

1 IN THE HOUSE

BY MR. TAYLOR

2

HOUSE BILL NO. 148

3

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4

TWENTY-THIRD SESSION

5

A BILL

6 For an Act entitled: "An Act authorizing certain amounts to be
7 paid employee by the employer when the em-
8 ployee suffers temporary total or partial
9 disability; limiting payments to an em-
10 ployee for a period no to exceed 24 months
11 from the date of injury; extending the time
12 within which to present a claim for an in-
13 jury under the Workmen's Compensation Law;
14 amending Sec. 43-3-1, ACLA 1949, as amended
15 by Ch. 60, SLA 1953, as amended by Ch. 141,
16 SLA 1955; and Sec. 43-3-4, ACLA 1949."

17 BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

18 Section 1. Sec. E of Sec. 43-3-1, ACLA 1949, as amended by
19 Ch. 60, SLA 1953, as amended by Ch. 141, SLA 1955, is hereby
20 further amended to read as follows:

21 E. TEMPORARY DISABILITY. For all injuries causing
22 temporary total disability, the employer shall pay the em-
23 ployee, during the period of such disability, sixty-five per
24 centum (65%) of his daily average wages [.] earned within
25 the week immediately preceding the date the injury occurred
26 but in no event shall [S] such compensation for temporary
27 total disability [SHALL NOT] exceed the sum of \$100 per week.
28 [AND S] Such compensation shall be paid for and within a
29 period of [TEMPORARY TOTAL DISABILITY SHALL NOT EXCEED] not

1 to exceed twenty-four months from and after the date of in-
2 jury.

3 For all injuries causing temporary partial disability
4 the Board shall fix the compensation to be paid by the em-
5 ployer to the injured employee during the period of dis-
6 ability and such compensation shall not exceed sixty per
7 centum (60%) of his daily average wages earned within the
8 week immediately preceding the date the injury occurred but
9 in no event shall such compensation exceed Ninety-five Dol-
10 lars (\$95.00) per week. Such compensation shall be paid for
11 and within a period not to exceed twenty-four months from
12 and after the date of injury. And in all cases, other than
13 those relating to temporary disability, where the injury de-
14 velops or proves to be such as to entitle the employee to
15 compensation under some other provision in this Act, the
16 amount so paid or due him under the provision in this
17 schedule shall be in addition to the amount to which he is
18 otherwise entitled. /AND IN ALL CASES WHERE THE INJURY DE-
19 VELOPS OR PROVES TO BE SUCH AS TO ENTITLE THE EMPLOYEE TO
20 COMPENSATION UNDER SOME PROVISION IN THIS SCHEDULE, RELAT-
21 ING TO CASES OTHER THAN TEMPORARY DISABILITY, THE AMOUNT SO
22 PAID OR DUE HIM SHALL BE IN ADDITION TO THE AMOUNT TO WHICH
23 HE SHALL BE ENTITLED UNDER SUCH PROVISION IN THIS SCHEDULE.7

24 Payment for such temporary disability shall be made at
25 the time compensation is customarily paid for labor performed
26 or services rendered at the plant or establishment of the em-
27 ployer liable therefor and not less than once a month in any
28 event.

29 THE AVERAGE DAILY WAGE EARNING CAPACITY OF AN INJURED

1 EMPLOYEE IN CASE OF TEMPORARY DISABILITY SHALL BE DETERMINED
2 BY HIS ACTUAL EARNINGS IF SUCH ACTUAL EARNINGS FAIRLY AND
3 REASONABLY REPRESENT HIS DAILY WAGE EARNING CAPACITY. IF
4 SUCH EARNINGS DO NOT FAIRLY AND REASONABLY REPRESENT HIS
5 DAILY WAGE EARNING CAPACITY, THE INDUSTRIAL BOARD SHALL FIX
6 SUCH DAILY WAGE EARNING CAPACITY AS SHALL BE REASONABLE AND
7 HAVE A DUE REGARD FOR THE NATURE OF HIS INJURY, THE EXTENT
8 OF TEMPORARY IMPAIRMENT, HIS USUAL EMPLOYMENT AND ANY OTHER
9 FACTOR OR CIRCUMSTANCE IN THE CASE WHICH MAY AFFECT HIS
10 CAPACITY TO EARN WAGES IN HIS TEMPORARY DISABLED CONDITION

11 Sec. 2. Sec. 43-3-4, ACLA 1949, is hereby amended to read as
12 follows:

13 Sec. 43-3-4. MODIFICATION OF COMPENSATION: CONTINUING
14 JURISDICTION: EFFECT OF REVIEW UPON PAYEES ALREADY PAID:
15 LIMITATION OF TIME. If an injured employee is entitled to
16 compensation under any subdivision or part of this schedule,
17 and it shall afterwards develop that he or she is or was en-
18 titled to a higher rate of compensation under same or some
19 other part of subdivision of this schedule, then and in that
20 event he or she shall receive such higher rate, after first
21 deducting the amount that has already been paid him or her.
22 To that end the Industrial Board is hereby given and granted
23 continuing jurisdiction of every claim, and said Board may,
24 at any time and upon its own motion or on application, re-
25 view any agreement, award, decision or order, and, on such
26 review, may make an order or award ending, diminishing or in-
27 creasing the compensation previously awarded, ordered, or
28 agreed to, subject to the maximum or minimum provided in
29 this Act. No such review shall affect such award, order or

1 settlement as regards any moneys already paid, except that
2 an award or order increasing the compensation rate may be
3 made effective from date of injury, and except that if any
4 part of the compensation due or to become due is unpaid an
5 award or order decreasing the compensation rate may be made
6 effective from the date of injury, and any payments made
7 prior thereto in excess of such decreased rate shall be de-
8 ducted from any unpaid compensation, in such manner and by
9 such methods as may be determined by the Industrial Board;
10 provided, however, that no compensation under such increased
11 rate shall be paid unless the disability entitling the em-
12 ployee thereto shall develop and claim be presented within
13 five (5) ~~THREE (3)~~ years after the injury,
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29