
OLR Bill Analysis

sHB 7141

AN ACT CONCERNING COMPENSATION PAID TO INJURED EMPLOYEES AND THE PARENTS OF A DECEASED EMPLOYEE UNDER THE WORKERS' COMPENSATION ACT.

SUMMARY

This bill makes various changes to workers' compensation benefits and related services.

It removes an administrative law judge's (ALJ) discretion to award temporary partial incapacity benefits instead of permanent, partial disability (PPD) benefits once an injured employee reaches maximum medical improvement (see BACKGROUND). Generally, temporary partial incapacity benefits are 75% of the difference between the employee's net (after tax and Social Security deductions) regular wage and what he or she earns by working at a reduced capacity, but they may be up to 75% of the employee's net regular wage if the employee cannot find suitable employment. PPD benefits vary, and are for the permanent, partial reduction in function or loss of a body part (see BACKGROUND).

The bill increases the duration of PPD benefits for a cervical spine injury that an injured worker may receive from 117 to 208 weeks as of July 1, 2025. Starting on that date, the bill also expands the list of injuries eligible for PPD benefits to include the:

1. intestinal tract (347 weeks),
2. esophagus (180 weeks),
3. trachea (117 weeks),
4. larynx (117 weeks), and
5. diaphragm (117 weeks).

The bill also allows a deceased employee's parents, when there are no dependents for distribution of workers' compensation benefits, to each receive an equal portion of the benefits.

Lastly, the bill establishes a working group to study rehabilitation services available to injured employees under the state's Workers' Compensation Act.

EFFECTIVE DATE: Upon passage

ELIGIBILITY FOR DIFFERENT TYPES OF BENEFITS

The bill requires an ALJ to award PPD benefits to an injured employee who is eligible for them. It removes the ALJ's discretion to instead award temporary partial incapacity benefits. Under existing law, the right to PPD benefits begins after the employee reaches maximum medical improvement for the injury (CGS § 31-295(c)).

Under the bill, if these employees reach maximum medical improvement but their injuries continue to result in total incapacity to work, they remain eligible to receive total incapacity benefits until the period of total incapacity ends.

These provisions apply to any matter (1) filed with the Workers' Compensation Commission on or after July 1, 1993, that is open and pending before the commission when the bill passes or (2) filed with the commission on or after the bill passes.

COMPENSATION UPON AN EMPLOYEE'S DEATH

Under existing law, when employees with no presumptive dependents (such as a spouse or minor children) die due to a work-related accident, anyone who was wholly dependent in fact upon them may receive their workers' compensation benefits. In cases where there are no such dependents, the bill allows for these benefits to be divided equally among the deceased employee's parents.

Under existing law, and unchanged by the bill, these benefits may be paid for up to 312 weeks from the employee's death. Survivors who were wholly dependent in fact must be paid the full benefit rate, and

benefits for those partially dependent in fact must be at least \$20 per week, but no more than the (1) full benefit rate or (2) average weekly amount that the deceased contributed to their support. (The bill does not specify the benefit rate for parents.)

WORKING GROUP

The bill establishes a working group to study rehabilitation services available to injured employees under the state's Workers' Compensation Act. Under the bill, the working group must at least examine:

1. whether the act's provisions adequately fund rehabilitation services for all injured employees and
2. ways to encourage injured employees to use these services (including providing stipends to injured employees who use the services).

Members

The bill requires the working group to include the following members, or their designees:

1. the Judiciary Committee chairpersons and ranking members,
2. the Aging and Disability Services commissioner, and
3. the Workers' Compensation Commission chairperson.

The group also includes the following seven members, jointly appointed by the Judiciary Committee chairpersons:

1. an attorney with expertise in representing claimants appearing before the Workers' Compensation Commission,
2. an attorney with expertise in representing respondents appearing before the commission,
3. a representative of an association representing attorneys in the state,

4. a representative of an association representing trial attorneys in the state,
5. a representative of an association representing workers' compensation insurers in the state,
6. a representative of an association representing business and industry in the state, and
7. a representative of a labor organization.

Under the bill, all initial appointments must be made within 30 days after the bill passes. Any vacancies must be filled by the appointing authority.

Leadership and Meetings

The bill makes the Judiciary Committee chairpersons, or their designees, the working group's chairpersons. Under the bill, they must schedule and hold the group's first meeting within 60 days after the bill passes. The working group must meet at least once per month and at other times as the chairpersons deem necessary.

The bill requires the Judiciary Committee's administrative staff to serve in this capacity for the working group.

Reporting Requirement

Under the bill, the working group must report on its findings and recommendations to the Judiciary Committee by February 1, 2026. The working group must end when it submits its report or on February 1, 2026, whichever is later.

BACKGROUND

Permanent, Partial Disability Benefits

By law, PPD benefits are for the permanent, partial reduction in function or loss of a body part. The worker receives PPD benefits based on the disability rating (a physician's determination of the percentage of the body part that is disabled), the weeks of compensation provided for that body part specified in the law, and the employee's basic

compensation rate. By law, the weeks of compensation range from one (tooth) to 520 (heart, brain, or carotid artery) depending on the body part.

Related Case

In March 2025, the Connecticut Supreme Court ruled in *Gardner v. Dept. of Mental Health & Addiction Services* that Connecticut law gives an ALJ discretion to award a workers' compensation claimant, after they reach maximum medical improvement, ongoing temporary partial incapacity benefits (up to the statutory maximum of 520 weeks) rather than PPD benefits.

Related Bill

HB 6408 (File 302), favorably reported by the Labor and Public Employees Committee, allows surviving family members of an employee to receive compensation for a work-related death when the employee does not have dependents.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 39 Nay 0 (04/10/2025)