

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas *As Engrossed: S3/5/13 S4/8/13 S4/16/13*

2 89th General Assembly

A Bill

3 Regular Session, 2013

SENATE BILL 515

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5 By: Senators Bledsoe, Hester, Bookout, A. Clark, J. Dismang, J. English, Files, J. Hendren, Hickey, D.

6 Sanders, G. Stubblefield, J. Woods

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For An Act To Be Entitled

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AN ACT TO RESTORE THE LAW AND CONSISTENCY IN

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TEMPORARY TOTAL DISABILITY BENEFIT DETERMINATIONS AND

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EMPLOYEE MISCONDUCT AS A BASIS FOR *TERMINATION UNDER*

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THE WORKERS' COMPENSATION LAW THAT RESULTED FROM

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INITIATED MEASURE 4 OF 1948; AND FOR OTHER PURPOSES.

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Subtitle

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TO RESTORE CONSISTENCY IN TEMPORARY TOTAL

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DISABILITY BENEFIT AND EMPLOYEE

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MISCONDUCT DETERMINATIONS AFTER

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TERMINATION UNDER INITIATED MEASURE 4 OF

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1948.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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SECTION 1. Arkansas Code § 11-9-521(a), concerning worker's

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compensation for total *disability under the Workers' Compensation Law that*

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resulted from Initiated Measure 4 of 1948, is amended to read as follows:

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~~(a) An employee who sustains a permanent compensable injury scheduled~~

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~~in this section shall receive, in addition to compensation for temporary~~

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~~total and temporary partial benefits during the healing period or until the~~

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~~employee returns to work, whichever occurs first, weekly benefits in the~~

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~~amount of the permanent partial disability rate attributable to the injury,~~

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~~for that period of time set out in the following schedule~~

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(a)(1) An employee who sustains a compensable injury scheduled in this

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section is entitled to temporary total benefits, temporary partial benefits,



1 or both during the healing period if the employer does not offer work within
 2 the employee's medical restrictions arising from the injury.

3 (2)(A) When an employee is terminated for misconduct and the
 4 employer has work available within the former employee's medical restrictions
 5 from the workers' compensation injury, the former employee is not entitled to
 6 temporary total or temporary partial disability benefits during the healing
 7 period in which the misconduct occurred.

8 (B) For purposes of subdivision (a)(2)(A), the employer
 9 has the burden of proof by a preponderance of the evidence.

10 (3) An employee who sustains a permanent compensable injury
 11 scheduled in this section is entitled to weekly benefits in the amount of the
 12 permanent partial disability rate attributable to the injury for the time set
 13 out in the following schedule:

14 ~~(1)~~(A) Arm amputated at the elbow, or between the elbow
 15 and shoulder, two hundred forty-four (244) weeks;

16 ~~(2)~~(B) Arm amputated between the elbow and wrist, one
 17 hundred eighty-three (183) weeks;

18 ~~(3)~~(C) Leg amputated at the knee, or between the knee and
 19 the hip, one hundred eighty-four (184) weeks;

20 ~~(4)~~(D) Leg amputated between the knee and the ankle, one
 21 hundred thirty-one (131) weeks;

22 ~~(5)~~(E) Hand amputated, one hundred eighty-three (183)
 23 weeks;

24 ~~(6)~~(F) Thumb amputated, seventy-three (73) weeks;

25 ~~(7)~~(G) First finger amputated, forty-three (43) weeks;

26 ~~(8)~~(H) Second finger amputated, thirty-seven (37) weeks;

27 ~~(9)~~(I) Third finger amputated, twenty-four (24) weeks;

28 ~~(10)~~(J) Fourth finger amputated, nineteen (19) weeks;

29 ~~(11)~~(K) Foot amputated, one hundred thirty-one (131)
 30 weeks;

31 ~~(12)~~(L) Great toe amputated, thirty-two (32) weeks;

32 ~~(13)~~(M) Toe other than great toe amputated, eleven (11)
 33 weeks;

34 ~~(14)~~(N) Eye enucleated, in which there was useful vision,
 35 one hundred five (105) weeks;

36 ~~(15)~~(O) Loss of hearing of one ear, forty-two (42) weeks;

