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By Mr. Atkins, a petition (accompanied by bill, Senate, No. 887) of Chester G. Atkins for legislation to increase the responsibilities of the state personnel administrator and state agencies over the administration of workmen's compensation for state employees. Public Service.

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## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Six.

AN ACT INCREASING THE RESPONSIBILITIES OF THE STATE PERSONNEL ADMINISTRATOR AND STATE AGENCIES OVER THE ADMINISTRATION OF WORKMEN'S COMPENSATION FOR STATE EMPLOYEES.

*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 1. Chapter 7 of the General Laws is hereby amend-  
2 ed by inserting after section 28A the following new section:—  
3 *Section 28B.* It shall be the further duty of said administra-  
4 tor to discharge the responsibilities imposed upon him by chap-  
5 ter one hundred and fifty-two relative to workmen's compen-  
6 sation for state employees. He shall maintain a continuing re-  
7 view of the entitlement of such employees who are receiving  
8 benefits under said chapter to continue to receive such benefits  
9 and to inform the division of industrial accidents wherever he  
10 finds that the requirements of said chapter are not being met,  
11 subject, however, to the provisions of section twenty-nine of  
12 said chapter. For such purposes the administrator shall have  
13 authority to inquire into the condition of any such employee,  
14 to require a physical examination whenever he deems it neces-  
15 sary, in accordance with section forty-five of chapter one hun-  
16 dred and fifty-two, and to refer any case to the attorney gen-  
17 eral whenever, in his judgment, further investigation is desira-  
18 ble. Workmen's compensation agents of the several boards,  
19 commissions and departments shall provide such information  
20 or other assistance as the administrator may require to carry  
21 out any of the duties imposed on him by this section.

1 SECTION 2. Section 58 of chapter 30 of the General Laws as  
2 most recently amended by section 70 of chapter 801 of the acts

3 of 1963 is hereby amended by striking out the first three para-  
4 graphs and inserting in place thereof the following:—

5 *Section 58.* Any employee of the commonwealth eligible to  
6 receive workmen's compensation under *this chapter* or chapter  
7 one hundred and fifty-two who sustains injuries while in the  
8 employ of the commonwealth shall be granted leave of absence  
9 with pay for each working day he is absent from his duties  
10 because of such injuries until any accrued sick leave credits  
11 shall have been exhausted, and except as hereinafter provided,  
12 additional leave of absence until he returns to work or until he  
13 is qualified for disability retirement benefits or until the ex-  
14 piration of one year, whichever occurs first, provided, how-  
15 ever, the personnel administrator shall annually review the  
16 case of any such employee on leave of absence in order to de-  
17 termine whether his eventual return to work is probable. If  
18 the administrator has reason to believe that such employee  
19 will not be able to return to work, he shall ask the industrial  
20 accident board to review the case, and if said board shall de-  
21 termine that the disability of such employee is permanent and  
22 total, the administration shall forthwith submit to the  
23 state retirement board an application for the retirement  
24 of such employee as provided by section sixteen of chapter  
25 thirty-two.

26 In the case of any such employee on additional leave of ab-  
27 sence who subsequently becomes able to return to work, he  
28 shall be restored to the position which he held immediately  
29 prior to such disability. Such restoration shall be made without  
30 impairment of his civil service status or tenure under section  
31 nine A of chapter thirty and without loss of seniority, retire-  
32 ment, or other rights to which uninterrupted service in such  
33 prior position would have entitled him. Nothing in this para-  
34 graph shall affect the right of an employee to continued com-  
35 pensation, subject to the provisions of section twenty-nine.

36 If the industrial accident board accepts jurisdiction over the  
37 case the employee shall be credited with the proportionate part  
38 of sick leave credits represented by the workmen's compensa-  
39 tion paid and used during the period prior to such acceptance  
40 by said board.

41 In the event that the industrial accident board has failed to

42 act with respect to any employee before his sick leave has been  
43 exhausted, in the case of an employee who has been continu-  
44 ously employed by the commonwealth for at least one year, he  
45 shall continue to be paid in anticipation of workmen's compen-  
46 sation at two-thirds of his salary until said board has accepted  
47 jurisdiction of his case and thereafter in accordance with this  
48 section and chapter one hundred and fifty-two, or until said  
49 board has refused to accept jurisdiction; an employee who has  
50 been continuously employed by the commonwealth for less  
51 than one year shall cease to be paid after his accrued sick  
52 leave and overtime credits or vacation leave have been ex-  
53 hausted, but be restored to the payroll on leave of absence with  
54 workmen's compensation if said board accepts jurisdiction of  
55 his case. All amounts due as workmen's compensation from  
56 the date of injury of any employee shall be accounted for as  
57 workmen's compensation in accordance with section sixty-nine  
58 B of said chapter one hundred and fifty-two.

1 SECTION 3. Chapter 152 of the General Laws is hereby  
2 amended by striking out section 69A and inserting in place  
3 thereof the following: —

4 *Section 69A.* No compensation shall be paid by the common-  
5 wealth under this chapter without the previous written con-  
6 sent of the attorney general or, in the case of state employees,  
7 the personnel administrator or an order of the division or mem-  
8 ber thereof, and no such order shall be entered until said ad-  
9 ministrator or the attorney general has been given an op-  
10 portunity to appear and be heard in behalf of the common-  
11 wealth. Said administrator shall forthwith notify the depart-  
12 ment or agency in which the employee is employed, and the  
13 comptroller, of such consent or order.

1 SECTION 4. Said chapter 152 is hereby further amended by  
2 striking out section 69B, as most recently amended by chap-  
3 ter 174 of the acts of 1955, and inserting in place thereof the  
4 following: —

5 *Section 69B.* Payments of compensation by the common-  
6 wealth under this chapter following the consent or order re-  
7 quired by section sixty-nine A shall be included in the regular  
8 payroll of the department or agency in which the employee is

9 employed, following notification of such consent or order as  
10 provided in section sixty-nine A, shall be separately accounted  
11 for, and shall be charged to the regular appropriation for the  
12 maintenance of such department or agency.

13 Payments of medical or other expenses or fees by the com-  
14 monwealth under this chapter, following such consent or or-  
15 der, shall be made only upon vouchers bearing the certification  
16 of the division and shall be charged to any appropriation to  
17 said division. Said administrator shall cause to be periodically  
18 made such examinations and investigations as may assist in  
19 determining whether [or not the injured employee is still  
20 incapacitated and whether] such payment for medical or other  
21 expenses or fees are due under this chapter.

1 SECTION 5. This act shall take effect on July first, nineteen  
2 hundred and seventy-seven.