

4850

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. LEIBELL -- 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 increasing the maximum weekly benefit payable to a disabled employee

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 (I) ON OR AFTER JULY FIRST, TWO THOU-  
6 SAND TEN AND PRIOR TO JULY FIRST, TWO THOUSAND ELEVEN SHALL BE ONE-HALF  
7 OF THE EMPLOYEE'S WEEKLY WAGE, BUT IN NO CASE SHALL SUCH BENEFIT EXCEED  
8 THREE HUNDRED EIGHTY DOLLARS, AND (II) ON OR AFTER JULY FIRST, TWO THOU-  
9 SAND ELEVEN SHALL BE ONE-HALF OF THE EMPLOYEE'S WEEKLY WAGE, BUT IN NO  
10 CASE SHALL SUCH BENEFIT EXCEED FOUR HUNDRED FORTY DOLLARS; EXCEPT THAT  
11 IF THE EMPLOYEE'S AVERAGE WEEKLY WAGE IS LESS THAN TWENTY DOLLARS, THE  
12 BENEFIT SHALL BE SUCH AVERAGE WEEKLY WAGE. The weekly benefit which the  
13 disabled employee is entitled to receive for disability commencing on or  
14 after May first, nineteen hundred eighty-nine shall be one-half of the  
15 employee's weekly wage, but in no case shall such benefit exceed one  
16 hundred seventy dollars; except that if the employee's average weekly  
17 wage is less than twenty dollars, the benefit shall be such average  
18 weekly wage. The weekly benefit which the disabled employee is entitled  
19 to receive for disability commencing on or after July first, nineteen  
20 hundred eighty-four shall be one-half of the employee's weekly wage, but  
21 in no case shall such benefit exceed one hundred forty-five dollars;  
22 except that if the employee's average weekly wage is less than twenty  
23 dollars, the benefit shall be such average weekly wage. The weekly bene-  
24 fit which the disabled employee is entitled to receive for disability  
25 commencing on or after July first, nineteen hundred eighty-three and

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

LBD11034-01-9

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

29 S 2. This act shall take effect immediately.