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I N   S E N A T E

March 5, 2014

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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.

LBD13657-01-4

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.