

2011 -- S 0130

LC00540

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATNG TO WORKERS COMPENSATION - BENEFITS

Introduced By: Senator Roger Picard

Date Introduced: January 27, 2011

Referred To: Senate Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 28-33-20.1 of the General Laws in Chapter 28-33 entitled  
2 "Workers' Compensation - Benefits" is hereby amended to read as follows:

3 **28-33-20.1. Computation of earnings for recurrence -- Burden of employee to**  
4 **establish recurrence.** -- (a) In the event a person collecting benefits under this chapter,  
5 regardless of the date of injury, has returned to employment for a period of twenty-six (26) weeks  
6 or more and suffers a recurrence of the injury which precipitated the person collecting benefits  
7 under this chapter, the average weekly wage shall be ascertained by dividing the gross wages  
8 earned by the injured worker in employment by the employer in whose service he or she is  
9 injured during the thirteen (13) calendar weeks immediately preceding the week in which he or  
10 she suffered the recurrence, by the number of calendar weeks during which, or any portion of  
11 which, the worker was actually employed by that employer. In making this computation, absence  
12 for seven (7) consecutive calendar days, although not in the same calendar week, shall be  
13 considered as absence for a calendar week.

14 (b) For all petitions filed to prove recurrence or decrease of incapacity to work,  
15 regardless of the date of injury, ~~the employee must document that the incapacity has increased or~~  
16 ~~returned without the need for the employee~~ neither party shall be required to document a  
17 comparative change of condition.

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATNG TO WORKERS COMPENSATION - BENEFITS

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- 1           This act would provide that in all workers' compensation petitions for recurrence or
- 2 decrease of incapacity to work that neither party shall be required to document a comparative
- 3 change of condition.

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