

By Mr. Serra of Boston, petition of Emanuel G. Serra, John E. McDonough, Albert Herren and another that provision be made for cost-of-living increases for persons receiving compensation under the workmen's compensation law. Commerce and Labor.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING COST OF LIVING INCREASES.

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

1 Chapter 152 of the General Laws is hereby amended by inserting
2 after Section 36A the following section:

3 *Section 36B.* The weekly compensation rate of persons receiv-
4 ing compensation pursuant to Section 31, Section 34 and 34A shall
5 be adjusted October 1, 1986 and each October first thereafter as
6 follows:

7 (A) The weekly compensation rate of each employee entitled to
8 receive compensation under Section 34 and Section 34A as a result
9 of an injury on or after October 1, 1985, which totally disables such
10 employee continuously or intermittently for any period extending
11 to the following October first or thereafter shall be adjusted annu-
12 ally as of the following October first and each subsequent October
13 first to provide such employee with a cost-of-living adjustment
14 determined as follows:

15 On October first, 1986, and each October first thereafter, if the
16 Massachusetts average weekly wage determined in accordance
17 with subsection (A) of Section 29 of Chapter 151A is greater than
18 the Massachusetts average weekly wage prevailing as of the preced-
19 ing October first, the weekly compensation rate shall be increased
20 by the dollar amount of such increase in the Massachusetts average
21 weekly wage. Such adjustment shall apply to each payment under
22 Section 34 or Section 34A made in the next succeeding twelve-
23 month period.

24 No cost-of-living adjustment under this section shall be due on

25 any October first to any employees whose date of injury is less than
26 ninety (90) days before such October first.

27 (B) The weekly compensation rate of any person entitled to
28 receive compensation under section 31 as a result of the death of an
29 employee resulting from an injury after October 1, 1985, shall be
30 adjusted annually as of the following October first and each
31 October first thereafter to provide any such person with a cost-of-
32 living adjustment determined as follows:

33 On October 1, 1986, and each October first thereafter if the
34 Massachusetts average weekly wage determined in accordance
35 with subsection (A) of Section 29 of Chapter 151A is greater than
36 the Massachusetts average weekly wage prevailing as of the preced-
37 ing October first, the weekly compensation rate shall be increased
38 by the dollar amount of such increase in the Massachusetts average
39 weekly wage. Such adjustment shall apply to each payment under
40 Section 31 in the next succeeding twelve-month period.

41 (C) The weekly compensation rate of each employee entitled to
42 receive compensation under Section 34 or Section 34A as a result
43 of any injury sustained prior to October 1, 1985, which totally
44 disables employee continuously or intermittently for a period
45 extending to October 1, 1986 or thereafter shall be adjusted as of
46 October 1, 1986 and thereafter as provided in subsection (A) of this
47 section. The cost of such adjustment shall be paid by the insurer
48 who shall be reimbursed from the Compensation Assurance Fund
49 as provided in section 64A.

50 (D) The weekly compensation rate of each person entitled to
51 receive compensation under Section 31 as a result of the death of an
52 employee resulting from an injury sustained prior to October 1,
53 1985 shall be adjusted as of October 1, 1986 and thereafter as
54 provided in subsection (B) of this section. The cost of such adjust-
55 ment shall be paid by the insurer who shall be reimbursed from the
56 Compensation Assurance Fund as provided in Section 64A.