S T A T E O F N E W Y O R K

2267

2009-2010 Regular Sessions

I N S E N A T E

February 17, 2009

Introduced by Sen. YOUNG -- 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 providing an exemption from coverage under certain circumstances

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

Section 1. The workers' compensation law is amended by adding a new section 126 to read as follows:

S 126. EXEMPTION FROM COVERAGE. 1. AN EMPLOYER MAY FILE AN APPLICATION WITH THE DEPARTMENT TO BE EXEMPTED FROM THE PROVISIONS OF THIS CHAPTER WITH RESPECT TO CERTAIN EMPLOYEES. THE APPLICATION SHALL INCLUDE A WRITTEN WAIVER BY THE EMPLOYEE OF ALL BENEFITS UNDER THIS CHAPTER AND AN AFFIDAVIT BY THE EMPLOYEE THAT HE IS A MEMBER OF A RECOGNIZED RELIGIOUS SECT WHICH EMBRACES A LONG-STANDING COMMITMENT OF NON-INVOLVEMENT IN THE MATTERS OF ESTABLISHED GOVERNMENTAL PRACTICES. THEREFORE, HE IS CONSCIENTIOUSLY OPPOSED TO ACCEPTANCE OF THE BENEFITS OF ANY PUBLIC OR PRIVATE INSURANCE WHICH MAKES PAYMENTS IN THE EVENT OF DEATH, DISABILITY, OLD AGE OR RETIREMENT OR MAKES PAYMENTS TOWARD THE COST OF, OR PROVIDES SERVICES FOR MEDICAL BILLS (INCLUDING THE BENEFITS OF ANY INSURANCE SYSTEM ESTABLISHED BY THE FEDERAL SOCIAL SECURITY ACT 42 U.S.C. 301 ET SEQ.).

2. THE WAIVER AND AFFIDAVIT REQUIRED BY SUBDIVISION ONE OF THIS SECTION SHALL BE MADE UPON A FORM TO BE PROVIDED BY THE DEPARTMENT.

3. SUCH APPLICATION SHALL BE GRANTED IF THE DEPARTMENT SHALL FIND THAT: (A) THE EMPLOYEE IS A MEMBER OF A SECT OR DIVISION HAVING THE ESTABLISHED TENETS OR TEACHINGS REFERRED TO IN SUBDIVISION ONE OF THIS SECTION; AND (B) IT IS THE PRACTICE, AND HAS BEEN FOR A SUBSTANTIAL NUMBER OF YEARS, FOR MEMBERS OF SUCH SECT OR DIVISION THEREOF TO MAKE PROVISION FOR THEIR DEPENDENT MEMBERS WHICH IN ITS JUDGMENT IS REASONABLE IN VIEW OF THEIR GENERAL LEVEL OF LIVING. RECEIPT OF A FORM

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

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REQUIRED BY SUBDIVISION TWO OF THIS SECTION SHALL BE CONSIDERED PRIMA FACIE PROOF THAT THIS SUBDIVISION HAS BEEN COMPLIED WITH.

4. WHEN AN EMPLOYEE IS A MINOR, THE WAIVER AND AFFIDAVIT REQUIRED BY SUBDIVISION ONE OF THIS SECTION MAY BE MADE BY THE GUARDIAN OF THE MINOR.

5. AN EXCEPTION GRANTED IN REGARD TO A SPECIFIC EMPLOYEE SHALL BE VALID FOR ALL FUTURE YEARS UNLESS SUCH EMPLOYEE OR SECT CEASES TO MEET THE REQUIREMENTS OF SUBDIVISION ONE OF THIS SECTION.

S 2. This act shall take effect immediately.