



General Assembly

February Session, 2022

**Raised Bill No. 5250**

LCO No. 1664



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:  
(LAB)

**AN ACT CONCERNING MINOR AND TECHNICAL CHANGES TO THE WORKERS' COMPENSATION ACT.**

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

1 Section 1. Subdivision (10) of section 31-275 of the 2022 supplement  
2 to the general statutes is repealed and the following is substituted in lieu  
3 thereof (*Effective from passage*):

4 (10) "Employer" means any person, corporation, limited liability  
5 company, firm, partnership, voluntary association, joint stock  
6 association, the state and any public corporation within the state using  
7 the services of one or more employees for pay, or the legal  
8 representative of any such employer, but all contracts of employment  
9 between an employer employing persons excluded from the definition  
10 of employee and any such employee shall be conclusively presumed to  
11 include the following mutual agreements between employer and  
12 employee: (A) That the employer may accept and become bound by the  
13 provisions of this chapter by immediately complying with section 31-  
14 284; (B) that, if the employer accepts the provisions of this chapter, the  
15 employee shall then be deemed to accept and be bound by such

16 provisions unless the employer neglects or refuses to furnish  
17 immediately to the employee, on his or her written request, evidence of  
18 compliance with section 31-284 in the form of a certificate from the  
19 administrative law judge, the Insurance Commissioner or the insurer,  
20 as the case may be; (C) that the employee may, at any time, withdraw  
21 his or her acceptance of, and become released from, the provisions of  
22 this chapter by giving written or printed notice of his or her withdrawal  
23 to the [administrative law judge] chairperson and to the employer, and  
24 the withdrawal shall take effect immediately from the time of its service  
25 on the [administrative law judge] chairperson and the employer; and  
26 (D) that the employer may withdraw his or her acceptance and the  
27 acceptance of the employee by filing a written or printed notice of his or  
28 her withdrawal with the [administrative law judge] chairperson and  
29 with the employee, and the withdrawal shall take effect immediately  
30 from the time of its service on the [administrative law judge]  
31 chairperson and the employee. The notices of acceptance and  
32 withdrawal to be given by an employer employing persons excluded  
33 from the definition of employee and the notice of withdrawal to be given  
34 by the employee, as provided in this subdivision, shall be served upon  
35 the [administrative law judge] chairperson, employer or employee,  
36 [either by personal presentation or by registered or certified mail] in  
37 accordance with section 31-321, as amended by this act. In determining  
38 the number of employees employed by an individual, the employees of  
39 a partnership of which he is a member shall not be included. A person  
40 who is the sole proprietor of a business may accept the provisions of this  
41 chapter by notifying the [administrative law judge] chairperson, in  
42 writing, of his or her intent to do so. If such person accepts the  
43 provisions of this chapter he shall be considered to be an employer and  
44 shall insure his or her full liability in accordance with subdivision (2) of  
45 subsection (b) of section 31-284. Such person may withdraw his or her  
46 acceptance by giving notice of his or her withdrawal, in writing, to the  
47 [administrative law judge] chairperson. Any person who is a partner in  
48 a business shall be deemed to have accepted the provisions of this  
49 chapter and shall insure his or her full liability in accordance with  
50 subdivision (2) of subsection (b) of section 31-284, unless the partnership

51 elects to be excluded from the provisions of this chapter by notice, in  
52 writing and by signed agreement of each partner, to the [administrative  
53 law judge] chairperson.

54 Sec. 2. Subsection (a) of section 31-294c of the general statutes is  
55 repealed and the following is substituted in lieu thereof (*Effective from*  
56 *passage*):

57 (a) No proceedings for compensation under the provisions of this  
58 chapter shall be maintained unless a written notice of claim for  
59 compensation is given within one year from the date of the accident or  
60 within three years from the first manifestation of a symptom of the  
61 occupational disease, as the case may be, which caused the personal  
62 injury, provided, if death has resulted within two years from the date of  
63 the accident or first manifestation of a symptom of the occupational  
64 disease, a dependent or dependents, or the legal representative of the  
65 deceased employee, may make claim for compensation within the two-  
66 year period or within one year from the date of death, whichever is later.  
67 Notice of claim for compensation may be given to the employer or any  
68 administrative law judge and shall state, in simple language, the date  
69 and place of the accident and the nature of the injury resulting from the  
70 accident, or the date of the first manifestation of a symptom of the  
71 occupational disease and the nature of the disease, as the case may be,  
72 and the name and address of the employee and of the person in whose  
73 interest compensation is claimed. An employee of the state shall send a  
74 copy of the notice to the Commissioner of Administrative Services. An  
75 employee of a municipality shall send a copy of the notice to the town  
76 clerk of the municipality in which he or she is employed. An employer,  
77 other than the state or a municipality, may opt to post a copy of where  
78 notice of a claim for compensation shall be sent by an employee in the  
79 workplace location where other labor law posters required by the Labor  
80 Department are prominently displayed. In addition, an employer,  
81 opting to post where notice of a claim for compensation by an employee  
82 shall be sent, shall forward the address of where notice of a claim for  
83 compensation shall be sent to the Workers' Compensation Commission  
84 and the commission shall post such address on its Internet web site. An

85 employer shall be responsible for verifying that information posted at a  
86 workplace location is consistent with the information posted on the  
87 commission's Internet web site. If an employee, other than an employee  
88 of the state or a municipality, opts to mail to his or her employer the  
89 written notice of a claim for compensation required under the  
90 provisions of this section, such written notice shall be sent by the  
91 employee to the employer [by certified mail] in accordance with section  
92 31-321, as amended by this act. As used in this section, "manifestation of  
93 a symptom" means manifestation to an employee claiming  
94 compensation, or to some other person standing in such relation to him  
95 that the knowledge of the person would be imputed to him, in a manner  
96 that is or should be recognized by him as symptomatic of the  
97 occupational disease for which compensation is claimed.

98 Sec. 3. Subsection (b) of section 31-296 of the 2022 supplement to the  
99 general statutes is repealed and the following is substituted in lieu  
100 thereof (*Effective from passage*):

101 (b) Before discontinuing or reducing payment on account of total or  
102 partial incapacity under any such agreement, the employer or the  
103 employer's insurer, if it is claimed by or on behalf of the injured  
104 employee that such employee's incapacity still continues, shall notify  
105 the administrative law judge and the employee, [by certified mail] in  
106 accordance with section 31-321, as amended by this act, of the proposed  
107 discontinuance or reduction of such payments. Such notice shall specify  
108 the reason for the proposed discontinuance or reduction and the date  
109 such proposed discontinuance or reduction will commence. No  
110 discontinuance or reduction shall become effective unless specifically  
111 approved in writing by the administrative law judge. The employee  
112 may request a hearing on any such proposed discontinuance or  
113 reduction not later than fifteen days after receipt of such notice. Any  
114 such request for a hearing shall be given priority over requests for  
115 hearings on other matters. The administrative law judge shall not  
116 approve any such discontinuance or reduction prior to the expiration of  
117 the period for requesting a hearing or the completion of such hearing,  
118 whichever is later. In any case where the administrative law judge finds

119 that an employer has discontinued or reduced any payments made in  
 120 accordance with this section without the approval of the administrative  
 121 law judge, such employer shall be required to pay to the employee the  
 122 total amount of all payments so discontinued or the total amount by  
 123 which such payments were reduced, as the case may be, and shall be  
 124 required to pay interest to the employee, at a rate of one and one-quarter  
 125 per cent per month or portion of a month, on any payments so  
 126 discontinued or on the total amount by which such payments were  
 127 reduced, as the case may be, plus reasonable attorney's fees incurred by  
 128 the employee in relation to such discontinuance or reduction.

129 Sec. 4. Section 31-321 of the general statutes is repealed and the  
 130 following is substituted in lieu thereof (*Effective from passage*):

131 Unless otherwise specifically provided, or unless the circumstances  
 132 of the case or the rules of the commission direct otherwise, any notice  
 133 required under this chapter to be served upon an employer, employee,  
 134 [or] administrative law judge or the chairperson shall be by written or  
 135 printed notice, service personally or by registered or certified mail  
 136 addressed to the person upon whom it is to be served at the person's  
 137 last-known residence or place of business. Notices on behalf of a minor  
 138 shall be given by or to such minor's parent or guardian or, if there is no  
 139 parent or guardian, then by or to such minor.

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|---|---------------------|------------|
| This act shall take effect as follows and shall amend the following sections: |                     |            |
| Section 1   | <i>from passage</i> | 31-275(10) |
| Sec. 2  | <i>from passage</i> | 31-294c(a) |
| Sec. 3  | <i>from passage</i> | 31-296(b)  |
| Sec. 4  | <i>from passage</i> | 31-321     |

**Statement of Purpose:**

To make minor and technical changes to the Workers' Compensation Act.

*[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.]*

