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HOUSE BILL 1606

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State of Washington

58th Legislature

2003 Regular Session

By Representative Conway; by request of Department of Labor & Industries

Read first time 02/03/2003. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to calculating the amount of total disability and  
2 death benefits under Title 51 RCW; amending RCW 51.08.178, 51.28.040,  
3 51.32.050, and 51.32.060; and reenacting and amending RCW 51.32.090.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 51.08.178 and 1988 c 161 s 12 are each amended to read  
6 as follows:

7 (1) For the purposes of this title, the monthly wages the worker  
8 was receiving from all employment at the time of injury shall be the  
9 basis upon which compensation is computed unless otherwise provided  
10 specifically in the statute concerned.

11 (2)(a) The term "wages" shall include:

12 (i) The gross cash wages paid by the employer for services  
13 performed. "Cash wages" means payment in cash, by check, by electronic  
14 transfer or by other means made directly to the worker before any  
15 mandatory deductions required by state or federal law.

16 (ii) Tips to the extent that they are reported to the employer for  
17 federal income tax purposes.

18 (iii) The average monthly value of any bonus received from the

1 employer in the twelve months immediately preceding the worker's injury  
2 or occupational disease.

3 (iv) The reasonable value of board, housing, and fuel received from  
4 the employer as part of the contract of hire. This subsection  
5 (2)(a)(iv) shall not apply during any period in which the employer  
6 continues to provide the worker with the same level of board, housing,  
7 and fuel that was provided at the time of injury or disease  
8 manifestation.

9 (b) The term "wages" does not include fringe benefits. "Fringe  
10 benefits" includes, but is not limited to, employer payments for, or  
11 contributions to a retirement or pension plan, life insurance,  
12 training, long-term disability, social security, profit sharing, stock  
13 option, savings account plan, or other employee or beneficiary benefit  
14 plan.

15 (c) Medical, dental, and vision benefits provided by the employer  
16 of injury to a worker shall be included as wages under subsection (3)  
17 of this section. The amount and value of these wages is fixed as of  
18 the date the worker applies for benefits under this title. For claims  
19 filed on or after the effective date of this act, the value of these  
20 wages is fixed at three hundred seventy-three dollars per month.

21 (i) The fixed value of the medical, dental, and vision benefits  
22 under this subsection (2)(c) shall be adjusted annually on July 1st to  
23 reflect changes in the prior calendar year average of the medical  
24 portion of the national consumer price index for all urban consumers.  
25 This adjusted figure shall only be used to determine the value of these  
26 benefits for new claims filed by workers.

27 (ii) The amount and value of medical, vision, and dental insurance  
28 under this subsection shall not be added to the worker's wages for any  
29 period in which the worker continues to receive the same level of  
30 medical, vision, and dental insurance that were provided to the worker  
31 at the time of the injury or disease manifestation from any past or  
32 current employment with any employer.

33 (3) Except as provided in subsection (4) of this section, in cases  
34 where the worker's wages are not fixed by the month, they shall be  
35 determined by multiplying the daily wage the worker was receiving at  
36 the time of the injury:

37 (a) By five, if the worker was normally employed one day a week;

38 (b) By nine, if the worker was normally employed two days a week;

1 (c) By thirteen, if the worker was normally employed three days a  
2 week;

3 (d) By eighteen, if the worker was normally employed four days a  
4 week;

5 (e) By twenty-two, if the worker was normally employed five days a  
6 week;

7 (f) By twenty-six, if the worker was normally employed six days a  
8 week;

9 (g) By thirty, if the worker was normally employed seven days a  
10 week.

11 (~~The term "wages" shall include the reasonable value of board,~~  
12 ~~housing, fuel, or other consideration of like nature received from the~~  
13 ~~employer as part of the contract of hire, but shall not include~~  
14 ~~overtime pay except in cases under subsection (2) of this section.~~  
15 ~~However, tips shall also be considered wages only to the extent such~~  
16 ~~tips are reported to the employer for federal income tax purposes.))  
17 The daily wage shall be the hourly wage multiplied by the number of  
18 hours the worker is normally employed. The number of days and hours  
19 the worker is normally employed shall be determined by the department  
20 in a fair and reasonable manner, which may include averaging the number  
21 of days worked per week and hours worked per day.~~

22 (~~(2) In cases where (a) the worker's employment is exclusively~~  
23 ~~seasonal in nature or (b) the worker's current employment or his or her~~  
24 ~~relation to his or her employment is essentially part time or~~  
25 ~~intermittent, the)) (4)(a) The worker's monthly wages shall be  
26 calculated under this subsection if both of the following elements are  
27 met:~~

28 (i) The worker was engaged in temporary employment at the time of  
29 injury or disease manifestation. "Temporary employment" refers to the  
30 employment relationship with the employer of injury that was reasonably  
31 expected to end upon completion of a specific job or on a specific  
32 date; and

33 (ii) The worker was employed less than one hundred ninety-five  
34 working days in the twelve months immediately preceding the injury or  
35 disease manifestation.

36 (b) For the purposes of this subsection, the worker's monthly wage  
37 shall be determined by dividing by twelve the total wages earned,

1 including overtime, from all employment in the highest of any twelve  
2 successive calendar months in the three years preceding the injury  
3 (~~(which fairly represent the claimant's employment pattern.~~

4 ~~(3) If, within the twelve months immediately preceding the injury,~~  
5 ~~the worker has received from the employer at the time of injury a bonus~~  
6 ~~as part of the contract of hire, the average monthly value of such~~  
7 ~~bonus shall be included in determining the worker's monthly wages)) or~~  
8 ~~disease.~~

9 ~~((4))~~ (5) In cases where a wage has not been fixed or cannot be  
10 reasonably and fairly determined, the monthly wage shall be computed on  
11 the basis of the usual wage paid other employees engaged in like or  
12 similar occupations where the wages are fixed.

13 (6) The department may adopt rules to implement this section.

14 **Sec. 2.** RCW 51.28.040 and 1977 ex.s. c 199 s 1 are each amended to  
15 read as follows:

16 (~~(If change of circumstances warrants an increase or rearrangement~~  
17 ~~of compensation, like application shall be made therefor.)) Where the  
18 worker's application to reopen a claim has been granted under RCW  
19 51.32.160, compensation and other benefits, if in order, shall be  
20 allowed for periods of time up to sixty days prior to the receipt of  
21 such application.~~

22 **Sec. 3.** RCW 51.32.050 and 1995 c 199 s 6 are each amended to read  
23 as follows:

24 (1) Where death results from the injury the expenses of burial not  
25 to exceed two hundred percent of the average monthly wage in the state  
26 as defined in RCW 51.08.018 shall be paid.

27 (2)(a) Where death results from the injury, a surviving spouse of  
28 a deceased worker eligible for benefits under this title shall receive  
29 monthly for life or until remarriage payments according to the  
30 following schedule:

31 (i) If there are no children of the deceased worker, sixty percent  
32 of the wages of the deceased worker but not less than one hundred  
33 eighty-five dollars;

34 (ii) If there is one child of the deceased worker and in the legal  
35 custody of such spouse, sixty-two percent of the wages of the deceased  
36 worker but not less than two hundred twenty-two dollars;

1 (iii) If there are two children of the deceased worker and in the  
2 legal custody of such spouse, sixty-four percent of the wages of the  
3 deceased worker but not less than two hundred fifty-three dollars;

4 (iv) If there are three children of the deceased worker and in the  
5 legal custody of such spouse, sixty-six percent of the wages of the  
6 deceased worker but not less than two hundred seventy-six dollars;

7 (v) If there are four children of the deceased worker and in the  
8 legal custody of such spouse, sixty-eight percent of the wages of the  
9 deceased worker but not less than two hundred ninety-nine dollars; or

10 (vi) If there are five or more children of the deceased worker and  
11 in the legal custody of such spouse, seventy percent of the wages of  
12 the deceased worker but not less than three hundred twenty-two dollars.

13 (b) For claims filed on or after July 1, 2004, the minimum amount  
14 paid under (a) of this subsection is three hundred fifty-two dollars.

15 (c) Where the surviving spouse does not have legal custody of any  
16 child or children of the deceased worker or where after the death of  
17 the worker legal custody of such child or children passes from such  
18 surviving spouse to another, any payment on account of such child or  
19 children not in the legal custody of the surviving spouse shall be made  
20 to the person or persons having legal custody of such child or  
21 children. The amount of such payments shall be five percent of the  
22 monthly benefits payable as a result of the worker's death for each  
23 such child but such payments shall not exceed twenty-five percent.  
24 Such payments on account of such child or children shall be subtracted  
25 from the amount to which such surviving spouse would have been entitled  
26 had such surviving spouse had legal custody of all of the children and  
27 the surviving spouse shall receive the remainder after such payments on  
28 account of such child or children have been subtracted. Such payments  
29 on account of a child or children not in the legal custody of such  
30 surviving spouse shall be apportioned equally among such children.

31 ((+e)) (d) Payments to the surviving spouse of the deceased worker  
32 shall cease at the end of the month in which remarriage occurs:  
33 PROVIDED, That a monthly payment shall be made to the child or children  
34 of the deceased worker from the month following such remarriage in a  
35 sum equal to five percent of the wages of the deceased worker for one  
36 child and a sum equal to five percent for each additional child up to  
37 a maximum of five such children. Payments to such child or children  
38 shall be apportioned equally among such children. Such sum shall be in

1 place of any payments theretofore made for the benefit of or on account  
2 of any such child or children. If the surviving spouse does not have  
3 legal custody of any child or children of the deceased worker, or if  
4 after the death of the worker, legal custody of such child or children  
5 passes from such surviving spouse to another, any payment on account of  
6 such child or children not in the legal custody of the surviving spouse  
7 shall be made to the person or persons having legal custody of such  
8 child or children.

9 ~~((d))~~ (e) In no event shall the monthly payments provided in  
10 subsection (2) of this section exceed the applicable percentage of the  
11 average monthly wage in the state as computed under RCW 51.08.018 as  
12 follows:

AFTER	PERCENTAGE
June 30, 1993	105%
June 30, 1994	110%
June 30, 1995	115%
June 30, 1996	120%

13  
14  
15  
16  
17  
18 ~~((e))~~ (f) In addition to the monthly payments provided for in  
19 subsection (2)(a) through ~~((e))~~ (d) of this section, a surviving  
20 spouse or child or children of such worker if there is no surviving  
21 spouse, or dependent parent or parents, if there is no surviving spouse  
22 or child or children of any such deceased worker shall be forthwith  
23 paid a sum equal to one hundred percent of the average monthly wage in  
24 the state as defined in RCW 51.08.018, any such children, or parents to  
25 share and share alike in said sum.

26 ~~((f))~~ (g) Upon remarriage of a surviving spouse the monthly  
27 payments for the child or children shall continue as provided in this  
28 section, but the monthly payments to such surviving spouse shall cease  
29 at the end of the month during which remarriage occurs. However, after  
30 September 8, 1975, an otherwise eligible surviving spouse of a worker  
31 who died at any time prior to or after September 8, 1975, shall have an  
32 option of:

33 (i) Receiving, once and for all, a lump sum of twenty-four times  
34 the monthly compensation rate in effect on the date of remarriage  
35 allocable to the spouse for himself or herself pursuant to subsection  
36 (2)(a)(i) of this section and subject to any modifications specified

1 under subsection (2)(~~(d)~~) (e) of this section and RCW 51.32.075(3) or  
2 fifty percent of the then remaining annuity value of his or her  
3 pension, whichever is the lesser: PROVIDED, That if the injury  
4 occurred prior to July 28, 1991, the remarriage benefit lump sum  
5 available shall be as provided in the remarriage benefit schedules then  
6 in effect; or

7 (ii) If a surviving spouse does not choose the option specified in  
8 subsection (2)(~~(f)~~~~(i)~~) (g)(i) of this section to accept the lump sum  
9 payment, the remarriage of the surviving spouse of a worker shall not  
10 bar him or her from claiming the lump sum payment authorized in  
11 subsection (2)(~~(f)~~~~(i)~~) (g)(i) of this section during the life of the  
12 remarriage, or shall not prevent subsequent monthly payments to him or  
13 to her if the remarriage has been terminated by death or has been  
14 dissolved or annulled by valid court decree provided he or she has not  
15 previously accepted the lump sum payment.

16 (~~(g)~~) (h) If the surviving spouse during the remarriage should  
17 die without having previously received the lump sum payment provided in  
18 subsection (2)(~~(f)~~~~(i)~~) (g)(i) of this section, his or her estate  
19 shall be entitled to receive the sum specified under subsection  
20 (2)(~~(f)~~~~(i)~~) (g)(i) of this section or fifty percent of the then  
21 remaining annuity value of his or her pension whichever is the lesser.

22 (~~(h)~~) (i) The effective date of resumption of payments under  
23 subsection (2)(~~(f)~~~~(ii)~~) (g)(ii) of this section to a surviving spouse  
24 based upon termination of a remarriage by death, annulment, or  
25 dissolution shall be the date of the death or the date the judicial  
26 decree of annulment or dissolution becomes final and when application  
27 for the payments has been received.

28 (~~(i)~~) (j) If it should be necessary to increase the reserves in  
29 the reserve fund or to create a new pension reserve fund as a result of  
30 the amendments in chapter 45, Laws of 1975-'76 2nd ex. sess., the  
31 amount of such increase in pension reserve in any such case shall be  
32 transferred to the reserve fund from the supplemental pension fund.

33 (3) If there is a child or children and no surviving spouse of the  
34 deceased worker or the surviving spouse is not eligible for benefits  
35 under this title, a sum equal to thirty-five percent of the wages of  
36 the deceased worker shall be paid monthly for one child and a sum  
37 equivalent to fifteen percent of such wage shall be paid monthly for  
38 each additional child, the total of such sum to be divided among such

1 children, share and share alike: PROVIDED, That benefits under this  
2 subsection or subsection (4) of this section shall not exceed the  
3 lesser of sixty-five percent of the wages of the deceased worker at the  
4 time of his or her death or the applicable percentage of the average  
5 monthly wage in the state as defined in RCW 51.08.018, as follows:

6	AFTER	PERCENTAGE
7	June 30, 1993	105%
8	June 30, 1994	110%
9	June 30, 1995	115%
10	June 30, 1996	120%

11 (4) In the event a surviving spouse receiving monthly payments  
12 dies, the child or children of the deceased worker shall receive the  
13 same payment as provided in subsection (3) of this section.

14 (5) If the worker leaves no surviving spouse or child, but leaves  
15 a dependent or dependents, a monthly payment shall be made to each  
16 dependent equal to fifty percent of the average monthly support  
17 actually received by such dependent from the worker during the twelve  
18 months next preceding the occurrence of the injury, but the total  
19 payment to all dependents in any case shall not exceed the lesser of  
20 sixty-five percent of the wages of the deceased worker at the time of  
21 his or her death or the applicable percentage of the average monthly  
22 wage in the state as defined in RCW 51.08.018 as follows:

23	AFTER	PERCENTAGE
24	June 30, 1993	105%
25	June 30, 1994	110%
26	June 30, 1995	115%
27	June 30, 1996	120%

28 If any dependent is under the age of eighteen years at the time of the  
29 occurrence of the injury, the payment to such dependent shall cease  
30 when such dependent reaches the age of eighteen years except such  
31 payments shall continue until the dependent reaches age twenty-three  
32 while permanently enrolled at a full time course in an accredited  
33 school. The payment to any dependent shall cease if and when, under



1 the same circumstances, the necessity creating the dependency would  
2 have ceased if the injury had not happened.

3 (6) For claims filed prior to July 1, 1986, if the injured worker  
4 dies during the period of permanent total disability, whatever the  
5 cause of death, leaving a surviving spouse, or child, or children, the  
6 surviving spouse or child or children shall receive benefits as if  
7 death resulted from the injury as provided in subsections (2) through  
8 (4) of this section. Upon remarriage or death of such surviving  
9 spouse, the payments to such child or children shall be made as  
10 provided in subsection (2) of this section when the surviving spouse of  
11 a deceased worker remarries.

12 (7) For claims filed on or after July 1, 1986, every worker who  
13 becomes eligible for permanent total disability benefits shall elect an  
14 option as provided in RCW 51.32.067.

15 **Sec. 4.** RCW 51.32.060 and 1993 c 521 s 2 are each amended to read  
16 as follows:

17 (1) Except as provided in subsection (2) of this section, when the  
18 supervisor of industrial insurance shall determine that permanent total  
19 disability results from the injury, the worker shall receive monthly  
20 during the period of such disability:

21 (a) If married at the time of injury, sixty-five percent of his or  
22 her wages but not less than two hundred fifteen dollars per month.

23 (b) If married with one child at the time of injury, sixty-seven  
24 percent of his or her wages but not less than two hundred fifty-two  
25 dollars per month.

26 (c) If married with two children at the time of injury, sixty-nine  
27 percent of his or her wages but not less than two hundred eighty-three  
28 dollars.

29 (d) If married with three children at the time of injury,  
30 seventy-one percent of his or her wages but not less than three hundred  
31 six dollars per month.

32 (e) If married with four children at the time of injury,  
33 seventy-three percent of his or her wages but not less than three  
34 hundred twenty-nine dollars per month.

35 (f) If married with five or more children at the time of injury,  
36 seventy-five percent of his or her wages but not less than three  
37 hundred fifty-two dollars per month.

1 (g) If unmarried at the time of the injury, sixty percent of his or  
2 her wages but not less than one hundred eighty-five dollars per month.

3 (h) If unmarried with one child at the time of injury, sixty-two  
4 percent of his or her wages but not less than two hundred twenty-two  
5 dollars per month.

6 (i) If unmarried with two children at the time of injury,  
7 sixty-four percent of his or her wages but not less than two hundred  
8 fifty-three dollars per month.

9 (j) If unmarried with three children at the time of injury,  
10 sixty-six percent of his or her wages but not less than two hundred  
11 seventy-six dollars per month.

12 (k) If unmarried with four children at the time of injury,  
13 sixty-eight percent of his or her wages but not less than two hundred  
14 ninety-nine dollars per month.

15 (l) If unmarried with five or more children at the time of injury,  
16 seventy percent of his or her wages but not less than three hundred  
17 twenty-two dollars per month.

18 (2) For any claim filed on or after July 1, 2004, when the  
19 supervisor of industrial insurance determines that permanent total  
20 disability results from the injury, the worker shall receive monthly  
21 during the period of such disability sixty-seven percent of his or her  
22 wages at the time of injury, but not less than three hundred fifty-two  
23 dollars per month.

24 (3) For any period of time where both husband and wife are entitled  
25 to compensation as temporarily or totally disabled workers, only that  
26 spouse having the higher wages of the two shall be entitled to claim  
27 their child or children for compensation purposes.

28 ((+3)) (4) In case of permanent total disability, if the character  
29 of the injury is such as to render the worker so physically helpless as  
30 to require the hiring of the services of an attendant, the department  
31 shall make monthly payments to such attendant for such services as long  
32 as such requirement continues, but such payments shall not obtain or be  
33 operative while the worker is receiving care under or pursuant to the  
34 provisions of chapter 51.36 RCW and RCW 51.04.105.

35 ((+4)) (5) Should any further accident result in the permanent  
36 total disability of an injured worker, he or she shall receive the  
37 pension to which he or she would be entitled, notwithstanding the  
38 payment of a lump sum for his or her prior injury.

1        ~~((+5))~~ (6) In no event shall the monthly payments provided in this  
2 section exceed the applicable percentage of the average monthly wage in  
3 the state as computed under the provisions of RCW 51.08.018 as follows:

4	AFTER	PERCENTAGE
5	June 30, 1993	105%
6	June 30, 1994	110%
7	June 30, 1995	115%
8	June 30, 1996	120%

9        The limitations under this subsection shall not apply to the  
10 payments provided for in subsection (3) of this section.

11        ~~((+6))~~ (7) In the case of new or reopened claims, if the  
12 supervisor of industrial insurance determines that, at the time of  
13 filing or reopening, the worker is voluntarily retired and is no longer  
14 attached to the work force, benefits shall not be paid under this  
15 section.

16        ~~((+7))~~ (8) The benefits provided by this section are subject to  
17 modification under RCW 51.32.067.

18        (9) The department may adopt rules to implement this section.

19        **Sec. 5.** RCW 51.32.090 and 1993 c 521 s 3, 1993 c 299 s 1, and 1993  
20 c 271 s 1 are each reenacted and amended to read as follows:

21        (1) When the total disability is only temporary, the schedule of  
22 payments contained in RCW 51.32.060 (1) ~~((and (2)))~~ through (3) shall  
23 apply, so long as the total disability continues.

24        (2) Any compensation payable under this section for children not in  
25 the custody of the injured worker as of the date of injury shall be  
26 payable only to such person as actually is providing the support for  
27 such child or children pursuant to the order of a court of record  
28 providing for support of such child or children. This subsection does  
29 not apply to any claim filed on or after July 1, 2004.

30        (3)(a) As soon as recovery is so complete that the present earning  
31 power of the worker, at any kind of work, is restored to that existing  
32 at the time of the occurrence of the injury, the payments shall cease.  
33 If and so long as the present earning power is only partially restored,  
34 the payments shall:

1 (i) For claims for injuries that occurred before May 7, 1993,  
2 continue in the proportion which the new earning power shall bear to  
3 the old; or

4 (ii) For claims for injuries occurring on or after May 7, 1993,  
5 equal eighty percent of the actual difference between the worker's  
6 present wages and earning power at the time of injury, but: (A) The  
7 total of these payments and the worker's present wages may not exceed  
8 one hundred fifty percent of the average monthly wage in the state as  
9 computed under RCW 51.08.018; (B) the payments may not exceed one  
10 hundred percent of the entitlement as computed under subsection (1) of  
11 this section; and (C) the payments may not be less than the worker  
12 would have received if (a)(i) of this subsection had been applicable to  
13 the worker's claim.

14 (b) No compensation shall be payable under this subsection (3)  
15 unless the loss of earning power shall exceed five percent.

16 (4)(a) Whenever the employer of injury requests that a worker who  
17 is entitled to temporary total disability under this chapter be  
18 certified by a physician as able to perform available work other than  
19 his or her usual work, the employer shall furnish to the physician,  
20 with a copy to the worker, a statement describing the work available  
21 with the employer of injury in terms that will enable the physician to  
22 relate the physical activities of the job to the worker's disability.  
23 The physician shall then determine whether the worker is physically  
24 able to perform the work described. The worker's temporary total  
25 disability payments shall continue until the worker is released by his  
26 or her physician for the work, and begins the work with the employer of  
27 injury. If the work thereafter comes to an end before the worker's  
28 recovery is sufficient in the judgment of his or her physician to  
29 permit him or her to return to his or her usual job, or to perform  
30 other available work offered by the employer of injury, the worker's  
31 temporary total disability payments shall be resumed. Should the  
32 available work described, once undertaken by the worker, impede his or  
33 her recovery to the extent that in the judgment of his or her physician  
34 he or she should not continue to work, the worker's temporary total  
35 disability payments shall be resumed when the worker ceases such work.

36 (b) Once the worker returns to work under the terms of this  
37 subsection (4), he or she shall not be assigned by the employer to work

1 other than the available work described without the worker's written  
2 consent, or without prior review and approval by the worker's  
3 physician.

4 (c) If the worker returns to work under this subsection (4), any  
5 employee health and welfare benefits that the worker was receiving at  
6 the time of injury shall continue or be resumed at the level provided  
7 at the time of injury. Such benefits shall not be continued or resumed  
8 if to do so is inconsistent with the terms of the benefit program, or  
9 with the terms of the collective bargaining agreement currently in  
10 force.

11 (d) In the event of any dispute as to the worker's ability to  
12 perform the available work offered by the employer, the department  
13 shall make the final determination.

14 (5) No worker shall receive compensation for or during the day on  
15 which injury was received or the three days following the same, unless  
16 his or her disability shall continue for a period of fourteen  
17 consecutive calendar days from date of injury: PROVIDED, That attempts  
18 to return to work in the first fourteen days following the injury shall  
19 not serve to break the continuity of the period of disability if the  
20 disability continues fourteen days after the injury occurs.

21 (6) Should a worker suffer a temporary total disability and should  
22 his or her employer at the time of the injury continue to pay him or  
23 her the wages which he or she was earning at the time of such injury,  
24 such injured worker shall not receive any payment provided in  
25 subsection (1) or (2) of this section during the period his or her  
26 employer shall so pay such wages.

27 (7) In no event shall the monthly payments provided in this section  
28 exceed the applicable percentage of the average monthly wage in the  
29 state as computed under the provisions of RCW 51.08.018 as follows:

	AFTER	PERCENTAGE
30		
31	June 30, 1993	105%
32	June 30, 1994	110%
33	June 30, 1995	115%
34	June 30, 1996	120%

35 (8) If the supervisor of industrial insurance determines that the

1 worker is voluntarily retired and is no longer attached to the work  
2 force, benefits shall not be paid under this section.

3 (9) The department may adopt rules to implement this section.

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