



General Assembly

February Session, 2022

Raised Bill No. 5354

LCO No. 2200



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:
(LAB)

AN ACT CONCERNING UNDUE DELAYS IN WORKERS' COMPENSATION.

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

1 Section 1. Subsection (b) of section 31-294c of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July 1,*
3 *2022*):

4 (b) Whenever liability to pay compensation is contested by the
5 employer, he shall file with the administrative law judge, on or before
6 the [twenty-eighth] forty-fifth day after [he] such employee has received
7 a written notice of claim, a notice in accord with a form prescribed by
8 the chairman of the Workers' Compensation Commission stating that
9 the right to compensation is contested, the name of the claimant, the
10 name of the employer, the date of the alleged injury or death and the
11 specific grounds on which the right to compensation is contested. The
12 employer shall send a copy of the notice to the employee in accordance
13 with section 31-321. If the employer or [his] the employer's legal
14 representative fails to file the notice contesting liability on or before the
15 [twenty-eighth] forty-fifth day after he has received the written notice

16 of claim, the employer shall commence payment of compensation for
17 such injury or death on or before the [twenty-eighth] forty-fifth day after
18 he has received the written notice of claim, but the employer may
19 contest the employee's right to receive compensation on any grounds or
20 the extent of his disability within one year from the receipt of the written
21 notice of claim, provided the employer shall not be required to
22 commence payment of compensation when the written notice of claim
23 has not been properly served in accordance with section 31-321 or when
24 the written notice of claim fails to include a warning that (1) the
25 employer, if he has commenced payment for the alleged injury or death
26 on or before the [twenty-eighth] forty-fifth day after receiving a written
27 notice of claim, shall be precluded from contesting liability unless a
28 notice contesting liability is filed within one year from the receipt of the
29 written notice of claim, and (2) the employer shall be conclusively
30 presumed to have accepted the compensability of the alleged injury or
31 death unless the employer either files a notice contesting liability on or
32 before the [twenty-eighth] forty-fifth day after receiving a written notice
33 of claim or commences payment for the alleged injury or death on or
34 before such [twenty-eighth] forty-fifth day. An employer shall be
35 entitled, if he prevails, to reimbursement from the claimant of any
36 compensation paid by the employer on and after the date the
37 administrative law judge receives written notice from the employer or
38 his legal representative, in accordance with the form prescribed by the
39 chairman of the Workers' Compensation Commission, stating that the
40 right to compensation is contested. Notwithstanding the provisions of
41 this subsection, an employer who fails to contest liability for an alleged
42 injury or death on or before the [twenty-eighth] forty-fifth day after
43 receiving a written notice of claim and who fails to commence payment
44 for the alleged injury or death on or before such [twenty-eighth] forty-
45 fifth day, shall be conclusively presumed to have accepted the
46 compensability of the alleged injury or death. If an employer has opted
47 to post an address of where notice of a claim for compensation by an
48 employee shall be sent, as described in subsection (a) of this section, the
49 [twenty-eight-day] forty-five-day period set forth in this subsection
50 shall begin on the date when such employer receives written notice of a

51 claim for compensation at such posted address.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2022</i>	31-294c(b)

Statement of Purpose:

To extend time for employers to file a notice to contest a workers' compensation claim.

[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.]