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I N S E N A T E

March 5, 2014

Introduced by Sens. SAVINO, KLEIN, VALESKY, CARLUCCI, AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Labor

AN ACT to amend the workers' compensation law, in relation to the maximum weekly benefits payable to disabled employees and employee contributions for disability benefits

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 2 of section 204 of the workers' compensation
2 law, as amended by chapter 38 of the laws of 1989, is amended to read as
3 follows:
4 2. THE WEEKLY BENEFIT WHICH THE DISABLED EMPLOYEE IS ENTITLED TO
5 RECEIVE FOR DISABILITY COMMENCING ON OR AFTER JANUARY FIRST, TWO THOU-
6 SAND SEVENTEEN SHALL BE ONE-HALF OF THE EMPLOYEE'S WEEKLY WAGE, BUT IN
7 NO CASE SHALL SUCH BENEFIT EXCEED FIFTY PERCENT OF THE STATEWIDE AVERAGE
8 WEEKLY WAGE AS DETERMINED BY THE COMMISSIONER; EXCEPT THAT IF THE
9 EMPLOYEE'S AVERAGE WEEKLY WAGE IS LESS THAN TWENTY DOLLARS, THE BENEFIT
10 SHALL BE SUCH AVERAGE WEEKLY WAGE. THE WEEKLY BENEFIT WHICH THE DISABLED
11 EMPLOYEE IS ENTITLED TO RECEIVE FOR DISABILITY COMMENCING ON OR AFTER
12 JANUARY FIRST, TWO THOUSAND SIXTEEN SHALL BE ONE-HALF OF THE EMPLOYEE'S
13 WEEKLY WAGE, BUT IN NO CASE SHALL SUCH BENEFIT EXCEED FORTY PERCENT OF
14 THE STATEWIDE AVERAGE WEEKLY WAGE AS DETERMINED BY THE COMMISSIONER;
15 EXCEPT THAT IF THE EMPLOYEE'S AVERAGE WEEKLY WAGE IS LESS THAN TWENTY
16 DOLLARS, THE BENEFIT SHALL BE SUCH AVERAGE WEEKLY WAGE. THE WEEKLY BENE-
17 FIT WHICH THE DISABLED EMPLOYEE IS ENTITLED TO RECEIVE FOR DISABILITY
18 COMMENCING ON OR AFTER JANUARY FIRST, TWO THOUSAND FIFTEEN SHALL BE
19 ONE-HALF OF THE EMPLOYEE'S WEEKLY WAGE, BUT IN NO CASE SHALL SUCH BENE-
20 FIT EXCEED THIRTY-FIVE PERCENT OF THE STATEWIDE AVERAGE WEEKLY WAGE AS
21 DETERMINED BY THE COMMISSIONER; EXCEPT THAT IF THE EMPLOYEE'S AVERAGE
22 WEEKLY WAGE IS LESS THAN TWENTY DOLLARS, THE BENEFIT SHALL BE SUCH AVER-
23 AGE WEEKLY WAGE.
24 The weekly benefit which the disabled employee is entitled to receive
25 for disability commencing on or after May first, nineteen hundred eight-
26 y-nine shall be one-half of the employee's weekly wage, but in no case

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 shall such benefit exceed one hundred seventy dollars; except that if
2 the employee's average weekly wage is less than twenty dollars, the
3 benefit shall be such average weekly wage. The weekly benefit which the
4 disabled employee is entitled to receive for disability commencing on or
5 after July first, nineteen hundred eighty-four shall be one-half of the
6 employee's weekly wage, but in no case shall such benefit exceed one
7 hundred forty-five dollars; except that if the employee's average weekly
8 wage is less than twenty dollars, the benefit shall be such average
9 weekly wage. The weekly benefit which the disabled employee is entitled
10 to receive for disability commencing on or after July first, nineteen
11 hundred eighty-three and prior to July first, nineteen hundred eighty-
12 four shall be one-half of the employee's average weekly wage, but in no
13 case shall such benefit exceed one hundred thirty-five dollars nor be
14 less than twenty dollars; except that if the employee's average weekly
15 wage is less than twenty dollars the benefit shall be such average week-
16 ly wage. The weekly benefit which the disabled employee is entitled to
17 receive for disability commencing on or after July first, nineteen
18 hundred seventy-four, and prior to July first, nineteen hundred eighty-
19 three, shall be one-half of the employee's average weekly wage, but in
20 no case shall such benefit exceed ninety-five dollars nor be less than
21 twenty dollars; except that if the employee's average weekly wage is
22 less than twenty dollars, the benefit shall be such average weekly wage.
23 The weekly benefit which the disabled employee is entitled to receive
24 for disability commencing on or after July first, nineteen hundred
25 seventy and prior to July first, nineteen hundred seventy-four shall be
26 one-half of the employee's average weekly wage, but in no case shall
27 such benefit exceed seventy-five dollars nor be less than twenty
28 dollars; except that if the employee's average weekly wage is less than
29 twenty dollars the benefit shall be such average weekly wage. For any
30 period of disability less than a full week, the benefits payable shall
31 be calculated by dividing the weekly benefit by the number of the
32 employee's normal work days per week and multiplying the quotient by the
33 number of normal work days in such period of disability. The weekly
34 benefit for a disabled employee who is concurrently eligible for bene-
35 fits in the employment of more than one covered employer shall, within
36 the maximum and minimum herein provided, be one-half of the total of the
37 employee's average weekly wages received from all such covered employ-
38 ers, and shall be allocated in the proportion of their respective aver-
39 age weekly wage payments.

40 S 2. Subdivision 3 of section 209 of the workers' compensation law, as
41 amended by chapter 415 of the laws of 1983, is amended to read as
42 follows:

43 3. The contribution of each such employee to the cost of disability
44 benefits provided by this article shall be one-half of one per centum of
45 the employee's wages paid to him OR HER on and after July first, nine-
46 teen hundred fifty AND BEFORE JANUARY FIRST, TWO THOUSAND FIFTEEN, but
47 not excess of sixty cents per week. FOR EACH CALENDAR YEAR COMMENCING
48 ON OR AFTER JANUARY FIRST, TWO THOUSAND FIFTEEN, THE CONTRIBUTION OF
49 EACH SUCH EMPLOYEE TO THE COST OF DISABILITY BENEFITS PROVIDED IN THIS
50 ARTICLE SHALL BE AN AMOUNT ANNUALLY DETERMINED, IN REGULATION, BY THE
51 SUPERINTENDENT OF FINANCIAL SERVICES.

52 S 3. This act shall take effect immediately.