

2010 -- S 2387

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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: Senators Ruggerio, McCaffrey, Lynch, P Fogarty, and Ciccone

Date Introduced: February 11, 2010

Referred To: Senate Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 28-41-6 of the General Laws in Chapter 28-41 entitled "Temporary
2 Disability Insurance - Benefits" is hereby amended to read as follows:

3 **28-41-6. Effect on waiting period credit and benefits of receipt of workers'**
4 **compensation payments.** -- (a) No individual shall be entitled to receive waiting period credit
5 benefits or dependents' allowances with respect to which benefits are paid or payable to that
6 individual under any workers' compensation law of this state, any other state, or the federal
7 government, on account of any disability caused by accident or illness. In the event that workers'
8 compensation benefits are subsequently awarded to an individual, whether on a weekly basis or
9 as a lump sum, for a week or weeks with respect to which that individual has received waiting
10 period credit, benefits, or dependents' allowances, under chapters 39 -- 41 of this title, the
11 director, for the temporary disability insurance fund, shall be subrogated to that individual's rights
12 in that award to the extent of the amount of benefits and/or dependents' allowances paid to him or
13 her under those chapters.

14 (b) (1) Whenever an employer or his or her insurance carrier has been notified that an
15 individual has filed a claim for unemployment due to sickness for any week or weeks under
16 chapters 39 -- 41 of this title for which week or weeks that individual is or may be eligible for
17 benefits under chapters 29 -- 38 of this title, that notice shall constitute a lien upon any pending
18 award, order, or settlement to that individual under chapters 29 -- 38 of this title.

1 (2) The employer, ~~or~~ his insurance carrier or employee shall be required to reimburse the
2 director, for the temporary disability insurance fund, the amount of benefits and/or dependents'
3 allowances received by the individual under chapters 39 -- 41 of this title, for any week or weeks
4 for which that award, order, or settlement is made.

5 (c) Whenever an individual becomes entitled to or is awarded workers' compensation
6 benefits for the same week or weeks with respect to which he has waiting period credit and/or
7 received benefits and/or dependents' allowances under chapters 39 -- 41 of this title, and notice of
8 that receipt has been given to the division of workers' compensation of the department of labor
9 and training and/or the workers' compensation court, the division or court is required to and shall
10 incorporate in the award, order, or approval of settlement, an order requiring the employer or his
11 or her insurance carrier to reimburse the director, for the temporary disability insurance fund, the
12 amount of any disability benefits and/or dependents' allowances which may have been paid to the
13 employee for unemployment due to sickness for those weeks under chapters 39 -- 41 of this title.

14 Nothing in this section shall be construed to deny benefits under this chapter to
15 individuals who receive a lump sum settlement pursuant to section 28-33-25, and subsequently
16 apply for benefits under this chapter, if sickness or illness is materially different from the one for
17 which the individual was paid workers' compensation, is not affected by said injury and/or the
18 medical condition did not result from the injury for which the employee was paid workers'
19 compensation benefits

20 (d) If, through inadvertence, error, or mistake, an individual has received waiting period
21 credit and/or benefit payments and/or dependents' allowances for any week or weeks under
22 chapters 39 -- 41 of this title, and has also received payments for the same week or weeks under
23 any workers' compensation law of this state, any other state, or of the federal government, he or
24 she shall, in the discretion of the director of the department of labor and training, be liable to have
25 that sum deducted from any benefits payable to him or her under chapters 39 -- 41 of this title, or
26 shall be liable to repay to the director, for the temporary disability insurance fund, a sum equal to
27 that amount received, and that sum shall be collectible in the manner provided in section 28-40-
28 12 for the collection of past due contributions.

29 (e) Notwithstanding any other provision of this section, no individual who, prior to
30 September 1, 1969, has sustained an injury by reason of which he or she may be eligible for
31 benefits under chapters 29-38 of this title shall be deprived of any rights which he or she may
32 have under chapters 39 -- 41 of this title.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO LABOR AND LABOR RELATIONS – TEMPORARY DISABILITY
INSURANCE BENEFITS

1 This act would allow individuals who receive workers' compensation benefits and/or a
2 lump sum settlement to also be eligible for waiting period credits benefits or dependents'
3 allowances under the applicable provisions of the general laws, providing that the injury and/or
4 medical condition did not result from the injury for which the individual was paid workers'
5 compensation benefits.

6 This act would take effect upon passage.

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