

2013 -- S 0228

LC00694

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

A N A C T

RELATING TO LABOR AND LABOR RELATIONS - WORKERS' COMPENSATION -
BENEFITS

Introduced By: Senator Roger Picard

Date Introduced: February 06, 2013

Referred To: Senate Labor

It is enacted by the General Assembly as follows:

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

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

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

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO LABOR AND LABOR RELATIONS - WORKERS' COMPENSATION -
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1 This act would relieve the employee from the burden, when seeking to prove a recurrence
2 of a work-related incapacity to work and the need to document a comparative change of medical
3 condition.

4 This act would take effect upon passage.

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