

2016 -- S 2649

LC004855

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

A N A C T

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

Introduced By: Senators Lombardo, Conley, and Archambault

Date Introduced: February 25, 2016

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

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- 1           This act would relieve any party who files a workers' compensation petition alleging an
- 2 employee's recurrence of decrease of capacity to work of their former obligation to document a
- 3 comparative change of their medical condition.
- 4           This act would take effect upon passage.

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