

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

SENATE BILL NO. 151

BY: HOOPER

AS INTRODUCED

AN ACT RELATING TO WORKERS' COMPENSATION; AMENDING 85 O.S. 1981, SECTION 41.1, WHICH RELATES TO DEDUCTIONS FROM PERMANENT OR PARTIAL PERMANENT AWARDS; AUTHORIZING CREDITS AGAINST CERTAIN AWARDS; PROHIBITING CREDIT UNDER CERTAIN CONDITIONS; PROVIDING FOR REPAYMENT OF CREDIT AT A SPECIFIED RATE OF INTEREST TO CERTAIN TERMINATED EMPLOYEE TERMINATED UNDER CERTAIN CONDITION; CLARIFYING APPLICATION OF CERTAIN PROVISIONS TO COLLECTIVE BARGAINING AGREEMENTS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 85 O.S. 1981, Section 41.1, is amended to read as follows:

Section 41.1 A. In the event salary or any other remuneration is paid in lieu of temporary total compensation during the period of temporary total disability or for any other period of time, no respondent or insurance carrier shall be allowed to deduct from the amount of the award for permanent or partial permanent disability any amounts paid for temporary total disability, nor shall he be given credit for such additional payments on future temporary total

disability, permanent partial disability, disfigurement, or any other compensation provided by the workers' compensation law.

B. 1. Any employer voluntarily providing salary or other remuneration to an injured employee in an amount over and above the statutory maximum for temporary total disability benefits may request and receive credit on such surplus payments against any subsequent award for permanent partial disability benefits.

2. The credit shall not be allowed in those cases where the employee is terminated for inability to perform assigned duties due to a compensable accidental injury or occupational disease within one (1) year of the date the order for permanent partial disability benefits is sent to the parties in the case. If the employee is terminated within one (1) year of the date the order for permanent partial disability benefits is sent to the parties in the case, the employee may request and shall receive the amount credited to the employer plus interest at a rate of eighteen percent (18%) per annum.

3. The credit for the surplus payment shall not be allowed in those cases where the parties present a final settlement to the Court as provided in Section 84 of this title.

4. If any payments are paid from any plan, fund or insurance policy to which the employee has made monetary contributions, the employer shall not be allowed any such credit.

C. Nothing in this section shall alter, amend or negate any provision of a collective bargaining agreement between an employer and an employee who is seeking benefits pursuant to this section.

SECTION 2. This act shall become effective September 1, 1991.