

SECOND REGULAR SESSION

# SENATE BILL NO. 1079

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BURLISON.

Read 1st time February 27, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5642S.011

## AN ACT

To repeal sections 287.170 and 287.180, RSMo, and to enact in lieu thereof two new sections relating to the electronic transfer of workers' compensation benefits.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 287.170 and 287.180, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 287.170 and 287.180, to read as follows:

287.170. 1. For temporary total disability the employer shall pay compensation for not more than four hundred weeks during the continuance of such disability at the weekly rate of compensation in effect under this section on the date of the injury for which compensation is being made. The amount of such compensation shall be computed as follows:

(1) For all injuries occurring on or after September 28, 1983, but before September 28, 1986, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the injured employee's average weekly earnings as of the date of the injury; provided that the weekly compensation paid under this subdivision shall not exceed an amount equal to seventy percent of the state average weekly wage, as such wage is determined by the division of employment security, as of the July first immediately preceding the date of injury;

(2) For all injuries occurring on or after September 28, 1986, but before August 28, 1990, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the injured employee's average weekly earnings as of the date of the injury; provided that the weekly compensation paid under this subdivision shall not exceed an amount equal to seventy-five percent of the state

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

19 average weekly wage, as such wage is determined by the division of employment  
20 security, as of the July first immediately preceding the date of injury;

21 (3) For all injuries occurring on or after August 28, 1990, but before  
22 August 28, 1991, the weekly compensation shall be an amount equal to sixty-six  
23 and two-thirds percent of the injured employee's average weekly earnings as of  
24 the date of the injury; provided that the weekly compensation paid under this  
25 subdivision shall not exceed an amount equal to one hundred percent of the state  
26 average weekly wage;

27 (4) For all injuries occurring on or after August 28, 1991, the weekly  
28 compensation shall be an amount equal to sixty-six and two-thirds percent of the  
29 injured employee's average weekly earnings as of the date of the injury; provided  
30 that the weekly compensation paid under this subdivision shall not exceed an  
31 amount equal to one hundred five percent of the state average weekly wage;

32 (5) For all injuries occurring on or after September 28, 1981, the weekly  
33 compensation shall in no event be less than forty dollars per week.

34 2. Temporary total disability payments shall be made to the claimant by  
35 check, or other negotiable [instruments approved by the director which will not  
36 result in delay in payment] **instrument, or by electronic transfer or other**  
37 **manner authorized by the claimant**, and shall be forwarded directly to the  
38 claimant without intervention, or, when requested, to claimant's attorney if  
39 represented, except as provided in section 454.517, by any other party except by  
40 order of the division of workers' compensation.

41 3. An employee is disqualified from receiving temporary total disability  
42 during any period of time in which the claimant applies and receives  
43 unemployment compensation.

44 4. If the employee is terminated from post-injury employment based upon  
45 the employee's post-injury misconduct, neither temporary total disability nor  
46 temporary partial disability benefits under this section or section 287.180 are  
47 payable. As used in this section, the phrase "post-injury misconduct" shall not  
48 include absence from the workplace due to an injury unless the employee is  
49 capable of working with restrictions, as certified by a physician.

50 5. If an employee voluntarily separates from employment with an  
51 employer at a time when the employer had work available for the employee that  
52 was in compliance with any medical restriction imposed upon the employee within  
53 a reasonable degree of medical certainty as a result of the injury that is the  
54 subject of a claim for benefits under this chapter, neither temporary total

55 disability nor temporary partial disability benefits available under this section  
56 or section 287.180 shall be payable.

287.180. 1. For temporary partial disability, compensation shall be paid  
2 during such disability but not for more than one hundred weeks, and shall be  
3 sixty-six and two-thirds percent of the difference between the average earnings  
4 prior to the accident and the amount which the employee, in the exercise of  
5 reasonable diligence, will be able to earn during the disability, to be determined  
6 in view of the nature and extent of the injury and the ability of the employee to  
7 compete in an open labor market. The amount of such compensation shall be  
8 computed as follows:

9 (1) For all injuries occurring on or after September 28, 1983, but before  
10 September 28, 1986, the weekly compensation shall be an amount equal to  
11 sixty-six and two-thirds percent of the injured employee's average weekly  
12 earnings as of the date of injury; provided that the weekly compensation paid  
13 under this subdivision shall not exceed an amount equal to seventy percent of the  
14 state average weekly wage, as such wages are determined by the division of  
15 employment security, as of the July first immediately preceding the date of  
16 injury;

17 (2) For all injuries occurring on or after September 28, 1986, but before  
18 August 28, 1990, the weekly compensation shall be an amount equal to sixty-six  
19 and two-thirds percent of the injured employee's average weekly earnings as of  
20 the date of the injury; provided that the weekly compensation paid under this  
21 subdivision shall not exceed an amount equal to seventy-five percent of the state  
22 average weekly wage, as such wage is determined by the division of employment  
23 security, as of the July first immediately preceding the date of injury;

24 (3) For all injuries occurring on or after August 28, 1990, but before  
25 August 28, 1991, the weekly compensation shall be an amount equal to sixty-six  
26 and two-thirds percent of the injured employee's average weekly earnings as of  
27 the date of the injury; provided that the weekly compensation paid under this  
28 subdivision shall not exceed an amount equal to one hundred percent of the state  
29 average weekly wage;

30 (4) For all injuries occurring on or after August 28, 1991, the weekly  
31 compensation shall be an amount equal to sixty-six and two-thirds percent of the  
32 injured employee's average weekly earnings as of the date of the injury; provided  
33 that the weekly compensation paid under this subdivision shall not exceed an  
34 amount equal to one hundred five percent of the state average weekly wage.

35           2. Temporary partial disability payments shall be made to the claimant  
36 by check, or other negotiable instrument [approved by the director which will not  
37 result in delay in payment], **or by electronic transfer or other manner**  
38 **authorized by the claimant.**

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