

# HOUSE . . . . . No. 3340

By Mr. Flaherty of Cambridge, petition of Charles F. Flaherty, Jr., for legislation to clarify the employment by prospective employers of handicapped persons. Commerce and Labor.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty.

AN ACT TO CLARIFY THE EMPLOYMENT OR REEMPLOYMENT BY A PROSPECTIVE EMPLOYER OF HANDICAPPED PEOPLE.

*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 37 of Chapter 152 of the General Laws is hereby  
2 amended by striking out paragraph one as enacted by Chapter 855  
3 of the Acts of 1973, and inserting in place thereof the following  
4 paragraph.

5 Whenever an employee who has a known physical impairment  
6 which is due to any previous accident, disease or any congenital  
7 condition and is, or is likely to be, a hindrance or obstacle to his  
8 being employed or hired by a subsequent employer, and who, in the  
9 course of and arising out of his employment, receives a personal  
10 injury for which compensation is required by this chapter and  
11 which results in disability that is substantially greater by reason of  
12 the combined effects of such impairment and subsequent personal  
13 injury than that disability which would have resulted from the  
14 subsequent personal injury alone, the insurer or self-insurer shall  
15 pay all compensation provided by this chapter. Such insurer or  
16 self-insurer shall, however, be reimbursed by the state treasurer  
17 from the fund created by section sixty-five in the amount not to  
18 exceed fifty per cent of all compensation subsequent to that paid  
19 for the first one hundred and four weeks of disability.

