

By Mr. Serra of Boston, petition of Emanuel G. Serra that provision be made for cost-of-living increases for persons receiving compensation under the workers' compensation law. Commerce and Labor.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety.

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
4 receiving compensation pursuant to Section 31, Section 34 and
5 34A shall be adjusted October 1, 1986 and each October first
6 thereafter as follows:

7 (A) The weekly compensation rate of each employee entitled
8 to receive compensation under Section 34 and Section 34A as a
9 result of an injury on or after October 1, 1985, which totally
10 disables such employee continuously or intermittently for any
11 period extending to the following October first or thereafter shall
12 be adjusted annually as of the following October first and each
13 subsequent October first to provide such employee with a cost-
14 of-living adjustment 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
19 preceding October first, the weekly compensation rate shall be
20 increased by the dollar amount of such increase in the
21 Massachusetts average weekly wage. Such adjustment shall apply
22 to each payment under Section 34 of Section 34A made in the
23 next succeeding twelve-month period.

24 No cost-of-living adjustment under this section shall be due on
25 any October first to any employee 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
29 an employee resulting from an injury after October 1, 1985, shall
30 be adjusted annually as of the following October first and each
31 October first thereafter to provide any such person with a cost-
32 of-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
37 preceding October first, the weekly compensation rate shall be
38 increased by the dollar amount of such increase in the
39 Massachusetts average weekly wage. Such adjustment shall apply
40 to each payment under Section 31 in the next succeeding twelve-
41 month period.

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

51 (D) The weekly compensation rate of each person entitled to
52 receive compensation under Section 31 as a result of the death
53 of an employee resulting from an injury sustained prior to October
54 1, 1985 shall be adjusted as of October 1, 1986 and thereafter as
55 provided in subsection (B) of this section. The cost of such
56 adjustment shall be paid by the insurer who shall be reimbursed
57 from the Compensation Assurance Fund as provided in section
58 64A.