

By Mr. Bassett of Lynn, petition of the AFSCME, Council 93, AFL-CIO, Timothy A. Bassett, Thomas R. Lussier and Nicholas J. Buglione relative to the workmen's compensation law of the Commonwealth. Commerce and Labor.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Two.

AN ACT RELATIVE TO THE WORKMEN'S COMPENSATION LAW OF THE COMMONWEALTH.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 69 of Chapter 152 of the General Laws is hereby amend-
2 ed by inserting after the last paragraph the following: —

3 It shall be unlawful for any employer covered by this section to
4 deny re-employment to any employee (1) who has sustained a
5 work-related illness or injury which has caused an interruption of
6 not more than five years in his service for the employer; (2) who has
7 been certified by a physician designated by the Massachusetts
8 Rehabilitation Commission or the Industrial Accident Board to be
9 fit to perform the duties of the position he held at the time of the
10 illness or injury; and (3) who has notified the employer in writing
11 within fifteen days of being certified fit to return to said position
12 that he desires to return to work.

13 Such employees must be offered employment in the same or
14 similar position which they held at the time of the work-related
15 injury or illness within thirty days of notification to the employer
16 that the employee desires reinstatement.

17 Any employee unlawfully denied reinstatement to which he is
18 entitled under this section may bring an action in the district court
19 in any judicial district in which the employer does business seeking
20 reinstatement and any back pay lost as a result of the unlawful
21 denial of reinstatement by the employer.

22 For purposes of this section, an injury or illness shall be deemed
23 to be work related if (1) the injury or illness has been adjudged as
24 work related by the Industrial Accident Board; (2) compensation
25 has been paid as a result of the injury or illness by a self-insured
26 employer, or by a Workmen's Compensation carrier; or (3) a
27 Workmen's Compensation claim has been settled, prior to adjudi-
28 cation, and such settlement does not include a stipulation that the
29 injury or illness was not work related.