

State of Connecticut GENERAL ASSEMBLY STATE CAPITOL HARTFORD, CONNECTICUT 06106-1591

Injured Employee Partial Permanent Disability Payment Working Group Recommendation

Section 1. Sec. 31-308 (b) of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2024*)

With respect to the following injuries, the compensation, in addition to the usual compensation for total incapacity but in lieu of all other payments for compensation, shall be seventy-five per cent of the average weekly earnings of the injured employee, calculated pursuant to section 31-310, after such earnings have been reduced by any deduction for federal or state taxes, or both, and for the federal Insurance Contributions Act made from such employee's total wages received during the period of calculation of the employee's average weekly wage pursuant to said section 31-310, but in no case more than one hundred per cent, raised to the next even dollar, of the average weekly earnings of production and related workers in manufacturing in the state, as determined in accordance with the provisions of section 31-309, or less than fifty dollars weekly. All of the following injuries include the loss of the member or organ and the complete and permanent loss of use of the member or organ referred to:

Member	Weeks of Compensation
Cervical Spine	[117] <mark>208</mark>

Section 2. Sec. 31-308a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2024*)

(a) In addition to the compensation benefits provided by section 31-308 for specific loss of a member or use of the function of a member of the body, or any personal injury covered by this chapter, the administrative law judge, after such payments provided by said section 31-308 have been paid for the period set forth in said section, may award additional compensation benefits for such partial permanent disability equal to seventy-five per cent of the difference between the wages currently earned by an employee in a position comparable to the position held by such injured employee prior to his injury, after such wages have been reduced by any deduction for federal or state taxes, or both, and for the federal Insurance Contributions Act in accordance with section 31-310, and the weekly amount which such employee will probably be able to earn thereafter, after such amount has been reduced by any deduction for federal Insurance Contributions Act in accordance by the administrative law judge based upon the nature and extent of the injury, the training, education and experience of the employee, the availability of work for persons with such physical condition and at the employee's age, but not more than one hundred per cent, raised to the next even dollar, of the average weekly earnings of production and related workers in manufacturing in the state, as determined in accordance with the provisions of

section 31-309. If evidence of exact loss of earnings is not available, such loss may be computed from the proportionate loss of physical ability or earning power caused by the injury. The duration of such additional compensation shall be determined upon a similar basis by the administrative law judge, but in no event shall the duration of such additional compensation exceed the lesser of (1) the duration of the employee's permanent partial disability benefits, or (2) five hundred twenty weeks. Additional benefits provided under this section shall be available only to employees who are willing and able to perform work in this state. The administrative law judge may award an additional benefit up to twice the duration of partial permanent disability benefits awarded if the claimant has applied and met with a vocational rehabilitation counselor.

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

Section 3. Sec. 31-283a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2024*)

(a) The Department of Aging and Disability Services shall provide rehabilitation programs for employees with compensable injuries within the provisions of this chapter, which injuries prevented such employees from performing their customary or most recent work. The Commissioner of Aging and Disability Services shall establish rehabilitation programs which shall best suit the needs of such employees and shall make the programs available in convenient locations throughout the state. After consultation with the Labor Commissioner, the Commissioner of Aging and Disability Services may establish fees for the programs, so as to provide the most effective rehabilitation programs at a minimum rate. In order to carry out the provisions of this section, the Commissioner of Aging and Disability Services shall adopt regulations, in accordance with the provisions of chapter 54, and, subject to the provisions of chapter 67, provide for the employment of necessary assistants.

(b) The Commissioner of Aging and Disability Services shall be authorized to (1) enter into agreements with other state or federal agencies to carry out the purposes of this section and expend money for that purpose, and (2) on behalf of the state of Connecticut, develop matching programs or activities to secure federal grants or funds for the purposes of this section and may pledge or use funds supplied from the administrative costs fund, as provided in section 31-345, to finance the state's share of the programs or activities. (3) expand funding for rehabilitation programs to include stipends for individuals who attend the programs.