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

186

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. CAHILL, TOWNS, GUNTHER, GABRYSZAK, PHEFFER, ABBATE -- Multi-Sponsored by -- M. of A. BOYLE, CLARK, COLTON, ENGLEBRIGHT, HOOPER, JACOBS, LATIMER, MAGEE, McENENY, ORTIZ, PERRY -- read once and referred to the Committee on Labor

AN ACT to amend the workers' compensation law, in relation to providing for cost-of-living adjustments of disability benefits in certain cases

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

Section 1. Section 15 of the workers' compensation law is amended by adding a new subdivision 10 to read as follows:

10. COST-OF-LIVING ADJUSTMENTS OF DISABILITY BENEFITS IN CERTAIN CASES. (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN ADDITION TO ANY OTHER AMOUNT RECEIVED PURSUANT TO THIS ARTICLE AS DISABILITY BENEFITS, AN EMPLOYEE WITH A PERMANENT TOTAL DISABILITY OR THE BENEFICIARY-DEPENDENT OF SUCH EMPLOYEE SHALL BE ENTITLED TO AN ADDITIONAL ALLOWANCE, TO BE KNOWN AS A COST-OF-LIVING ADJUSTMENT ALLOWANCE, PAYABLE ANNUALLY.

(B) THE COST-OF-LIVING ADJUSTMENT ALLOWANCE SHALL BE COMPUTED BY APPLYING AN ADJUSTMENT FOR REGIONAL COSTS OF LIVING AND SHALL BE BASED ON FIFTY PERCENT OF THE ANNUAL INCREASE IN THE CONSUMER PRICE INDEX AS PROMULGATED BY THE UNITED STATES DEPARTMENT OF LABOR.

S 2. The workers' compensation law is amended by adding a new section 208-a to read as follows:

S 208-A. COST-OF-LIVING ADJUSTMENTS OF DISABILITY BENEFITS IN CERTAIN CASES. 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN ADDITION TO ANY OTHER AMOUNT RECEIVED PURSUANT TO THIS ARTICLE AS DISABILITY BENEFITS, AN EMPLOYEE WITH A PERMANENT TOTAL DISABILITY OR THE BENEFICIARY-DEPENDENT OF SUCH EMPLOYEE SHALL BE ENTITLED TO AN ADDITIONAL ALLOWANCE, TO BE KNOWN AS A COST-OF-LIVING ADJUSTMENT ALLOWANCE, PAYABLE ANNUALLY.

2. THE COST-OF-LIVING ADJUSTMENT ALLOWANCE SHALL BE COMPUTED BY APPLYING AN ADJUSTMENT FOR REGIONAL COSTS OF LIVING AND SHALL BE BASED ON

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

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FIFTY PERCENT OF THE ANNUAL INCREASE IN THE CONSUMER PRICE INDEX AS PROMULGATED BY THE UNITED STATES DEPARTMENT OF LABOR.

S 3. This act shall take effect on the first of July next succeeding the date on which it shall have become a law.