

3665

2015-2016 Regular Sessions

I N S E N A T E

February 13, 2015

Introduced by Sen. SAVINO -- 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 EIGHTEEN SHALL BE ONE-HALF OF THE EMPLOYEE'S WEEKLY WAGE, BUT IN NO
7 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 SEVENTEEN SHALL BE ONE-HALF OF THE EMPLOY-
13 EE'S WEEKLY WAGE, BUT IN NO CASE SHALL SUCH BENEFIT EXCEED FORTY PERCENT
14 OF 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 SIXTEEN 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.

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

LBD08377-01-5

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

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

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

55 S 3. This act shall take effect immediately.