

260-RICR-50-05-3

## **TITLE 260 – DEPARTMENT OF LABOR AND TRAINING**

### **CHAPTER 50 – INJURED WORKER SERVICES**

#### **SUBCHAPTER 05 – WORKERS' COMPENSATION**

##### **PART 3 – Rules and Regulations for Coordination of Benefits**

### **3.1 Authority**

The following rules and regulations are promulgated pursuant to R.I. Gen. Laws § 28-33-45.

### **3.2 Purpose**

These rules are adopted for the purpose of regulating the offset of workers' compensation benefits and retirement benefits.

### **3.3 Coordination of Benefits**

- A. The employer, upon notice of retirement by an employee being compensated under the Workers' Compensation Act for an injury, shall notify their workers' compensation claim administrator of employee's intent to retire.
- B. Upon receipt of notice from the employer, the claim administrator shall complete the appropriate information in Sections 1 through 6 on the Rhode Island Department of Labor and Training form DWC-36 entitled, Coordination of Retirement Benefits. The claim administrator shall send the form, with the appropriate Sections completed, to the employer within ten (10) days of the notice of retirement.
- C. The employer, with the assistance of the employee if necessary, completes Section 7, relating to retirement information.
- D. Upon completion of Section 7, the form shall be signed by the employer (or his or her designee) and by the employee attesting that the information requested has been supplied and is correct to the best of their knowledge.
- E. The employer or employee shall send the original completed form (DWC-36) back to the claim administrator within twenty-one (21) calendar days from the date of original receipt.

- F. If the employee is not eligible for continued benefits, the claim administrator shall check the appropriate box in Section 8, print their name and date on the bottom of the form and send a copy of the form to the Rhode Island Department of Labor and Training, Division of Workers' Compensation, the employer, and the employee and his or her attorney.
- G. In the event that a dispute exists regarding benefits, either party may file a petition at the Workers' Compensation Court pursuant to R.I. Gen. Laws § 28-35-11.
- H. If the employee may be eligible for continued benefits, the claim administrator shall complete the appropriate Section(s) 9 and/or 10. In determining the offset, the following must be considered.
  - 1. If the employee did contribute to their retirement benefits, Section 9 must be completed. The total amount of employee's exclusive contribution is divided by the weekly retirement benefit amount. The resulting figure will be the number of weeks where there is no offset of workers' compensation benefits. If necessary, Section 10 would be completed to determine the amount of offset that will occur after the completion of the non-offset weeks.
  - 2. If the employee did not contribute to their retirement benefits, Section 10 shall be completed to determine the amount of offset to the employee's workers' compensation benefits. As noted above, Section 10 will also be completed to determine the amount of offset that will occur after the completion of the non-offset weeks as calculated in Section 9.
- I. Upon receipt of the Coordination of Retirement Benefits form from the employee or employer, the claim administrator shall complete the form and forward a copy thereof to the Rhode Island Department of Labor and Training, Division of Workers' Compensation, the employer, and the employee and his or her attorney within ten (10) days of receipt of the form.
- J. In the event that a dispute exists regarding offsets, either party may file a petition at the Workers' Compensation Court pursuant to R.I. Gen. Laws § 28-35-11.

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**PART 3 - RULES & REGULATIONS FOR COORDINATION OF BENEFITS**

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