

2012 -- H 8076

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LC02430
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO LABOR AND LABOR RELATIONS - TEMPORARY DISABILITY
INSURANCE BENEFITS

Introduced By: Representatives Williams, Edwards, Carnevale, Fellela, and Hull

Date Introduced: April 24, 2012

Referred To: House 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 Provided, however, that nothing herein shall be construed to deny benefits or waiting
15 period credit benefits or dependents' allowances under this chapter to individuals who receive a
16 lump sum settlement pursuant to section 28-33-25 and subsequently apply for benefits under this
17 chapter as long as the sickness or illness is materially different from the one for which the
18 individual was paid workers' compensation, is not affected by said injury and/or the medical

1 [condition did not result from the injury for which the employee was paid workers' compensation](#)
2 [benefits.](#)

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

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

12 (c) Whenever an individual becomes entitled to or is awarded workers' compensation
13 benefits for the same week or weeks with respect to which he has received benefits and/or
14 dependents' allowances under chapters 39 -- 41 of this title, and notice of that receipt has been
15 given to the division of workers' compensation of the department of labor and training and/or the
16 workers' compensation court, the division or court is required to and shall incorporate in the
17 award, order, or approval of settlement, an order requiring the employer or his or her insurance
18 carrier to reimburse the director, for the temporary disability insurance fund, the amount of any
19 disability benefits and/or dependents' allowances which may have been paid to the employee for
20 unemployment due to sickness for those weeks under chapters 39 -- 41 of this title. Nothing
21 herein shall be construed to deny benefits under this chapter to individuals who receive a lump
22 sum settlement pursuant to section 28-33-25 and subsequently apply for benefits under this
23 chapter as long as the sickness or illness is materially different from the one for which the
24 individual was paid workers' compensation, is not affected by said injury and/or the medical
25 condition did not result from the injury for which the employee was paid workers' compensation
26 benefits.

27 (d) If, through inadvertence, error, or mistake, an individual has received benefit
28 payments and/or dependents' allowances for any week or weeks under chapters 39 -- 41 of this
29 title, and has also received payments for the same week or weeks under any workers'
30 compensation law of this state, any other state, or of the federal government, he or she shall, in
31 the discretion of the director of the department of labor and training, be liable to have that sum
32 deducted from any benefits payable to him or her under chapters 39 -- 41 of this title, or shall be
33 liable to repay to the director, for the temporary disability insurance fund, a sum equal to that
34 amount received, and that sum shall be collectible in the manner provided in section 28-40-12 for

1 the collection of past due contributions.

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

6 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 a lump sum settlement from workers'
2 compensation to subsequently apply for temporary disability benefits, waiting period credit and
3 dependents' allowances as long as the sickness or illness is materially different from the one for
4 which the individual was paid workers' compensation.

5 This act would take effect upon passage.

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