

2010 -- H 7023

LC00210

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- TEMPORARY DISABILITY
INSURANCE BENEFITS

Introduced By: Representatives Vaudreuil, and Silva

Date Introduced: January 06, 2010

Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 28-41-13 of the General Laws in Chapter 28-41 entitled
2 "Temporary Disability Insurance - Benefits" is hereby amended to read as follows:

3 ~~28-41-13. Disqualification by receipt of unemployment compensation benefits~~
4 Disqualification by receipt of unemployment compensation or in line of duty illness or
5 injury benefits. -- (a) (1) An individual shall be disqualified from receiving benefits during any
6 week with respect to which he or she will receive remuneration in the form of benefits under an
7 unemployment compensation law of any state or of the United States [or remuneration in the form](#)
8 [of benefits under section 45-19-1.](#)

9 (2) Notwithstanding any provisions of chapters 39 -- 41 of this title to the contrary, if an
10 individual has been determined to have been paid temporary disability benefits and/or
11 dependents' allowances under chapters 39 -- 41 of this title, for the same week or weeks with
12 respect to which the individual was entitled to receive line of duty illness or injury benefits under
13 section 45-19-1, that individual shall, at the discretion of the city, town or fire district, be liable to
14 have that sum deducted from any benefits payable to him or her under section 45-19-1 for the
15 same week or weeks, to reimburse the city, town or fire district.

16 ~~(2)~~ (3) Notwithstanding any provisions of chapters 39 -- 41 of this title to the contrary, an
17 individual receiving unemployment compensation and who is injured while unemployed and who
18 is then denied unemployment compensation as a result of those injuries, shall, if otherwise

1 eligible, be entitled to receive temporary disability insurance benefits without serving a waiting
2 period as required in section 28-41-12.

3 (b) Notwithstanding any provisions of chapters 39 -- 41 of this title to the contrary, if an
4 individual has been determined to have been paid unemployment compensation benefits and/or
5 dependents' allowances under chapters 42 -- 44 of this title; for the same week or weeks with
6 respect to which the individual was entitled to receive temporary disability insurance benefits
7 and/or dependents' allowances under chapters 39 -- 41 of this title, that individual shall, at the
8 discretion of the director, be liable to have that sum deducted from any benefits payable to him or
9 her under chapters 39 -- 41 of this title for the same week or weeks, to reimburse the director for
10 the employment security fund.

11 (c) Nothing in this section shall be interpreted to disqualify any worker, who is receiving
12 benefits under section 45-19-1, from also receiving temporary disability benefits and/or
13 dependent's allowances under chapter 39-41 of this title, for a disability which prevents them
14 from working their second job, in which benefits under section 45-19-1 are not available. Said
15 temporary disability benefits rate shall be determined solely based upon the wages earned at the
16 second job.

17 SECTION 2. This act shall take effect upon passage.

=====
LC00210
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO LABOR AND LABOR RELATIONS – TEMPORARY DISABILITY
INSURANCE BENEFITS

1 This act would prevent injured in the line of duty personnel who receive full pay and
2 benefits for their work related disability from simultaneously receiving temporary disability
3 insurance benefits. However, if they are also unable to perform the duties of their second job,
4 they would still be eligible to receive temporary disability insurance benefits if they are available
5 through that job.

6 This act would take effect upon passage.

=====
LC00210
=====