the best interests of the injured employee's dependents or (2) for claims by an employer or insurer regarding death benefits for dependents, cost of living adjustments for claimants suffering long-term total disability, or cases of multiple employers where the Second Injury Fund makes payments to enable the employee to receive full benefits.

EFFECTIVE DATE: October 1, 2012

BACKGROUND

Second Injury Fund

This fund provides workers' compensation insurance coverage to workers whose employers failed to provide it. By law, the fund's custodian can also sue or join an employee's lawsuit.

OLR Tracking: CR:JM:PF:ts:eh