



General Assembly

February Session, 2024

***Raised Bill No. 5325***

LCO No. 2263



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

***AN ACT CONCERNING PAYMENTS AND BENEFITS TO INDIVIDUALS WITH PARTIAL PERMANENT DISABILITIES.***

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

1 Section 1. Subsection (b) of section 31-308 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
3 *2024*):

4 (b) With respect to the following injuries, the compensation, in  
5 addition to the usual compensation for total incapacity but in lieu of all  
6 other payments for compensation, shall be seventy-five per cent of the  
7 average weekly earnings of the injured employee, calculated pursuant  
8 to section 31-310, after such earnings have been reduced by any  
9 deduction for federal or state taxes, or both, and for the federal  
10 Insurance Contributions Act made from such employee's total wages  
11 received during the period of calculation of the employee's average  
12 weekly wage pursuant to said section 31-310, but in no case more than  
13 one hundred per cent, raised to the next even dollar, of the average  
14 weekly earnings of production and related workers in manufacturing in  
15 the state, as determined in accordance with the provisions of section 31-

16 309, or less than fifty dollars weekly. All of the following injuries include  
 17 the loss of the member or organ and the complete and permanent loss  
 18 of use of the member or organ referred to:

T1	MEMBER	INJURY	WEEKS OF
T2			COMPENSATION
T3	Arm		
T4	Master arm	Loss at or above elbow	208
T5	Other arm	Loss at or above elbow	194
T6	Hand		
T7	Master hand	Loss at or above wrist	168
T8	Other hand	Loss at or above wrist	155
T9	One leg	Loss at or above knee	155
T10	One foot	Loss at or above ankle	125
T11	Hearing		
T12		Both ears	104
T13		One ear	35
T14	One eye		
T15		Complete and permanent	
T16		loss of sight in, or reduction	
T17		of sight to one-tenth or less	
T18		of normal vision	157
T19	Thumb*		
T20		On master hand	63
T21		On other hand	54
T22	Fingers**		
T23		First finger	36
T24		Second finger	29
T25		Third finger	21
T26		Fourth finger	17
T27	Toes***		
T28		Great toe	28
T29		Other toes	9

T30	Back		Number of weeks
T31			which the
T32			proportion of
T33			incapacity
T34			represents to a
T35			maximum of 374
T36			weeks
T37	Heart		520
T38	Brain		520
T39	Carotid artery		520
T40	Pancreas		416
T41	Liver		347
T42	Stomach		260
T43	Loss of bladder		233
T44	Speech		163
T45	Lung		117
T46	Cervical spine		[117] <u>208</u>
T47	Kidney		117
T48	Rib cage	Bilateral	69
T49	Ovary		35
T50	Testis		35
T51	Mammary		35
T52	Nose	Sense and respiratory function	35
T53	Jaw	Mastication	35
T54	Uterus		35-104
T55	Vagina		35-104
T56	Penis		35-104
T57	Coccyx	Actual removal	35
T58	Sense of smell		17
T59	Sense of taste		17
T60	Spleen	In addition to scar	13
T61	Gall bladder		13
T62	Tooth	Minimum	1
T63	Loss of drainage duct of eye		
T64	(If corrected by prosthesis)		17 for each

T65	Loss of drainage duct of eye	
T66	(If uncorrected by prosthesis)	33 for each
T67	Pelvis	percentage of back

19 \*The loss or loss of use of one phalanx of a thumb shall be construed  
20 as seventy-five per cent of the loss of the thumb.

21 \*\*The loss or loss of use of one phalanx of a finger shall be construed  
22 as fifty per cent of the loss of the finger. The loss of or loss of use of two  
23 phalanges of a finger shall be construed as ninety per cent of the loss of  
24 the finger.

25 \*\*\*The loss or loss of use of one phalanx of a great toe shall be  
26 construed as sixty-six and two-thirds per cent of the loss of the great toe.  
27 The loss of the greater part of any phalanx shall be construed as the loss  
28 of a phalanx and shall be compensated accordingly.

29 If the injury consists of the loss of a substantial part of a member  
30 resulting in a permanent partial loss of the use of a member, or if the  
31 injury results in a permanent partial loss of function, the administrative  
32 law judge may, in the administrative law judge's discretion, in lieu of  
33 other compensation, award to the injured employee the proportion of  
34 the sum provided in this subsection for the total loss of, or the loss of the  
35 use of, the member or for incapacity or both that represents the  
36 proportion of total loss or loss of use found to exist, and any voluntary  
37 agreement submitted in which the basis of settlement is such  
38 proportionate payment may, if otherwise conformable to the provisions  
39 of this chapter, be approved by the administrative law judge in the  
40 administrative law judge's discretion. Notwithstanding the provisions  
41 of this subsection, the complete loss or loss of use of an organ which  
42 results in the death of an employee shall be compensable pursuant only  
43 to section 31-306.

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

46 (a) In addition to the compensation benefits provided by section 31-  
47 308, as amended by this act, for specific loss of a member or use of the  
48 function of a member of the body, or any personal injury covered by this  
49 chapter, the administrative law judge, after such payments provided by  
50 said section 31-308, as amended by this act, have been paid for the  
51 period set forth in said section, may award additional compensation  
52 benefits for such partial permanent disability equal to seventy-five per  
53 cent of the difference between the wages currently earned by an  
54 employee in a position comparable to the position held by such injured  
55 employee prior to [his] the employee's injury, after such wages have  
56 been reduced by any deduction for federal or state taxes, or both, and  
57 for the federal Insurance Contributions Act in accordance with section  
58 31-310, and the weekly amount which such employee will probably be  
59 able to earn thereafter, after such amount has been reduced by any  
60 deduction for federal or state taxes, or both, and for the federal  
61 Insurance Contributions Act in accordance with section 31-310, to be  
62 determined by the administrative law judge based upon the nature and  
63 extent of the injury, the training, education and experience of the  
64 employee, the availability of work for persons with such physical  
65 condition and at the employee's age, but not more than one hundred per  
66 cent, raised to the next even dollar, of the average weekly earnings of  
67 production and related workers in manufacturing in the state, as  
68 determined in accordance with the provisions of section 31-309. If  
69 evidence of exact loss of earnings is not available, such loss may be  
70 computed from the proportionate loss of physical ability or earning  
71 power caused by the injury. The duration of such additional  
72 compensation shall be determined upon a similar basis by the  
73 administrative law judge, but in no event shall the duration of such  
74 additional compensation exceed the lesser of (1) the duration of the  
75 employee's permanent partial disability benefits, or (2) five hundred  
76 twenty weeks. Additional benefits provided under this section shall be  
77 available only to employees who are willing and able to perform work  
78 in this state. The administrative law judge may award an additional  
79 compensation benefit of up to twice the duration of partial permanent  
80 disability benefits awarded if the claimant has applied to participate in

81 a vocational rehabilitation program established pursuant to section 31-  
82 283a, as amended by this act, and has met with a vocational  
83 rehabilitation counselor.

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

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

90 (a) The Department of Aging and Disability Services shall provide  
91 rehabilitation programs for employees with compensable injuries  
92 within the provisions of this chapter, which injuries [prevented] prevent  
93 such employees from performing their customary or most recent work.  
94 The Commissioner of Aging and Disability Services shall establish  
95 rehabilitation programs [which shall] that best suit the needs of such  
96 employees and shall make the programs available in convenient  
97 locations throughout the state. After consultation with the Labor  
98 Commissioner, the Commissioner of Aging and Disability Services may  
99 establish fees for the programs, so as to provide the most effective  
100 rehabilitation programs at a minimum rate. In order to carry out the  
101 provisions of this section, the Commissioner of Aging and Disability  
102 Services shall adopt regulations, in accordance with the provisions of  
103 chapter 54, and, subject to the provisions of chapter 67, provide for the  
104 employment of necessary assistants.

105 (b) The Commissioner of Aging and Disability Services [shall be  
106 authorized to] may (1) enter into agreements with other state or federal  
107 agencies to carry out the purposes of this section and expend money for  
108 that purpose, [and] (2) on behalf of the state of Connecticut, develop  
109 matching programs or activities to secure federal grants or funds for the  
110 purposes of this section and may pledge or use funds supplied from the  
111 administrative costs fund, as provided in section 31-345, to finance the  
112 state's share of the programs or activities, and (3) within available

113 appropriations, expand funding for rehabilitation programs to include  
114 stipends for individuals who attend such programs.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2024</i>	31-308(b)
Sec. 2	<i>July 1, 2024</i>	31-308a
Sec. 3	<i>July 1, 2024</i>	31-283a

**Statement of Purpose:**

To provide supplemental payments and benefits to individuals with partial permanent disabilities.

*[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.]*